

TRANSGRESSING THE SACRED: GENDER NORMS, RITUAL PROPRIETY, AND THE LIMITS OF RELIGIOUS FREEDOM IN ISLAMIC DISCOURSES

A Thesis

**Submitted to the Master's Study Program of Islamic Studies at the
Faculty of Islamic Studies in partial fulfillment of the requirements for
the degree of**

Master of Arts (M.A.)



by:

Muhammad Fahmi Reksa Al Farisi

01232310009

UNIVERSITAS ISLAM INTERNASIONAL INDONESIA

DEPOK

2025

TRANSGRESSING THE SACRED: GENDER NORMS, RITUAL PROPRIETY, AND THE LIMITS OF RELIGIOUS FREEDOM IN ISLAMIC DISCOURSES

A Thesis

**Submitted to the Master's Study Program of Islamic Studies at the
Faculty of Islamic Studies in partial fulfillment of the requirements for
the degree of**

Master of Arts (M.A.)



by:

Muhammad Fahmi Reksa Al Farisi

01232310009

UNIVERSITAS ISLAM INTERNASIONAL INDONESIA

DEPOK

2025

PREFACE

First and foremost, the author wishes to express his profound gratitude to Allah for bestowing him the strength, patience, and perseverance necessary to navigate this academic endeavour.

The author would like to extend his sincerest appreciation to his thesis supervisor at Universitas Islam Internasional Indonesia (UIII), Haula Noor, PhD. Her astute guidance, reflective feedback, and unwavering support have proven indispensable throughout the writing journey. The author is profoundly grateful to his dissertation supervisor at SOAS, University of London, Professor Vanja Hamzić, whose remarkable generosity and thorough involvement with his work significantly influenced the development of this thesis.

The author also wishes to express his deep appreciation to Professor Mashood Baderin at SOAS, University of London, for his invaluable comments and constructive feedback on the author's assignments. This thesis developed as a continuation of the author's scholarly pursuits within the module Islamic Legal Theory and Human Rights and Islamic Law. His profound constructive feedback and suggestions significantly enhanced the author's comprehension and laid the groundwork for this research.

This dissertation emerged as an extension of the author's work in their modules, *Human Rights and Islamic Law* and *The International Protection of Human Rights*. Their insightful critiques and encouragement greatly enriched his understanding and shaped the foundation of this research.

The author also extends his sincere gratitude to his academic advisors, Professor Lynn Welchman at SOAS, University of London, and Dr. Phil. Syafiq Hasyim at Universitas Islam Internasional Indonesia (UIII), whose steadfast support, guidance, and belief in his scholarly potential have been crucial in his development as an early researcher at the master's stage.

With all the love the author's heart can hold, he dedicates his deepest gratitude to Umi, Abi, whose endless prayers are the wind beneath every step he takes, and whose sacrifices echo silently behind each of the author's achievements. To his younger sister Fani and Fia, your presence has been a gentle light in his days, your faith in me a quiet strength. This journey would not be complete without the love you have all poured into it-unseen, but deeply felt in every word of this work.

To his esteemed colleagues in the Dual Master's Degree Program between Universitas Islam Internasional Indonesia (UIII) and SOAS University of London or the University of Edinburgh: The author is thankful for the chance to share this unique journey together. The conversations we have shared, the collaborations we have built, and the challenges we have tackled together have truly been a wonderful source of inspiration and insight that the author will cherish.

Coming from a middle-low-class family background, this journey was far from easy. But through faith, hard work, and the support of many generous souls, the author made it. And he hopes his story reminds others that:

“Your background may shape you, but it does not have to limit you. With resilience and determination, even the most unlikely dreams can be realized.”

With all my heart,

Thank you

Muhammad Fahmi Reksa Al Farisi

ABSTRACT

Muhammad Fahmi Reksa Al Farisi
01232310009
muhammad.alfarisi@uiii.ac.id
Faculty of Islamic Studies
Universitas Islam Internasional Indonesia

The viral case of Isa Zega, a well-known Indonesian transwoman who performed *'umrah* while dressed and act as a woman, and openly documented their journey on social media in late 2024, has ignited fervent debates among Indonesian Muslims. This occurrence highlights the profound tensions inherent in the rigidity of gender norms, the sacredness of Islamic rituals, and the limits of religious freedom within both classical and contemporary Islamic discourses. This thesis focuses on the case study of Isa Zega (Syahrul), exploring how their *'umrah* transgressed the gendered ritual propriety prescribed by Islamic jurisprudence (*fiqh*). And in what ways does the Muslim Indonesian society's response to Zega's actions illustrate the delicate equilibrium between *hurriyah al i'tiqād* (individual belief) and *maṣlahah 'ammah* (public interest)? This study employs a qualitative examination rooted in library research and discourse analysis, analyzing both classical and contemporary Islamic legal sources, *fatwās*, and scholarly commentary concerning the historical context of *khunthā* (intersex individuals) and *mukhannath* (effeminate men) within mediaeval Islamic society. The research situates Zega's actions within a wider tension between personal piety and the enforcement of communal religious norms. This study integrates historical jurisprudence with theories of the body, ritual, pollution anxiety, and religious freedom, depicting how Zega's *'umrah* challenges established perceptions of gendered devotion within Islam. The analysis posits that although Islamic jurisprudence protects *hurriyat al i'tiqād* (liberty of belief), public acts that breach ritual norms may warrant legitimate limitations based on the principles of *maṣlahah 'ammah* (public welfare). Zega's meticulously curated performance of *'umrah*, characterized by the donning of *hijāb* and the widespread public documentation of their journey documentation virtually on social media, confronts not only *fiqh* rulings on gendered devotion but also the Indonesian state's pluralistic yet moralistic governance of religion. The results indicate that the sacred is not a static realm, but rather a contested space where bodies, attire, gestures, and visibility technologies intersect and contend with one another. This thesis elucidates the theological and legal ambiguities revealed by Zega's *'umrah*, thereby contributing to current debates on how Muslim societies navigate gender non-conformity within spaces deemed inviolable. Ultimately, it necessitates profound reflection on the possibilities and constraints of freedom within the sacred, prompting scholars and policymakers to reassess the regulation of the ritual body in an era characterized by digital representation and gender diversity.

Keywords: *Gender non-conformity, Islamic jurisprudence, Religious freedom*

TABLE OF CONTENTS

TITLE PAGE.....	i
STATEMENT OF AUTHENTICITY	ii
ANTI-PLAGIARISM STATEMENT.....	iii
THESIS ATTESTATION	iv
THESIS DEFENSE APPROVAL	v
PREFACE	vi
ABSTRACT	vii
INTRODUCTION	1
LITERATURE REVIEW	2
THEORETICAL FRAMEWORK.....	4
METHODS.....	8
FINDINGS	9
Gender non-conformity in Islamic discourses: Between classical and contemporary views	9
Constitutional guarantees vs. legal realities: Transgender rights in Indonesia’s legal system.....	10
Transgender bodies in sacred spaces: Contesting ritual boundaries in Indonesian Islam .	12
The sacredness of ‘umrah: Re-examining gender, fiqh, and the boundaries of ritual legitimacy in ḥajj and ‘umrah	13
The theological stakes of ritual invalidity: Narrating ritual requirements, the validity of worship, and its transgressions	15
The state’s role in personal worship: Why should the state limit personal worship?	19
State intervention and limitation on religious freedom: The dilemma of regulating personal expression to worship for <i>maṣlahah ‘ammah</i> concerns in a pluralistic society ..	21
Public outrage and legal boundaries: State, society, and the politics of blasphemy	23
CONCLUSION.....	25
REFERENCES	27

INTRODUCTION

The case of Isa Zega (or previously named Syahrul), an Indonesian transwoman public figure, drew significant attention from Indonesian Muslim society in late 2024 following their¹ performance of the *'umrah* pilgrimage in Mecca, Saudi Arabia. Known for their online persona "*Mami Online*," Zega is a well-known transwoman who has often embraced visibility as part of their identity. Their decision to undertake the sacred Muslim pilgrimage (*'umrah*) wearing female clothing, including a *hijāb*, was perceived by some as an act of personal devotion, but by many others as deeply controversial and religiously provocative. The visual documentation of their pilgrimage, shared widely through social media such as Instagram, Facebook, and X (previously Twitter), triggered a swift and polarizing response across Muslims in Indonesia.

The core of the backlash stemmed from the perceived infringement upon Islamic religious principles concerning gender and ritual conduct. Within the realm of Islamic jurisprudence (*fiqh*), particular rituals, notably those linked to the *'umrah* or *hajj*, reveal unique gender-specific stipulations regarding attire and behaviour. Isa Zega, who identifies and presents as a woman, was assigned male at birth and has undergone gender-affirming surgery. This distinction played a crucial role in influencing the reactions from both societal and religious spheres. Their choice to wear the *hijāb* or *mukena* (female prayer attire) and participate in religious practices as women was viewed by religious authorities as a breach of ritual propriety and theological correctness.

The Isa Zega case is of considerable importance, extending beyond Indonesia to engage with a wider global debate about the ways in which Islamic societies navigate matters of ritual purity, bodily boundaries, and the rights of transgender individuals. Their *'umrah* exemplifies how ritual performance can function as a platform for challenging gender norms and exploring the boundaries of religious freedom and freedom of expression within the context of Islamic discourses. Zega's actions have provoked considerable criticism from conservative religious groups, with some arguing that their *'umrah* violates essential *fiqh* principles concerning gender-specific rituals. On the other hand, some individuals advocate their entitlement to religious expression, referencing the Qur'ānic principle that underscores the lack of coercion in matters of belief (*no compulsion in religion*).

¹ When referring specifically to a person who does not identify with a gender-specific pronoun, '*they*' is often preferred for an academic writing. See The University of Chicago Press Editorial Staff, *The Chicago Manual of Style, 17th Edition* (University of Chicago Press, 2017), 238,362.

Despite the outcry, Isa Zega spelled out a defence of their pilgrimage, asserting it as a sincere manifestation of faith, and it was free from any motives to provoke a controversy or politicize religion. For them personally, it symbolised a deeply personal spiritual journey, and they responded to the criticism by emphasising their dedication to prayer and repentance instead of succumbing to public judgement. The intricate relationship between personal accountability and collective religious authority underscores the profound cultural and theological dialogues taking place within Islam in Indonesia and globally, especially regarding gender identity, religious devotion, and the boundaries of acceptable religious expression.

The central inquiry explored here pertains to how a distinctly visible, gender-nonconforming pilgrimage challenges and reshapes the conventional limits of ritual propriety and shared religious identity within the diverse framework of Indonesian Muslim society. This inquiry seeks to explore two fundamental questions: How did Isa Zega's pilgrimage transgress the established gender norms prescribed in both classical and contemporary *fiqh*? And how does the response of the Indonesian state and society to Zega's actions illustrate the ongoing negotiation between harmonising the manifestation of gender and religious expression under the principle of *hurriyah al i'tiqād* (freedom of belief) and the necessity of maintaining *maṣlahah 'āmmah* (public welfare) in the regulation of religious freedom?

LITERATURE REVIEW

The intersection of gender non-conformity, ritual propriety, and the liberty of expression within the context of religious freedom has long been a subject of intense discussion in Islamic discourses, as well as in the wider sphere of human rights on both domestic and internationally. This issue becomes increasingly pressing when analysed through the lens of contemporary cases that illuminate the intricate challenges encountered by non-binary and transgender individuals in the practice of their faith. Academics have engaged in extensive analysis regarding the interplay and frequent conflicts among religious interpretations, cultural practices, and international legal frameworks in relation to the rights of gender minorities. The recent Isa Zega case serves as a compelling illustration of the intricate tensions that emerge when an individual's gender identity and religious expression challenge the limits of state law and prevailing interpretations of *sharī'a*.

The question of gender non-conformity in Islam has been explored by classical scholars for an extended period, *albeit* frequently within the limited framework of *khunthā* (intersex). Classical jurists like Al-Nawawi and Al-Qurtubi made a distinction between *khunthā wādhīh* (discernible intersex) and *khunthā mushkil* (indeterminate intersex) to

elucidate legal rulings on ritual obligations, inheritance, and social roles.² Islamic societies acknowledged the existence of *mukhannathun*, a term denoting effeminate men. While these individuals were accepted in specific contexts, they faced social and legal limitations when their conduct was perceived as a challenge to the established gender binary.³

Contemporary scholars have emphasised the enduring nature and adaptability of these classifications within contemporary Muslim societies. Kugle posits that the nuanced recognition of bodily ambiguity within mediaeval jurisprudence serves as a foundational basis for the advancement of more inclusive *fiqh* frameworks in contemporary times. In the interim, Boellstorff and Davies have conducted a focused analysis on the ways in which transgender Muslims in Indonesia engage with their religious duties and manage their visibility amidst a largely conservative religious landscape. The case of Dorce Gamalama, a notable transgender performer who undertook the *hajj* in female form, is especially significant. In contrast to Isa

² *Khunthā Wāḍih* (Discernible intersex): This refers to individuals whose biological sex can be determined by the presence of dominant sexual characteristics, particularly the external genitalia or patterns of urination. For instance, if the person urinates from the male organ or develops facial hair, scholars may classify them as male. This classification would affect rulings on inheritance shares, prayer leadership, and participation in gendered rituals like Hajj or communal prayer. While *Khunthā Mushkil* (Indeterminate intersex): In these cases, the individual's sex remains ambiguous even after examining physical traits. Classical jurists recognized that no definitive ruling could be made without further physiological development or social indicators over time. For such individuals, jurists prescribed cautious rulings (*iḥtiyāt*) often assigning intermediate or deferred obligations for acts like covering the 'awrah, leading prayer, or inheriting property. These rulings often erred on the side of conservatism to avoid violating religious duties or rights. See more details in Scott Siraj Al-Haqq Kugle, *Homosexuality in Islam: Critical Reflection on Gay, Lesbian, and Transgender Muslims* (Simon and Schuster, 2010), 138.

³ In early Islamic Medina, *mukhannathūn* were known to circulate within domestic and female-only spaces, often tolerated so long as they were perceived to lack sexual interest in women. Their ambiguous status drew from Qur'ānic references particularly 24:31, which excludes men "with no physical desire" from gender segregation norms and from Prophetic traditions recorded in early *hadīth* compilations. Yet, tolerance was conditional: several classical sources, including al-Bukhārī and al-Ṭabarī, recount that when a *mukhannath* made a sexually suggestive comment about a woman, the Prophet ordered his banishment from Medina, setting a precedent for policing gender nonconformity. During the Umayyad and Abbasid periods, particularly in Damascus and Baghdad, *mukhannathūn* often served as entertainers, musicians, or court servants. While they contributed culturally and artistically to elite settings, their gender nonconformity increasingly drew moral and legal scrutiny. Legal scholars from different *madhāhib* debated the permissibility of their access to female quarters, with rulings often hinging on their perceived sexual behavior: if celibate, they might be allowed; if not, they could be barred, punished, or even publicly condemned. Over time, *mukhannathūn* came to embody both social utility and moral anxiety, tolerated for their service yet regulated for their divergence from normative masculinity. Their treatment reveals how classical Islamic jurisprudence made space *albeit* constrained for gender variance, even as it worked to reinforce binary norms. See Asma Afsaruddin, "The Hermeneutics of Gender: Female Religiosity and the Discourse of Reform," in *Islamic Societies in Practice*, ed. Asma Afsaruddin (Routledge, 2003), 218. And see also Everett K. Rowson, "The Effeminate of Early Medina," *Journal of the American Oriental Society* 111, no. 4 (1991): 671–93, <https://doi.org/10.2307/603399>.

Zega, Dorce's pilgrimage did not elicit a comparable level of public condemnation, in part due to Dorce's identification as a *khunthā mushkāl*, individuals who choose to transition to womanhood and have undergone gender reassignment surgery, which includes the removal and closure of male genitalia. It was not a transwoman motivated by personal desire or lust, as was the case with Zega. Moreover, she chose not to disseminate the ritual in real-time through social media, thereby constraining its exposure as a challenge to the established norms of ritual conduct.⁴

These studies reveal a significant gap: although there exists academic discourse surrounding the negotiation of piety and identity among transgender Muslims, either in Indonesia or worldwide, there is a scarcity of research that investigates the role of social media in magnifying ritual transgressions and subjecting them to state and public examination. This thesis concentrates on the Zega case, thereby illuminating a previously overlooked area and providing fresh perspectives on the ways in which the digital era transforms the parameters of sacred performance and the governance of community norms.

THEORETICAL FRAMEWORK

The body serves as a pivotal element in the frameworks of social interaction and discourse, significantly influencing religious rituals and identity development. Talal Asad's insights into the anthropology of the body indicate that embodiment is inherently laden with meaning; it is shaped and governed by discursive traditions that dictate the expected behaviours, appearances, and surveillance of bodies.⁵ Within Islamic frameworks, the body's ritual propriety encompasses individual and communal dimensions. In her seminal work, Douglas introduces an additional perspective, contending that apprehensions regarding bodily pollution and ritual transgression are intricately linked to societal anxieties surrounding the maintenance of boundaries.⁶ The appearance of Isa Zega's body adorned in women's attire during *'umrah* presents a compelling intersection with the historically entrenched gender binary within Islamic *fiqh*. The ritual body thus emerges as a locus where gender, piety, and moral authority intersect.

In classical Islamic jurisprudence (*fiqh*), the legal status of the body-whether male, female, or *khunthā* (intersex)-has a direct impact on an individual's ritual obligations and

⁴ Boellstorff, *The Gay Archipelago*, 577.

⁵ Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (JHU Press, 1993), 27-28.

⁶ Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (Psychology Press, 2003), 5-7.

permissions. Ibn Qudamah and al-Nawawi, for example, elucidate particular physical prerequisites for *ṭawāf* (circumambulation) and *sa'i* (the act of walking between Safa and Marwah) that inherently rely on distinct gender classifications.⁷ Nevertheless, the rise of contemporary transgender identities challenges this conventional framework. Butler's concept of gender performativity provides a framework for understanding how Zega's physical expression challenges conventional Islamic narratives that regard sex as inherently biological and divinely determined.⁸ The ritual body emerges as a complex narrative: it is concurrently shaped by divine law (*sharī'a*), elucidated by jurists, and manifested through personal actions.

This research highlights the body as a conceptual framework, demonstrating how Zega's 'umrah evolves beyond personal faith into a communal enactment that interrogates the limits of permissible embodiment in the sacred space. The debate arising from Zega's engagement on social media exemplifies how the ritual body may be perceived as both a symbol of commitment and a source of societal use. The sociology of the body indicates that the responses to Zega's unconventional ritual attire expose profound concerns regarding the criteria for legitimate subjects of worship in Islam. The anxieties present in contemporary society are magnified in the digital age, where physical expressions previously restricted to intimate or localised contexts now attain a global reach with remarkable immediacy.

Primarily, the theory of the body underpins the central inquiry of this thesis: in what ways do sacred rituals regulate gendered bodies, and what transpires when these bodies defy classification? Zega's pilgrimage exemplifies that the ritual body transcends individual experience; it exists as a social construct, a legal classification, and a moral symbol that necessitates ongoing oversight and reaffirmation by the community to uphold the sanctity of sacred rites.

Mary Douglas's ritual and pollution anxiety theory remains foundational for understanding how communities enforce symbolic order through ritual practices.⁹ Douglas argues that impurity and taboo are not intrinsic attributes but rather relational constructs designed to protect the integrity of social and religious systems. In the context of Islam, the concept of ritual purity (*ṭahārah*) holds significant importance for practices such as 'umrah and ḥajj. Classical *fiqh* provides an intricate analysis of regulations concerning bodily cleanliness,

⁷ Abī Muḥammad Ibn Qudāma, *Al-Mughnī*, ed. 'Abdullah ibn Abd al-Muhsin Al-Turkī, vol. 13 (Dār 'Ālim al-Kutub, 1997), 36.

⁸ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge, 2015), 25-34.

⁹ Douglas, *Purity and Danger*, 5-7.

attire, gender segregation, and the suitability of gestures during the pilgrimage. The adherence to ritual precision not only upholds personal devotion but also maintains societal harmony, ensuring the sanctity of Mecca's sacred space from symbolic defilement.

The case of Isa Zega underscores the intricate dynamics between ritual propriety and the notion of perceived pollution. Zega's donning of women's clothing and *hijāb*, along with the public performance of feminine gestures within the holy precinct, presents a direct challenge to the established ritual code that prescribes gender-specific behaviour. For conservative Muslims, this action jeopardises the symbolic sanctity of 'umrah as a devotion characterised by gender distinctions. Using Douglas's perspective, Zega's embodiment presents a point of ambiguity: viewed by various religious observers as neither wholly male nor female, Zega's participation in ritual activities challenges the binary frameworks that uphold ritualistic structure.

Victor Turner's analysis of ritual processes and liminality provides a profound understanding of this tension. Turner suggests that ritual stages create temporary states of uncertainty, wherein social roles may be either suspended or inverted.¹⁰ Nonetheless, Zega's journey surpasses the limitations of this boundary; instead, it is propagated via social media, transforming a private state of transition into a collective confrontation. The issue of ritual pollution extends beyond the boundaries of sacred spaces, infiltrating the digital landscape where audiences assess and interpret an individual's adherence to ritual norms. In Zega's case, the ritual body evolves into a spectacle and acts as a catalyst for discussions regarding moral contamination.

This framework engages with Talal Asad's critique of secular notions of religious freedom, arguing that modern secular discourses assumes that rituals are merely private expressions of belief, rather than performances that are socially regulated.¹¹ Zega's examination of 'umrah reveals that ritual in Islam transcends the realm of the individual. The anxiety associated with ritual pollution validates the communal scrutiny of physical manifestations and behaviours that appear to violate accepted standards. Zega's case exposes pollution anxiety.

Consequently, the theory of ritual and pollution anxiety elucidates why the uproar surrounding Zega's 'umrah goes beyond questions of personal sin, extending to broader

¹⁰ Victor Turner et al., *The Ritual Process: Structure and Anti-Structure* (Routledge, 2017), <https://doi.org/10.4324/9781315134666>, 94-97.

¹¹ Asad, *Genealogies of Religion*, 27-28.

apprehensions regarding the integrity of collective moral frameworks. The transgression of ritual boundaries signifies a disruption of social order, necessitating corrective responses from religious authorities, digital audiences, and, in certain instances, the state.

The final lens situates the intricate balance between individual freedom and communal regulation as articulated in both classical and contemporary Islamic discourse. Islam acknowledges the concept of *hurriyat al-i'tiqād*, or freedom of belief, which is fundamentally grounded in the Qur'ānic verse *There is no compulsion in religion.*” This fundamental principle asserts that genuine belief must emerge from autonomous conviction rather than compulsion. Al-Shatibi and Abdullahi An-Na'im contend that the *sharī'a* maintains a nuanced equilibrium between personal freedom and communal welfare (*maṣlahah 'āmmah*).¹²

However, freedom of belief is not absolute. Nonetheless, the concept of belief is not without its limitations. Islamic jurisprudence (*fiqh*) has historically imposed limitations on expressions and behaviours considered blasphemous or apostate, aiming to protect the cohesion and sanctity of the faith community. The concept of *maṣlahah* authorizes the state to restrict specific expressions in the interest of the collective welfare. In Zega's case, the tension emerges when the principle of free expression intersects with collective perceptions of ritual significance. Through the act of broadcasting the pilgrimage while adorned in attire that many consider discordant with Islamic gender norms, Zega engages in a form of personal expression that is viewed by some as an affront to communal piety.

Talal Asad cautions that contemporary frameworks of religious freedom, influenced by liberal secularism, frequently misinterpret the collective nature of Islamic ritual practices.¹³ In Indonesia's diverse yet ethically driven democracy, the state's involvement in overseeing public expression of faith continues to be a debatable subject. The palpable tension manifests in the selective enforcement of laws concerning blasphemy and public decency, frequently aimed at minority expressions that challenge prevailing societal norms.¹⁴

Moreover, the global widespread Zega's content on social media elevates a localised ritual infraction to the status of a transnational phenomenon. This underscores the importance of harmonising personal freedom with the framework of society. The capacity to express non-

¹² Abu Ishaq Ibrahim ibn Musa Al-Shatibi, *Al-Muwafaqat fi Usul al-Sharia* (Dar al-Kutub, 2002), 311; Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Harvard University Press, 2008), 123.

¹³ Asad, *Genealogies of Religion*, 28.

¹⁴ Syafiq Hasyim, "State and Religion: Regulating Islamic Expression in Indonesia," *Studia Islamika* 20, no. 2 (2013): 263-290.

confirming gender identities pushes the limits of *hurriyah al i'tiqād* in ritual settings. Zega's predicament depicts that while belief may be boundless, the ritual expression of that belief is subject to complex frameworks of law and social regulation.

This theory clarifies the intricacies of the controversy, emphasising that it transcends Zega's individual missteps to include the possible degradation of the communal understanding of sacred space. This thesis unpacks that ritual freedom within Islam is not absolute; it is circumscribed by the imperative to protect *maṣlahah 'ammah*, or the collective moral welfare of Islamic community. The task at hand involves discerning how contemporary Muslim societies may traverse these delineations in a way that respects human dignity while safeguarding the integrity of their rituals.

METHODS

This study employs a qualitative methodology integrating library research, case study examination, and discourse analysis. The library research component is informed by primary and secondary sources on Islamic jurisprudence, encompassing *sharī'a* and classical *fiqh* texts, as well as gender theory and ritual studies. Contemporary *fatwās* offer a foundational framework for comprehending the nuances of ritual propriety and gender responsibilities during *'umrah* or *hajj*. The case study approach examines Isa Zega's *'umrah* as depicted in online media, news reports, and pronouncements made by religious authorities, including the Indonesian Ulema Council (Majelis Ulama Indonesia). Finally, discourse analysis scrutinises public debates, including the critiques and supports related to Zega's actions, utilising news reports, social media responses, and online interviews with religious scholars, activists, and public commentators.

This methodological approach draws upon the insights of scholars who have examined the social and discursive aspects of gender and sexuality within Muslim contexts, exemplified by Boellstorff's ethnographic study of queer Muslim identities in Indonesia.¹⁵ And Davies's study of *Pesantren Waria*¹⁶. This research situates Zega's case within a broader historical and social context, illuminating how ritual and gender are intricately co-constructed in both everyday practice and public discourse.

¹⁵ Tom Boellstorff, *The Gay Archipelago: Sexuality and Nation in Indonesia* (Princeton University Press, 2005), <https://www.jstor.org/stable/j.ctt5hhq1f>.

¹⁶ Sharyn Graham Davies, *Gender Diversity in Indonesia: Sexuality, Islam and Queer Selves* (Routledge, 2010), <https://doi.org/10.4324/9780203860953>.

FINDINGS

Gender non-conformity in Islamic discourses: Between classical and contemporary views

The question of gender non-conformity in Islam transcends contemporary concerns, representing a persistent arena of discourses among sacred scriptures, legal interpretations, and the complexities of lived experiences. Classical Islamic jurisprudence (*fiqh*) demonstrates a notable intricacy in its treatment of bodily ambiguity, an intricacy that is frequently overlooked in modern dialogues surrounding gender variations. This section revisits the classification of *khunthā* (intersex) and *mukhannath* (effeminate men) within classical Islam, exploring how premodern scholars constructed gender categories to address ritual obligations and social roles. The examination subsequently delves into ongoing dialogues regarding transgender embodiment within Indonesian Islam, situating Isa Zega's case within both historical and modern narratives.

This section elucidates the intricate dynamics present in the normative binary of male/female devotion in Islam, demonstrating that it is a debated landscape shaped by diverse interpretations of physical indicators, ritual roles, and ethical responsibilities, rather than a wholly inflexible or completely adaptable framework. *Sharī'a* frames gender primarily within a binary structure rooted in biological sex; nonetheless, an examination of historical jurisprudence uncovers an acknowledgement of gender diversity that contests this simplistic dichotomy. Classical Muslim scholars acknowledged the existence of *khunthā* (intersex individuals), which permitted the formulation of particular legal rulings concerning inheritance, prayer alignment, and marriage.¹⁷ Mediaeval Islamic societies contended with figures such as the *mukhannathun*, effeminate men who challenged strict gender norms. Rather than being relegated to the status of mere sinners, they were acknowledged as a distinct social group within the community of the Prophet Muhammad.¹⁸ Historical precedents illustrate the ability of Islamic law to engage with non-binary bodies in a nuanced manner; however, these accommodations were predominantly based on medical or physiological ambiguity rather than on psychological self-identification.¹⁹

¹⁷ Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence* (Simon and Schuster, 2016), 85-90.

¹⁸ Rowson, "The Effeminates of Early Medina.", 671.

¹⁹ Samar Habib, *Female Homosexuality in the Middle East: Histories and Representations* (Routledge, 2012), 15-21.

Contemporary debates reframe these precedents within the discourse on modern transgender identities. The Yaqeen Institute's paper²⁰ emphasises that although compassion and dignity are fundamental in Islamic ethics, the notion of modifying one's divinely assigned sex is still a subject of debate, with the majority of jurists making a distinction between intersex conditions and gender dysphoria. Kecia Ali²¹ asserts that the adaptability of the legal tradition in addressing *khunthā* may present theoretical possibilities, yet these have not been methodically utilised in the context of contemporary transgender recognition. Meanwhile, scholars such as Kugle²² highlights the moral obligation of *rahma* (mercy) in addressing the needs of marginalised sexual and gender minorities, proposing a framework for more inclusive interpretations.

This tension illustrates how Islamic law sits at the intersection of immutable divine principles and evolving human contexts. Historical works like *Queens, Eunuchs, and Concubines in Islamic History*²³ and *Women with Mustaches and Men Without Beards*²⁴ Remember that premodern Muslim societies frequently demonstrated a pragmatic approach to gender diversity. However, this tolerance was often confined to considerations of social utility rather than expressions of self-affirmed identity. Ultimately, the acknowledgement of transgender individuals within contemporary Islamic jurisprudence hinges less on a lack of historical precedent and more on a theological hesitance to embrace self-identified gender as superseding biological sex. This dynamic perpetuates persistent scholarly and communal debates.

Constitutional guarantees vs. legal realities: Transgender rights in Indonesia's legal system

The 1945 Constitution of Indonesia articulates principles of equality and non-discrimination; however, the complexities of its plural legal system hinder the practical realisation of these rights for transgender individuals. Article 27 ensures that all individuals are treated equally under the law, while Article 28I provides explicit protection against

²⁰ Institute Yaqeen, "Islam and the LGBT Question: Reframing the Narrative," Yaqeen Institute for Islamic Research, accessed July 05, 2025, <https://yaqeeninstitute.org/read/paper/islam-and-the-lgbt-question-reframing-the-narrative>.

²¹ Ali, *Sexual Ethics and Islam*, 85-90.

²² Kugle, *Homosexuality in Islam*, 140-146.

²³ El-Azhari Taef El-Azhari, *Queens, Eunuchs and Concubines in Islamic History*, 661-1257 (Edinburgh University Press, 2019), 82-86.

²⁴ Afsaneh Najmabadi, *Women with Mustaches and Men Without Beards: Gender and Sexual Anxieties of Iranian Modernity* (Univ of California Press, 2005), 82-85.

discriminatory practices towards citizens.²⁵ However, the Constitution's implementation is filtered through statutory laws, local regulations, and social norms that are significantly shaped by Islamic jurisprudence and local customary law (*hukum adat*).²⁶ This dynamic tension creates ambiguity for transgender recognition, as Indonesia does not have explicit legal frameworks for gender identity rights or legal gender change procedures.

Transgender communities in Indonesia, notably the *waria* (a locally recognized category blending male and female gender expressions), exist within a paradox of social visibility and legal precarity.²⁷ Despite some societal accommodation, *waria* often face systemic discrimination, harassment, and violence, exacerbated by the lack of legal recognition.²⁸ Court cases on gender reassignment are rare and typically require medical evidence, reflecting a biomedical rather than identity-based approach aligned with classical Islamic distinctions between intersex and transgender persons.²⁹

Ali³⁰ and Oetomo³¹ stated that the constitutional assurances of equality in Indonesia could, in theory, provide a foundation for enhanced protections for transgender individuals. Nevertheless, the imposition of moral standards by conservative Islamic factions and the increasing sway of *sharī'a*-based local regulations often erode these constitutional protections.³² Recent human rights reports indicate that transgender individuals in Indonesia face significant challenges in obtaining healthcare, education, and employment as a result of widespread stigma, coupled with restricted legal avenues for redress.

²⁵ Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [The 1945 Constitution of the Republic of Indonesia] (1945), Articles 27 and 28I. <https://peraturan.bpk.go.id/Home/Details/45013/uud-nri-1945>.

²⁶ Melissa Crouch, "Indonesia: Pluralism and the Prospects for Law Reform," in *Legal Pluralism and Development: Scholars and Practitioners in Dialogue*, ed. Brian Z. Tamanaha et al. (Cambridge University Press, 2012), 1-6. <https://www.cambridge.org/core/books/legal-pluralism-and-development/indonesia-pluralism-and-the-prospects-for-law-reform/0C3B097D291C78582697B5B3FA1FBB67>.

²⁷ Tom Boellstorff, *A Coincidence of Desires: Anthropology, Queer Studies, Indonesia* (Duke University Press, 2007), 121. <https://doi.org/10.2307/j.ctv125jthx>.

²⁸ Davies, *Gender Diversity in Indonesia*, 58-63.

²⁹ Evelyn Blackwood, *Falling into the Lesbi World: Desire and Difference in Indonesia* (University of Hawaii Press, 2010), 293-298.

³⁰ Shaheen Sardar Ali, *Modern Challenges to Islamic Law* (Cambridge University Press, 2016), 162-168.

³¹ Dédé Oetomo, "Cautious Moves: The Politics of Islam and Lesbian, Gay, Bisexual and Transgender Issues in Indonesia," in *Human Rights, Sexual Orientation and Gender Identity in The Commonwealth: Struggles for Decriminalisation and Change*, ed. Corinne Lennox and Matthew Waites (Human Rights Consortium, Institute of Commonwealth Studies, School of Advanced Study, University of London, 2010), 155-157. <https://hrc.sas.ac.uk/publications/occasional-paper-hrsi-1>.

³² Crouch, "Indonesia: Pluralism and the Prospects for Law Reform.", 1-6.

The disparity between constitutional principles and actual safeguards highlights a more extensive dilemma for pluralistic states as they navigate the interplay between religious norms and their commitments to international human rights standards.³³ As Indonesia debates the boundaries of its constitutional democracy, the matter of transgender recognition underscores the persistent challenge of reconciling contemporary rights discussions with entrenched religious and cultural principles.

Transgender bodies in sacred spaces: Contesting ritual boundaries in Indonesian Islam

The controversy surrounding Zega's pilgrimage should be contextualised within Indonesia's historical framework of gendered ritual debates. The situation involving Dorce Gamalama, who undertook the pilgrimage as a woman in the early 2000s, underscores the manner in which transgender pilgrims can traverse ritual environments without inciting significant opposition, as long as they maintain a sense of discretion. Dorce's pilgrimage garnered minimal attention primarily due to her deliberate choice to refrain from framing it as a political statement. In juxtaposition, Zega's social media contributions, visual content, and discussions articulated her pilgrimage as a commendable expression of transgender identity, thereby enhancing its perceived challenge to the norms of ritual propriety.³⁴

The Pesantren Waria in Yogyakarta presents a compelling example for examination. The boarding institutions for transgender Muslims establish alternative ritual environments that embrace gender diversity while preserving communal boundaries. Ritual obligations, including prayer and Qur'ān recitation, are tailored to align with the gender presentation of the students. However, public rituals such as *hajj* and *'umrah* continue to be debated, as they must navigate the complexities of broader Islamic authority frameworks.³⁵

These instances illustrate that Indonesia's Islamic institutions exhibit a degree of tolerance towards gender nonconformity, *albeit* within specific boundaries, especially when such expressions are subtle and do not overtly contest communal perceptions of ritual order. Zega's journey breached this unspoken agreement by introducing the matter into the revered heart of Mecca and broadcasting it on a global scale.

The debate is further intensified by the platform utilised for exposing the ritual. Social media reshapes personal expressions of faith into collective displays, obscuring the distinction

³³ Tamir Moustafa, *Constitutions and Religious Freedom: Comparative Perspectives* (Cambridge University Press, 2023), <https://doi.org/10.1017/9781009208822>.

³⁴ Davies, *Gender Diversity in Indonesia*, 35.

³⁵ Boellstorff, *The Gay Archipelago*, 571-575.

between personal devotion and shared ethical standards. Utilising Douglas's theory of pollution and anxiety, Zega's posts may be interpreted as invoking a symbolic threat: through the sharing of images depicting herself in women's attire and engaging in sacred acts alongside women, Zega's presence challenges the social order that ritual is intended to uphold.

This is not merely a symbolic concern. Ritual experts and local academics contend that visible transgressions normalize behavior that erodes the moral fabric of the *ummah*. In the words of a particular conservative cleric during an interview: "*When the sacred is rendered profane through performance, the community forfeits its spiritual compass.*" The concern extends beyond Zega's individual salvation; it encompasses the shared responsibility of the Muslim community to uphold the sanctity of pilgrimage.

The sacredness of 'umrah: Re-examining gender, fiqh, and the boundaries of ritual legitimacy in ḥajj and 'umrah

The ḥajj and 'umrah represent the pinnacle of physical devotion in Islam, functioning as profound spiritual journeys and acts of piety, reinforcing a sense of communal identity within the *ummah*. The rituals are intricately defined within Islamic jurisprudence (*fiqh*), with each element, from intention (*niyyah*) to physical stance and attire, regulated by established norms that preserve the sanctity and theological legitimacy of the practice. In this carefully organised framework, gender occupies a central role: the legal and ritual distinctions between male and female pilgrims not only reflect Islamic theological anthropology but also serve to maintain ritual order and communal purity.

In the classical Islamic legal framework, 'umrah is esteemed as a revered act of worship (*'ibādah mahdhah*) whose validity is contingent upon meticulous adherence to its ritual stipulations, encompassing gender-specific regulations of *iḥram*. Imam al-Nawawi, in *Al-Majmu' Sharh al-Muhadzdzab*, underscores that the execution of 'umrah, akin to ḥajj, is deemed valid solely when its fundamental conditions are met, one of which includes the appropriate attire that differentiates male and female pilgrims.³⁶ Ibnu Qudamah, in *Al-Mughni*, similarly explains that men must wear two unstitched garments (*izār and rida'*) while women, however, the principle of modesty (*haya'*) governs ritual dress: they must cover their entire bodies except for the face and hands, ensuring that their bodily form does not attract the male gaze.³⁷ Ibnu Hajar al-Asqalani reinforces this distinction in *Fath al-Bārī*, which analyzes

³⁶ Yahya ibn Sharaf an-Nawawi, *Al-Majmu' Sharh al-Muhadhdhab* (Dar al-Fikr, 2000), 37-45.

³⁷ Ibn Qudāma, *Al-Mughnī*, vol. 13, 300-305.

hadīths outlining the Prophet's guidance on the ihram garments and prohibitions, including clear injunctions against cross-dressing that blur the male-female divide.³⁸ Ibnu Rusyd's *Bidāyat al-Mujtahid* maps out how the major schools of thought diverge on details but consistently maintain that these gendered rules are integral to the ritual's legitimacy.³⁹ Likewise, Imam al-Shafi'i in *Al-Umm* underscores that women must uphold their distinct religious dress code during *ihram* while men are forbidden to wear stitched clothing.⁴⁰

Furthermore, gender differences manifest in the ways pilgrims traverse sacred spaces. Although both men and women engage in the same fundamental rituals, the organisation of their spaces varies: prayer lines are divided by gender, and the closeness of men and women during *ṭawāf* and *sa'i* is regulated by societal norms and, more frequently, by state-imposed spatial controls. Classical jurists acknowledged the practical reality that complete gender segregation in the crowded Haram was unfeasible, while simultaneously urging pilgrims to uphold moral conduct to preserve the sanctity of the ritual.⁴¹

In the contemporary discourse, numerous respected *fatwās* emphasise that the determination of a pilgrim's gender should correspond with the biological sex acknowledged by legitimate medical or religious documentation. For example, Egypt's Dār al-Iftā has determined that sex reassignment is allowable solely in instances of *khunthā mushkil* (ambiguous genitalia), rather than for transgender identity based on individual choice, thereby maintaining the legal ramifications of the original gender in the context of worship.⁴²

The Indonesian Council of Ulama (MUI) likewise asserts that all determinations concerning *maḥram*, *ihram*, and gender segregation during pilgrimage should adhere to an individual's biological sex as defined by medical or legal standards.⁴³ Yusuf al-Qaradawi, in his *Fiqh al-Jinsiyyah*, argues that gender transition without a valid *sharī'a*-based reason does

³⁸ Ibn Hajar al-Asqalani, *Fath al-Bārī bi Sharḥ Ṣaḥīḥ al-Bukhārī* (Dār al-Ma'rifa, 2001), 162-165.

³⁹ Muḥammad Ibn Rushd, *Bidāyah Al-Mujtahid Wa Nihāyah al-Muqtaṣid*, ed. Muḥammad Hasan Hallaq, vol. 2 (Maktaba Ibn Taymiyya, 1994), 211-213.

⁴⁰ Muhammad ibn Idris Al-Shāfi'ī, *Al-Umm*, ed. Rif'at Fawzī 'Abd al-Muṭalib, vol. 5 (Dār al-Wafā' li Ṭabā'ah wa al-Nashr, 2001), 118-120.

⁴¹ Abu 'Abdullah Muhammad ibn Ahmad Al-Qurtubi, *Tafsir al-Qurtubi*, vol. 2 (Dar al-Kutub al-Misriyya, 1998), 195.

⁴² Dār al-Iftā' al-Miṣriyyah, *Fatwa on Sex Reassignment: Permissible Only for Khunthā Mushkil Cases* (Dār al-Iftā' al-Miṣriyyah, 2017). Accessed 07 July 2025. <https://www.dar-alifta.org/Foreign/ViewFatwa.aspx?ID=8617>.

⁴³ Fatwa Majelis Ulama Indonesia Nomor 03/MUNAS-VIII/MUI/2010 Tentang Perubahan Dan Penyempurnaan Jenis Kelamin (2010). Accessed 07 July 2025 <https://www.scribd.com/document/762986978/FATWA-Munas-MUI-2010-tentang-PERUBAHAN-DAN-PENYEMPURNAAN-JENIS-KELAMIN>.

not nullify the original gender's legal standing. Therefore, religious obligations and prohibitions remain intact.⁴⁴

Taking into consideration, Isa Zega's case raises complex *fiqh* enquiries regarding the validity of rituals conducted beyond these clearly defined parameters. It underscores the tension between contemporary debates surrounding gender identity and the rigid ritualistic standards inherent in Islamic jurisprudence (*fiqh*). While contemporary Islamic law scholars such as An-Na'im⁴⁵ and Baderin⁴⁶ have been calling for fresh reinterpretations of Islamic law to better align with the changing landscape of human rights frameworks; however, these initiatives frequently encounter significant opposition, especially when they pertain to the fundamental aspects of sacred rituals such as 'umrah. This discourse necessitates a meticulous examination and analytical approach that harmonises Islamic "ritual" law principles with the increasing acknowledgement of varied gender identities in contemporary society.

The theological stakes of ritual invalidity: Narrating ritual requirements, the validity of worship, and its transgressions

Debates about the validity of Zega's 'umrah also reflect larger anxieties about theological correctness. It is widely acknowledged among classical scholars that mistakes in ritual attire or physical appearance do not inherently nullify the validity of a pilgrimage, particularly when such errors stem from a lack of knowledge or pressing circumstances. Nonetheless, intentional contravention of established prohibitions, such as *tashabbuh*, is regarded with greater severity.⁴⁷ In particularly severe instances, legal authorities have determined that actions carried out in blatant derision of sacred ceremonies may be deemed blasphemous (*sabb al-dīn*), thereby subjecting the perpetrator to societal condemnation or judicial repercussions.⁴⁸

The distinction between genuine transgression and intentional mockery proves to be challenging to regulate. The proponents of Zega contend that their journey was a sincere expression of belief and personal atonement, rather than a mockery of hallowed traditions. They reference the fundamental importance of *niyyah* and the *hadīth* "Actions are judged by

⁴⁴ Yusuf Al-Qaradawi, *The Lawful and the Prohibited in Islam (Al-Halal Wal-Haram Fil Islam)* (American Trust Publications, 1995), 87-90.

⁴⁵ Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Syracuse University Press, 2005), 36-38.

⁴⁶ Mashood A. Baderin, *International Human Rights and Islamic Law* (Oxford University Press, 2005), 10-15. <https://doi.org/10.1093/acprof:oso/9780199285402.001.0001>.

⁴⁷ an-Nawawi, *Al-Majmu' Sharh al-Muhadhdhab*, 273.

⁴⁸ Mohammad Hashim Kamali, *Freedom of Expression in Islam* (Islamic Texts Society, 1997), 166.

intentions.⁴⁹ Critics, however, argue that intention does not override explicit textual prohibitions against *tashabbuh* and ritual impropriety.

This study makes a unique contribution by employing ritual theory to explore how enquiries into gender identity disrupt the traditional sacred order within Islam. At the heart of this viewpoint lies the anthropological insight of Douglas, who posited that religious rituals function as symbolic frameworks that uphold a community's sense of purity and order by categorising the world into distinctions of pure and impure, lawful and unlawful, male and female. The delineation of these symbolic boundaries assists communities in navigating perceived challenges to their social cohesion and spiritual integrity.⁵⁰

The ordering function in fiqh is notably evident in the pilgrimage rites of 'umrah and hajj, which adhere to meticulously codified regulations concerning physical conduct, attire, and spatial movement. As mentioned earlier, classical jurists such as Al-Shāfi'ī⁵¹ and Ibn Qudāma⁵² set out detailed gender-specific requirements for the state of *iḥram*, the ritual consecration that every pilgrim must enter before performing the pilgrimage rites. Men must wear two unstitched white cloths that symbolize humility and equality, while women are permitted to wear ordinary modest clothing but must avoid the face veil and gloves.⁵³ These gendered distinctions reflect the larger Islamic principle that ritual acts must be performed in ways that align with one's *fitrah*, the divinely intended natural state.⁵⁴

One of the most cited doctrinal bases for gendered ritual distinction is the prohibition of *tashabbuh* (imitating the opposite sex in clothing, speech, or mannerisms). This ruling stems from several *hadīth*, including the widely cited narration: "*The Messenger of Allah cursed those men who imitate women and those women who imitate men*".⁵⁵ Classical jurists such as Ibn Taymiyya and Al-Ghazali elaborated on this principle, arguing that clear gender

⁴⁹ Abdullah Muhammad bin Ismail al Bukhari, *Shahih al Bukhari*, 1992nd ed., I (Dar al Kitab al 'Ilmiyyah, 1992), 1.

⁵⁰ Douglas, *Purity and Danger*, 29-41.

⁵¹ Al-Shāfi'ī, *Al-Umm*, vol. 5, 118-120.

⁵² Ibn Qudāma, *Al-Mughnī*, vol. 13, 300-305.

⁵³ Ibn Hajar al-Asqalani, *Fath al-Bārī bi Sharḥ Ṣaḥīḥ al-Bukhārī*; Ibn Hajar al-Haytami, *Tuḥfat al-Muḥtāj fi Sharḥ al-Minhāj* (Dār al-Fikr, 2001), 162-165.

⁵⁴ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Islamic Texts Society, 2003), 101-104.

⁵⁵ Abdullah Muhammad bin Ismail al Bukhari, *Shahih al Bukhari*, 1992nd ed., I (Dar al Kitab al 'Ilmiyyah, 1992), *Hadīth* 773.

differentiation is necessary to preserve social order and protect the boundaries of lawful interaction (*mu'amalat*).⁵⁶

In the context of pilgrimage, the concept of *tashabbuh* assumes a heightened significance, as ritual attire and bodily demeanour transcend mere social indicators to embody profound sacred symbols. The male *ihram* signifies the holy state of consecration. In contrast, the attire of women reflects modesty and chastity, particularly in environments where dense gatherings and close physical interactions amplify the risk of inappropriate behaviour. Transgressing this binary, as critics argue Isa zega has accomplished, creates a sense of ambiguity within the ritual sphere and diminishes its intended ethical clarity.

When these boundaries are crossed, it can provoke what Douglas termed as “pollution anxiety”.⁵⁷ The presence of Isa Zega, a transwoman performing ‘umrah in attire typically worn by female pilgrims, was perceived by conservative clerics and certain segments of Indonesian society as a notable affront to the ritual sanctity of the sacred site. The debate illustrates that ritual purity goes beyond mere physical cleanliness; it is essentially about maintaining the social and theological order that rituals signify.

Furthermore, the rigidity of Islamic law according to gendered rituals reveals how these sacred practices function as arenas in which communal identity is both reinforced and regulated.⁵⁸ Classical jurisprudence has historically recognised a degree of fluidity for intersex individuals (*khunthā*), yet it provided scant conceptual framework for gender identities rooted in psychological self-identification as opposed to physiological ambiguity.⁵⁹ Modern reformist such as An-Na'im⁶⁰ and Kugle⁶¹ argue that modern Islamic legal thought should re-examine these doctrinal limits, taking into account not only medical realities but also the lived experiences of gender-diverse Muslims striving to fulfil their religious worships.

What will occur when the distinction of binary classification is blurred? The jurisprudential tradition offers complex precedents for cases that do not fit neatly into male/female categories. Legal scholars have distinguished between *khunthā wādhīh* and *khunthā mushkil*, each category carrying its own set of ritual obligations informed by

⁵⁶ Taqi al-Din Ahmad ibn Abd al-Halim Ibn Taymiyya, *Majmu' al-Fatawa*, vol. 22 (Majma' al-Malik Fahd, n.d.), 120.

⁵⁷ Douglas, *Purity and Danger*, 29-41.

⁵⁸ Ali, *Sexual Ethics and Islam*, 85-90.

⁵⁹ Rowson, “The Effeminate of Early Medina.”, 671.

⁶⁰ An-Na'im, *Toward an Islamic Reformation*, 36-38.

⁶¹ Kugle, *Homosexuality in Islam*, 137.

discernible physical characteristics. Should gender be ascertained, for instance, by the organ utilised for urination, then the individual would be compelled to adhere to the rituals associated with that gender. Without such provisions, the individual was obligated to adhere to more stringent standards of modesty and to refrain from engaging in roles designated solely for either gender.⁶²

While the *khunthā* category shows that Islamic law can accommodate bodily ambiguity, transgender identities such as Zega's present a different challenge. Unlike *khunthā*, whose physical ambiguity is congenital and involuntary, transgender identity in contemporary contexts is often framed especially by conservative scholars as a voluntary *tashabbuh*. For this reason, mainstream *fiqh* treats gender transition as a prohibited imitation rather than a recognized ambiguity.

While the *khunthā* category shows the capacity of Islamic law to embrace bodily ambiguity, transgender identities like Zega's pose a distinct challenge. In contrast to *khunthā*, whose physical ambiguity arises from congenital and involuntary factors, contemporary interpretations of transgender identity are frequently characterised by conservative scholars as a deliberate *tashabbuh*. Consequently, mainstream *fiqh* regards gender transition as a prohibited imitation rather than an acknowledged complexity.⁶³

Hence, Zega's critics contend that their actions performing 'umrah as a woman adorned in a *hijāb*, utilising the designated female prayer areas, and engaging with fellow female pilgrims transgressed the ritual boundaries that uphold the pilgrimage's validity. Contemporary scholars present a compelling discourse on the significance of intention (*niyyah*) as a fundamental criterion for the validity, positing that the essence of ritual correctness should be harmonised with compassion (*rahmah*). Nevertheless, the prevailing perspective asserts that intentional *tashabbuh* undermines ritual purity and has the potential to nullify the act.⁶⁴ Mahmood⁶⁵ reminds us that acts of piety are never purely private; they are shaped by doctrinal norms and collective expectations that define who is authorized to perform rituals and how.

This section demonstrates that the ritual boundaries of gender are not static; they are continually reinforced through legal interpretations, *fatwās*, and social sanctions. Analysing

⁶² Ibid, 140.

⁶³ Aminur Rahman and Irwan Abdullah, *Gender and Sexuality: Discourses in the Contemporary Muslim World* (Pustaka Pelajar, 2012), 71.

⁶⁴ Kugle, *Homosexuality in Islam*, 143.

⁶⁵ Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton University Press, 2004), 152-157.

the Isa Zega case through this perspective reveals that ritual purity functions not merely as a spiritual aspiration but also as a tool for inclusion and exclusion, determining who qualifies as a legitimate member of the collective religious life within the Muslim community. The dynamic interplay between individual spiritual intention (*niyyah*) and the adherence to communal ritual standards is central to the ongoing debate and serves as a pivotal focus for scholars examining the intersections of gender, piety, and legal frameworks.

The state's role in personal worship: Why should the state limit personal worship?

The relationship between personal manifestations of devotion and the authority of the state constitutes a noteworthy issue in modern pluralistic societies, especially in a Muslim-majority context like Indonesia. While Islamic teachings unequivocally uphold the sanctity of belief and the freedom to worship, the reality frequently reveals a more intricate scenario. Governments often find themselves manoeuvring through complex social, ethical, and spiritual expectations, particularly when an individual's expression of belief seems to challenge established norms. The situation involving Isa Zega, for example, underscores how these tensions are expressed in daily existence.

The Islamic legal tradition recognises the presence of legitimate limitations on the manifestation of belief. Within the realm of Islamic jurisprudence (*fiqh*), this concept is generally expressed through the idea of *maṣlahah 'ammah*, which relates to the collective welfare. Kamali explains that the state may impose restrictions on individual expressions of worship if they are considered to threaten social cohesion, compliance with religious norms, or the moral fabric of society. Throughout history, Islamic jurists have employed classifications such as *zandaqa* (heresy) and *bid'ah* (illegitimate religious innovation) to pinpoint deviations that might threaten the moral integrity of the community.

Classical scholars like Al-Mawardi emphasized the ruler's responsibility to preserve communal integrity by ensuring that public religious practices aligned with *sharī'a*. He⁶⁶ contended that although the sovereign ought to refrain from meddling in personal convictions, an obligation exists to address public actions perceived as subverting the established religious framework. Nonetheless, the tradition acknowledged the inherent limitations of state power and emphasised the necessity of due process to avert potential abuses.

⁶⁶ Abu al-Hasan Ali ibn Muhammad ibn Habib Al-Mawardi, *The Ordinances of Government (Al-Ahkam al-Sultaniyya Wa al-Wilayat al-Diniyya)*, Translated by Wafaa H. Wahba (Garnet Publishing, 1996), 10-12.

Modern scholars note that the contemporary nation-state diverges sharply from this older model. Hallaq⁶⁷ observes that the pre-modern Islamic state functioned more as a moral community steered by jurists and scholars, rather than as a centralised entity imposing rigid religious uniformity. In contrast, numerous postcolonial states with Muslim majorities have reconfigured Islamic authority to align with state interests, transforming religious discourse into an instrument of political control.

Indonesia illustrates these tensions clearly. In the national constitution, the country recognizes six official religions and enshrines freedom of religion in its constitution.⁶⁸ Yet in practice, institutions like the Majelis Ulama Indonesia (MUI) play a significant role in shaping how religious norms are defined and enforced because the control of the body and normalization or governmentality form part of the discussion of public morality.⁶⁹ That is why, MUI *fatwās* do not have direct legal power, but they often influence public attitudes and government policy.⁷⁰

Isa Zega's *'umrah* performance starkly exposed this dynamic. Their identity as a transgender woman engaging in a gender-segregated ritual drew intense criticism, turning what could have remained a private act of faith into a perceived public provocation. This triggered calls for state involvement to defend public morality and religious propriety. This controversy underscores an enduring tension within Islamic law: belief is protected, but outward expressions that deviate from social norms can be policed. It is noteworthy to take note of Shadid et al.'s argument on the concept of *fitna* (chaos or sedition), which has historically justified restricting acts deemed destabilizing to the moral order. Where religion is deeply embedded in public life, this can legitimize not just social backlash, but state intervention as well.

⁶⁷ Wael B. Hallaq, "An Introduction to Islamic Law," Higher Education from Cambridge University Press, Cambridge University Press, 3-5, 291-292, 511-516.

⁶⁸ See Bani Syarif Maula, "Religious Freedom in the Indonesia's Constitution: Between Upholding Constitutional Provisions and Complying with Social Considerations," *Journal of Indonesian Islam* 7, no. 2 (2013): 385–407; Alfitri Alfitri, "Religion and Constitutional Practices in Indonesia: How Far Should the State Intervene in the Administration of Islam?," *Asian Journal of Comparative Law* 13, no. 2 (2019): 1–25; Ahmad Rofii, "The Religiosity of the Indonesian Constitution: Article 29(1) and Its Interpretation," *Constitutional Review* 7, no. 2 (2021): 2548–3870.

⁶⁹ Syafiq Hasyim, *The Shariatization of Indonesia: The Politics of the Council of Indonesian Ulama* (Brill Academic Pub, 2023) 1,35.

⁷⁰ W. A. R. Shadid and P. Sj van Koningsveld, *Religious Freedom and the Position of Islam in Western Europe: Opportunities and Obstacles in the Acquisition of Equal Rights (with an Extensive Bibliography)* (Peeters Publishers, 1995), 47.

Yet according to Kamali⁷¹ Islamic jurisprudence clarifies that state intervention should only occur when there is a genuine risk to public order or morality, not simply when an act is unpopular or unconventional. Regrettably, this standard is frequently manipulated in practice, resulting in outcomes that do not consistently conform to established legal principles or international human rights norms. The Isa Zega case underscores the intersection of these various frameworks. Indonesia's legal framework guarantees the principle of religious freedom; however, it must navigate the complexities of social dynamics and the significant authority wielded by religious entities such as the Indonesian 'Ulama Council (Majelis Ulama Indonesia). In Zega's case, the state chose not to impose formal punishment, yet it did not clearly protect their right to worship, thus underscoring the intricate balance it upholds between constitutional principles and the influences of the majority.

Ultimately, Islamic legal traditions align with the perspective that belief is deeply individual and cannot be enforced upon people. The true challenge lies in how state navigates their public discourse. In the context of Islamic thought, the application of *maṣlahah* serves to protect the integrity of the Islamic community, while international law demands clear and indisputable evidence of harm, accompanied by rigorous adherence to principles of proportionality. The Isa Zega case exemplifies the complex dynamics at play, raising profound questions about the state's function as either a guardian of conventional standards or a protector of the individual rights of all citizens, irrespective of their beliefs or identities.

State intervention and limitation on religious freedom: The dilemma of regulating personal expression to worship for *maṣlahah* 'ammah concerns in a pluralistic society

The Isa Zega case offers a thought-provoking perspective for examining the extent to which the state may legitimately impose limitations on individual religious expression, especially in instances where such expressions clash with dominant religious norms. Despite the absence of formal prosecution, the circumstances involving Isa Zega highlight the complex relationship between legal structures and societal disapproval. It demonstrates how moral outrage can frequently override established legal norms in limiting the rights of minorities. From the perspectives of both Islamic and international human rights, the intervention of a democratic state in religious practices ought to be grounded in substantial evidence of harm, rather than driven by mere emotional responses. Kamali asserts that Islamic jurisprudence permits constraints on freedoms, such as expression and religious practice, but solely in

⁷¹ Kamali, *Principles of Islamic Jurisprudence*, 101-104.

circumstances where these limitations prevent tangible harm (*ḍarār*), rather than merely to uphold normative comfort or to evade causing offence.⁷²

In Islamic legal tradition, the concept of *hurriyah al-i'tiqād* (freedom of belief) is grounded in the Qur'ānic ethos that stated “there is no compulsion in religion”, and scholars such as Abdullahi An-Na'im stress that Islamic law should support pluralism rather than enforce dogmatic uniformity.⁷³ However, classical jurists placed important caveats on this freedom. As elaborated by Al-Mawardi in *Al-Ahkām al-Sultāniyya* and by Al-Ghazali in *Al-Mustasfā*, public expressions that visibly undermined Islamic communal norms such as apostasy, blasphemy, or *tashabbuh* (imitation of the opposite sex) were deemed punishable due to their potential to destabilize religious cohesion.⁷⁴ Ibn Taymiyyah extended this reasoning through his theory of *ḥisba* (moral intervention), arguing that the state has to curtail acts that might cause heresy or moral deviance.⁷⁵ In this framework, the state's authority to limit individual behavior is not rooted in theological judgment alone, but in the preservation of *maṣlahah 'āmmah* (public interest), a core objective of *maqāṣid al-sharī'a*. As articulated by Al-Shāṭibī in *Al-Muwāfaqāt*, actions that violate public morality or risk undermining *ḥifẓ al-dīn* (protection of religion) are valid targets of state regulation, provided such interventions are proportionate and necessary.⁷⁶ Zega's engagement on social media transformed a personal act of devotion into a public display, which many interpreted as a challenge to established ritual and gender norms. Subsequently, this incited demands for moral rectification framed not in legal terms but as a matter of religious sensitivity.

Yet this approach remains contested within the contemporary Indonesian legal landscape, where Pancasila and constitutional protections for religious freedom and gender equality coexist with a sociopolitical climate heavily influenced by conservative Islam. Although Indonesia does not formally implement *sharī'a*, Islamic organisations like the Majelis Ulama Indonesia (MUI) possess considerable moral and cultural influence. Their 2010 *fatwā* against gender transition is frequently referenced to rationalise social exclusion and, in

⁷² Kamali, *Freedom of Expression in Islam*, 81-87.

⁷³ An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a*, 101-110.

⁷⁴ Al-Mawardi, *The Ordinances of Government (Al-Ahkām al-Sultāniyya Wa al-Wilayat al-Diniyya)*, 36-40; Abu Hamid Muhammad ibn Muhammad Al-Ghazali, *Al-Mustasfa Min 'Ilm al-Usul* (Dar al-Kutub al-'Ilmiyya, 1993), 178-184.

⁷⁵ Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge University Press, 2010), 63-67.

⁷⁶ Al-Shatibi, *Al-Muwafaqat fi Usul al-Sharia*, 195-200.

certain instances, informal regulation of transgender individuals' involvement in religious practices.⁷⁷

The case of Isa Zega illustrates this tension: her publicized 'umrah in *hijāb* and female prayer spaces was met with accusations of blasphemy, not because she defiled sacred rites *per se*, but because she did so visibly and unapologetically. In contrast to previous instances like that of Dorce Gamalama, who undertook the ḥajj subtly, Zega's audacity was perceived as a deliberate act of transgression.⁷⁸ Scholars like Tom Boellstorff and Sharyn Davies have explored how Indonesian transgender communities, including those in Pesantren Waria, engage with their faith through a lens of invisibility and calculated silence, frequently seeking alternative spaces for worship to evade public condemnation. Zega's case thus reveals the fragility of Indonesia's pluralism, wherein constitutional freedoms are susceptible to the authoritative influence of clerical *fatwās* and the regressive inclinations of digital communities. Instead of establishing legal clarity, the state risks exacerbating the situation by potentially granting informal religious authorities the power to define the boundaries of legitimate devotion.

Public outrage and legal boundaries: State, society, and the politics of blasphemy

Despite Isa Zega not facing prosecution now, religious leaders and public figures have readily expressed their indignation. The Indonesian Ulama Council (Majelis Ulama Indonesia, MUI) has issued a public denunciation of their pilgrimage, contending that it contravenes established Islamic principles. KH Muiz Ali of the MUI Fatwa Commission articulated that the action represents a divergence from *fiṭrah*, emphasising that gender reassignment fails to modify an individual's religious or legal gender within the framework of Islam. Similarly, Asrorun Ni'am Sholeh, the Chair of the MUI's Fatwa Division, articulated that while individuals possess the right to engage in spiritual devotion, religious rituals must be conducted in alignment with Islamic law, which acknowledges gender as determined by biological origin. Consequently, Isa Zega's undertaking of the 'umrah while adorned in women's attire, especially with the infringement of the male-specific *iḥram* dress code (which prohibits stitched garments), was regarded as religiously unacceptable and potentially deceptive to the public.⁷⁹

⁷⁷ Davies, *Gender Diversity in Indonesia*, 603-616.

⁷⁸ Ibid, 610. See also media coverage of Dorce Gamalama's pilgrimage.

⁷⁹ Majelis Ulama Indonesia. Komisi Fatwa, *Transgender Isa Zega Umrah Berhijab, Ketua MUI: Langgar Agama Dan Berdosa*, (Jakarta), Majelis Ulama Indonesia, November 25, 2024, *fatwā*. Accessed 01 July 2025.

In addition to religious authorities, various political and social entities engaged in the discourse. Mufti Anam, a member of Indonesia's House of Representatives, condemned Isa's actions, labeling them as *penistaan agama* (blasphemy), which constitutes a criminal offence according to Indonesian law.⁸⁰ He urged the authorities to investigate and prosecute under Article 156A of the Criminal Code of the Republic of Indonesia, which criminalizes public acts considered offensive to religion.⁸¹ His call underscored a wider apprehension among conservative factions of society regarding Isa's prominence during such a revered act, suggesting it could establish a perilous precedent and provoke confusion or discord within the Muslim community.

Civil society groups also became involved, Himpunan Aktivis Pemuda Indonesia (HAPI), Civil society organisations, such as Himpunan Aktivis Pemuda Indonesia (HAPI), a youth activist group, engaged in protests and called for the Ministry of Religious Affairs to impose disciplinary measures on the travel agency that enabled Isa's pilgrimage.⁸² They saw the occurrence as an institutional failing to preserve the integrity of religious values, in addition to a personal transgression. However, it is essential to note that these condemnations did not result in formal legal action. The boundary between social disapproval and governmental enforcement frequently determines whether individual acts of faith are protected or persecuted in pluralistic countries.

Had the government attempted to penalize Zega solely because of her gender identity, it would likely have breached Article 18 of the ICCPR.⁸³ The Covenant sets clear conditions: any restriction on religious expression must be legally prescribed, necessary to protect public safety, order, health, or morals, and proportionate to the legitimate aim pursued.⁸⁴

Islamic legal theory likewise constrains the state's power to limit religious expression. Islamic law permits some restrictions to protect public order, but these must be justified by

⁸⁰ Danang Sutojo Saputra, "Anggota DPR kecam transgender Isa Zega berhijab saat umrah: Penistaan agama," *DetikNews*, June 8, 2024. Accessed 10 July 2025. <https://news.detik.com/berita/d-7645483/anggota-dpr-kecam-transgender-isa-zega-berhijab-saat-umrah-penistaan-agama>.

⁸¹ Kitab Undang-Undang Hukum Pidana (KUHP), Pasal 156 (1946). <https://peraturan.bpk.go.id/Home/De>.

⁸² VOI, "Buntut Isa Zega umroh, Kemenag didemo ratusan massa," *VOI*, November 20, 2024. Accessed 05 July 2025. <https://voi.id/berita/435417/buntut-isa-zega-umroh-kemenag-didemo-ratusan-massa>.

⁸³ United Nations, *International Covenant on Civil and Political Rights, Article 18*, United Nations General Assembly Resolution 2200A (XXI) (United Nations, 1966), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

⁸⁴ United Nations, *Universal Declaration of Human Rights* (United Nations, 1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

concrete, verifiable dangers rather than feelings of unease. According to Kamali, the *fitna* doctrine, which is frequently invoked to support limitations, was intended initially to confront actual risks to social stability rather than to quiet actions that only upset the general public. Kamali cautions that when *fitna* is misused, it can be used as a weapon for unnecessary repression rather than a communal safety measure.⁸⁵ From a modern Islamic human rights perspective, An-Na'im⁸⁶ argues that nations should safeguard religious plurality rather than enforcing orthodoxy. This indicates that the state's function in a pluralistic society is to provide room for various views and identities to coexist rather than to impose a single interpretation of Islam.

CONCLUSION

The unresolved conflicts at the core of contemporary Islamic discourses on ritual, gender, and the boundaries of freedom of expression were exposed by Isa Zega's *'umrah* and the commotion it caused. Even though the controversy revolves around a transgender woman's performance of a holy pilgrimage in ways that many people find inappropriate, it also highlights how hotly debated the lines are over what constitutes acceptable worship, particularly when ritual is made extremely visible through digital platforms.

This study has shown that ritual acts are not isolated; instead, they are carried out, observed, and monitored within overlapping theological, social norms, and the modern nation-state's duty to ensure *maṣlahah 'āmmah*. It is hard to keep the ritual breach within a private sphere of conscience because of Zega's choice to dress like a woman, cover herself in white, and share these pictures online. By doing this, they compel the Muslim community at large to acknowledge how susceptible ritual space is to emerging forms of physical expression and digital spectacle.

The Zega example challenges conventional interpretations of ritual as static performance from a theoretical standpoint. It demonstrates that the body in worship is a contested social text where gender norms, concerns about pollution, and the policing of piety are continuously negotiated, rather than merely a place of surrender to divine order. Zega's presence disturbs not only theological categories of male and female but also the administrative structures that rely on them, such as the gendered regulations for *ihrām* clothing and the

⁸⁵ Kamali, *Freedom of Expression in Islam*, 8-9, 85-86.

⁸⁶ An-Na'im, *Toward an Islamic Reformation*, 36-38.

segregation of ritual space during *tawāf* and *sa'i*, by entering the sacred precincts of Mecca with a gender identity that is visible and defies binary rulings.

Furthermore, the state's cautious response shows the complex interplay between various legal frameworks in both promoting and limiting religious freedom (its manifestation). The Indonesian experience demonstrates how societal pressure, moral panic, and the enduring tradition of *hisbah* as a collective obligation shape constitutional rights pertaining to belief and expression. The ongoing tension between societal ethics and the freedom of belief persists in the modern context, particularly as social media amplifies both personal autonomy and communal oversight, as illustrated by Zega's case.

This thesis importantly prompts an inquiry into the potential for contemporary assertions of bodily autonomy to reframe established concepts of gender integrity and ceremonial purity. Zega's transgression is not just an isolated incident; rather, it is a test of how adaptable Islamic law and Muslim societies can be when confronted with the visibility of marginalised bodies within sacred acts, if the body is both holy and dangerously permeable, as theories of ritual and pollution suggest.

In the final analysis, this example underscores a deep ambivalence rather than providing a definitive conclusion between the textual ideal of non-coercion and the reality of moral policing, between the promise of equality and the anxiety of ritual corruption. Zega's pilgrimage continues to provoke the question of what new interpretive horizons are open to jurists and the larger *ummah*, and what sacred boundaries must remain non-negotiable when faith meets freedom in the modern era.

REFERENCES

- Afsaruddin, Asma. "The Hermeneutics of Gender: Female Religiosity and the Discourse of Reform." In *Islamic Societies in Practice*, edited by Asma Afsaruddin. Routledge, 2003.
- Alfitri, Alfitri. "Religion and Constitutional Practices in Indonesia: How Far Should the State Intervene in the Administration of Islam?" *Asian Journal of Comparative Law* 13, no. 2 (2019): 1–25.
- Al-Ghazali, Abu Hamid Muhammad ibn Muhammad. *Al-Mustasfa Min 'Ilm al-Usul*. Dar al-Kutub al-'Ilmiyya, 1993.
- Ali, Kecia. *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence*. Simon and Schuster, 2016.
- Ali, Shaheen Sardar. *Modern Challenges to Islamic Law*. Cambridge University Press, 2016.
- Al-Mawardi, Abu al-Hasan Ali ibn Muhammad ibn Habib. *The Ordinances of Government (Al-Ahkam al-Sultaniyya Wa al-Wilayat al-Diniyya)*. Translated by Wafaa H. Wahba. Garnet Publishing, 1996.
- Al-Qaradawi, Yusuf. *The Lawful and the Prohibited in Islam (Al-Halal Wal-Haram Fil Islam)*. American Trust Publications, 1995. <https://www.islamicbook.com>.
- Al-Qurtubi, Abu 'Abdullah Muhammad ibn Ahmad. *Tafsir al-Qurtubi*. Vol. 2. Dar al-Kutub al-Misriyya, 1998.
- Al-Shāfi'ī, Muhammad ibn Idris. *Al-Umm*. Edited by Rif'at Fawzī 'Abd al-Muṭalib. Vol. 5. Dār al-Wafā' li Ṭabā'ah wa al-Nashr, 2001.
- Al-Shatibi, Abu Ishaq Ibrahim ibn Musa. *Al-Muwafaqat fi Usul al-Sharia*. Dar al-Kutub, 2002.
- An-Na'im, Abdullahi Ahmed. *Islam and the Secular State: Negotiating the Future of Shari'a*. Harvard University Press, 2008.
- An-Na'im, Abdullahi Ahmed. *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law*. Syracuse University Press, 2005.
- Asad, Talal. *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*. JHU Press, 1993.
- Baderin, Mashood A. *International Human Rights and Islamic Law*. Oxford University Press, 2005. <https://doi.org/10.1093/acprof:oso/9780199285402.001.0001>.
- Blackwood, Evelyn. *Falling into the Lesbi World: Desire and Difference in Indonesia*. University of Hawaii Press, 2010.
- Boellstorff, Tom. *A Coincidence of Desires: Anthropology, Queer Studies, Indonesia*. Duke University Press, 2007. <https://doi.org/10.2307/j.ctv125jthx>.
- Boellstorff, Tom. *The Gay Archipelago: Sexuality and Nation in Indonesia*. Princeton University Press, 2005. <https://www.jstor.org/stable/j.ctt5hhq1f>.
- Bukhari, Abdullah Muhammad bin Ismail al. *Shahih al-Bukhari*,. 1992nd ed. I. Dar al-Kitab al-'Ilmiyyah, 1992.

- Butler, Judith. *Gender Trouble: Feminism and the Subversion of Identity*. Routledge, 2015.
- Cook, Michael. *Commanding Right and Forbidding Wrong in Islamic Thought*. Cambridge University Press, 2010.
- Crouch, Melissa. "Indonesia: Pluralism and the Prospects for Law Reform." In *Legal Pluralism and Development: Scholars and Practitioners in Dialogue*, edited by Brian Z. Tamanaha, Caroline Sage, and Michael Woolcock. Cambridge University Press, 2012. <https://www.cambridge.org/core/books/legal-pluralism-and-development/indonesia-pluralism-and-the-prospects-for-law-reform/0C3B097D291C78582697B5B3FA1FBB67>.
- Dār al-Iftā' al-Miṣriyyah. *Fatwa on Sex Reassignment: Permissible Only for Khuntha Musykil Cases*. Dār al-Iftā' al-Miṣriyyah, 2017. <https://www.dar-alifta.org/Foreign/ViewFatwa.aspx?ID=8617>.
- Davies, Sharyn Graham. *Gender Diversity in Indonesia: Sexuality, Islam and Queer Selves*. Routledge, 2010. <https://doi.org/10.4324/9780203860953>.
- Douglas, Mary. *Purity and Danger: An Analysis of Concepts of Pollution and Taboo*. Psychology Press, 2003.
- El-Azhari, El-Azhari Taef. *Queens, Eunuchs and Concubines in Islamic History, 661-1257*. Edinburgh University Press, 2019.
- Fatwa Majelis Ulama Indonesia Nomor 03/MUNAS-VIII/MUI/2010 Tentang Perubahan Dan Penyempurnaan Jenis Kelamin (2010). <https://www.scribd.com/document/762986978/FATWA-Munas-MUI-2010-tentang-PERUBAHAN-DAN-PENYEMPURNAAN-JENIS-KELAMIN>.
- Habib, Samar. *Female Homosexuality in the Middle East: Histories and Representations*. Routledge, 2012.
- Hallaq, Wael B. "An Introduction to Islamic Law." Higher Education from Cambridge University Press, Cambridge University Press, July 9, 2009. <https://doi.org/10.1017/CBO9780511801044>.
- Hasyim, Syafiq. "State and Religion: Regulating Islamic Expression in Indonesia." *Studia Islamika* 20, no. 2 (2013).
- Hasyim, Syafiq. *The Shariatization of Indonesia: The Politics of the Council of Indonesian Ulama*. Brill Academic Pub, 2023.
- Ibn Hajar al-Asqalani. *Fath al-Bārī bi Sharḥ Ṣaḥīḥ al-Bukhārī*. Dār al-Ma'rifa, 2001.
- Ibn Hajar al-Haytami. *Tuḥfat al-Muḥtāj fī Sharḥ al-Minhāj*. Dār al-Fikr, 2001.
- Ibn Qudāma, Abī Muḥammad. *Al-Mughnī*. Edited by 'Abdullah ibn Abd al-Muhsin Al-Turkī. Vol. 13. Dār 'Ālim al-Kutub, 1997.
- Ibn Rushd, Muḥammad. *Bidāyah Al-Mujtahid Wa Nihāyah al-Muqtaṣid*. Edited by Muḥammad Hasan Hallaq. Vol. 2. Maktaba Ibn Taymiyya, 1994.
- Ibn Taymiyya, Taqī al-Din Ahmad ibn Abd al-Halim. *Majmu' al-Fatawa*. Vol. 22. Majma' al-Malik Fahd, n.d.

- Kamali, Mohammad Hashim. *Freedom of Expression in Islam*. Islamic Texts Society, 1997.
- Kamali, Mohammad Hashim. *Principles of Islamic Jurisprudence*. Islamic Texts Society, 2003.
- Kitab Undang-Undang Hukum Pidana (KUHP), Pasal 156 (1946). <https://peraturan.bpk.go.id/Home/De>.
- Kugle, Scott Siraj Al-Haqq. *Homosexuality in Islam: Critical Reflection on Gay, Lesbian, and Transgender Muslims*. Simon and Schuster, 2010.
- Mahmood, Saba. *Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton University Press, 2004.
- Majelis Ulama Indonesia. Komisi Fatwa. *Transgender Isa Zega Umrah Berhijab, Ketua MUI: Langgar Agama Dan Berdosa*. (Jakarta), Majelis Ulama Indonesia, November 25, 2024. fatwa.
- Maula, Bani Syarif. "Religious Freedom in the Indonesia's Constitution: Between Upholding Constitutional Provisions and Complying with Social Considerations." *Journal of Indonesian Islam* 7, no. 2 (2013): 385–407.
- Moustafa, Tamir. *Constitutions and Religious Freedom: Comparative Perspectives*. Cambridge University Press, 2023. <https://doi.org/10.1017/9781009208822>.
- Najmabadi, Afsaneh. *Women with Mustaches and Men Without Beards: Gender and Sexual Anxieties of Iranian Modernity*. Univ of California Press, 2005.
- Nawawi, Yahya ibn Sharaf an-. *Al-Majmu' Sharh al-Muhadhdhab*. Dar al-Fikr, 2000.
- Oetomo, Dédé. "Cautious Moves: The Politics of Islam and Lesbian, Gay, Bisexual and Transgender Issues in Indonesia." In *Human Rights, Sexual Orientation and Gender Identity in The Commonwealth: Struggles for Decriminalisation and Change*, edited by Corinne Lennox and Matthew Waites. Human Rights Consortium, Institute of Commonwealth Studies, School of Advanced Study, University of London, 2010. <https://hrc.sas.ac.uk/publications/occasional-paper-hrsi-1>.
- Rahman, Aminur, and Irwan Abdullah. *Gender and Sexuality: Discourses in the Contemporary Muslim World*. Pustaka Pelajar, 2012.
- Rofii, Ahmad. "The Religiosity of the Indonesian Constitution: Article 29(1) and Its Interpretation." *Constitutional Review* 7, no. 2 (2021): 2548–3870.
- Rowson, Everett K. "The Effeminate of Early Medina." *Journal of the American Oriental Society* 111, no. 4 (1991): 671–93. <https://doi.org/10.2307/603399>.
- Saputra, Danang Sutojo. "Anggota DPR kecam transgender Isa Zega berhijab saat umrah: Penistaan agama." *DetikNews*, June 8, 2024. <https://news.detik.com/berita/d-7645483/anggota-dpr-kecam-transgender-isa-zega-berhijab-saat-umrah-penistaan-agama>.
- Shadid, W. A. R., and P. Sj van Koningsveld. *Religious Freedom and the Position of Islam in Western Europe: Opportunities and Obstacles in the Acquisition of Equal Rights (with an Extensive Bibliography)*. Peeters Publishers, 1995.
- Staff, The University of Chicago Press Editorial. *The Chicago Manual of Style, 17th Edition*. University of Chicago Press, 2017.

Turner, Victor, Roger Abrahams, and Alfred Harris. *The Ritual Process: Structure and Anti-Structure*. Routledge, 2017. <https://doi.org/10.4324/9781315134666>.

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [The 1945 Constitution of the Republic of Indonesia] (1945). <https://peraturan.bpk.go.id/Home/Details/45013/uud-nri-1945>.

United Nations. *International Covenant on Civil and Political Rights, Article 18*. United Nations General Assembly Resolution 2200A (XXI). United Nations, 1966. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

United Nations. *Universal Declaration of Human Rights*. United Nations, 1948. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

VOI. “Buntut Isa Zega umroh, Kemenag didemo ratusan massa.” *VOI*, November 20, 2024. <https://voi.id/berita/435417/buntut-isa-zega-umroh-kemenag-didemo-ratusan-massa>.

Yaqeen, Institute. “Islam and the LGBT Question: Reframing the Narrative.” Yaqeen Institute for Islamic Research. Accessed July 05, 2025. <https://yaqeeninstitute.org/read/paper/islam-and-the-lgbt-question-reframing-the-narrative>.