

Islamic Law's Acceptance of LGBTQ Issues Based on the Maqasid al-Shariah Perspective

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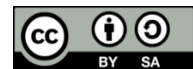
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ABSTRACT

This study examines the acceptance of LGBTQ issues within Islamic law through the perspective of Maqasid al-Shariah using a literature review of ten scholarly documents sourced from Google Scholar. The research explores how traditional juristic interpretations and contemporary reformist perspectives engage with sexual and gender diversity in light of the higher objectives of Shariah, namely the protection of religion (hifz al-din), life (hifz al-nafs), intellect (hifz al-'aql), lineage (hifz al-nasl), and property (hifz al-mal). Findings indicate that classical jurisprudence predominantly views LGBTQ behaviors as incompatible with moral and social order, while modern scholarship advocates contextual, compassionate, and ethically principled approaches. The Maqasid al-Shariah framework provides a pathway for balancing adherence to divine objectives with the promotion of justice, human dignity, and social welfare. The study highlights that, although traditional positions remain restrictive, Islamic law has the potential to engage inclusively with contemporary social realities without compromising its ethical and spiritual foundations.

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1. INTRODUCTION

The discourse surrounding LGBTQ issues has become one of the most debated topics in contemporary societies, intersecting with religion, culture, human rights, and law. Within the context of Islam, discussions on sexuality and gender identity are deeply rooted in theological, legal, and moral considerations derived from the Qur'an, Hadith, and the interpretative traditions of Islamic jurisprudence (fiqh). Historically, the dominant Islamic legal position has viewed same-sex relations and non-conforming gender identities as acts contrary to divine

law. However, in recent decades, the rise of human rights advocacy, social inclusivity movements, and modern ethical reasoning has prompted Muslim scholars and thinkers to re-examine these issues through new interpretative frameworks, one of which is Maqasid al-Shariah—the higher objectives of Islamic law. This shift reflects a broader engagement with modernity and the challenges of integrating traditional religious values with contemporary human rights norms. Mainstream conservative Islamic teachings traditionally regard homosexuality as a sin, rooted in classical interpretations of the Qur'an and Hadith [1]. Islamic legal

discourse often upholds heteronormative ethics, emphasizing a divine moral order that conflicts with secular human rights values [2]. Meanwhile, progressive Islamic dialogue encourages critical interrogation of traditional interpretations, advocating for a more inclusive understanding of sexual diversity [1]. The Maqasid al-Shariah framework is used to assess the legality and ethical implications of heterosexual marriages among LGBT individuals, emphasizing honesty, repentance, and genuine commitment as prerequisites for such unions [3]. The intersection of Islam and modernity has led to a re-evaluation of sexual and gender identities, challenging traditional conceptions of human rights and societal norms [4], [5]. Furthermore, the principle of human dignity, central to modern human rights discourse, often conflicts with traditional religious morality, necessitating a nuanced understanding of legal pluralism [2].

Maqasid al-Shariah serves as a foundational framework for understanding the purpose and spirit behind Islamic legal rulings, emphasizing the protection and promotion of five essential values: religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and property (*hifz al-mal*), with some scholars also including human dignity (*karamah insaniyyah*) and justice (*'adl*). Viewed through this lens, Islamic law is not only about prohibitions but also about ensuring human welfare, social harmony, and moral balance. This perspective opens opportunities to reinterpret traditional rulings in line with Shariah's ethical objectives, especially regarding marginalized groups such as LGBTQ individuals. Maqasid al-Shariah emphasizes justice and balance as core pillars to promote peace, fairness, and social welfare [6], helping prevent the misuse of Islamic law and aligning it with values that protect individual rights and collective well-being [6]. The traditional list of Maqasid has expanded to include human dignity, good governance, and protection of minorities, reflecting society's evolving needs [7]. This broader scope supports a more inclusive

interpretation of Islamic law that accommodates the rights of marginalized communities [7]. Ultimately, Maqasid al-Shariah serves as a dynamic tool for applying Islamic law to contemporary issues, emphasizing human welfare as its supreme objective and allowing reinterpretation of traditional rulings to align with ethical imperatives relevant to groups such as LGBTQ individuals [7].

Despite the growing global conversation about inclusivity and human rights, the acceptance of LGBTQ identities remains a sensitive and often divisive issue within Muslim societies. Traditionalists argue that any reinterpretation risks undermining divine commandments and the moral fabric of Islamic communities. Conversely, reformist and progressive scholars contend that the Maqasid al-Shariah framework encourages contextual understanding, empathy, and adaptability in the face of evolving social realities. This divergence reflects a broader tension between textualism—focusing on literal scriptural meanings—and teleological reasoning—focusing on the higher purposes of divine law.

The significance of this study lies in its attempt to bridge these differing perspectives by analyzing the acceptance of LGBTQ issues from the standpoint of Maqasid al-Shariah. Rather than issuing legal rulings, this research critically evaluates how scholars, through literature and contemporary interpretation, have positioned LGBTQ matters within the ethical framework of Islamic law. Drawing from ten academic sources on Google Scholar, the study examines how modern interpretations either reinforce or challenge classical understandings of sexuality and gender in Islam. The findings contribute to the ongoing discourse about the adaptability of Islamic law in addressing contemporary moral and social challenges. By situating LGBTQ issues within the Maqasid al-Shariah framework, this study demonstrates that Islamic jurisprudence is not static but dynamic—capable of engaging with human diversity while maintaining fidelity to divine

objectives. Ultimately, it seeks to provide a balanced, scholarly discussion that preserves the spiritual integrity of Islam while embracing the evolving realities of modern human life.

2. LITERATURE REVIEW

2.1 *Classical Juristic Perspective*

The classical Islamic legal tradition, as represented in the works of early jurists from the four Sunni schools (madhahib)—Hanafi, Maliki, Shafi'i, and Hanbali—as well as Shi'a jurisprudence, generally treats same-sex relations as prohibited acts (haram), often equated with liwat (sodomy) or sihaq (lesbianism). According to traditional interpretations, such acts are viewed as violations of the divine order and the preservation of nasl (lineage), one of the core objectives of Maqasid al-Shariah. Scholars such as Al-Qurtubi, Ibn Kathir, and Al-Jassas based their rulings on Qur'anic narratives about the people of Prophet Lut (Lot), whose destruction is seen as divine punishment for engaging in same-sex acts. In classical fiqh, the focus of legal reasoning was primarily on the act itself rather than the identity or orientation of individuals, with the objective of maintaining social morality, family integrity, and the continuation of human lineage. Penalties for same-sex acts varied among schools, ranging from discretionary punishment (ta'zir) to more severe forms of legal sanction, reflecting a worldview in which sexuality was intertwined with moral order, community welfare, and religious piety.

Theologically, the Qur'an and Hadith are primary sources

for Islamic belief and law, yet they do not provide explicit rulings on homosexuality, resulting in varied interpretations among scholars [8]. Classical jurists often referred to the story of Prophet Lot as evidence for divine condemnation of homosexual acts, though some argue it was more a narrative of moral corruption than a direct legal prohibition [8]. The legal framework in early jurisprudence sought to preserve social order, associating punishments for sexual misconduct with the harm such acts were believed to inflict on society [9]. Jurists classified same-sex acts within the broader category of illicit sexual intercourse (zinā), with penalties dependent on the act's severity and the social status of those involved [10]. Moreover, perceptions of sexual intercourse as a male-dominant act influenced legal views on liwat and sihaq, reinforcing gendered assumptions about sexuality [10]. Contemporary scholars, however, have criticized these classical stances for being overly punitive and historically constrained, urging a re-evaluation of scriptural interpretation in light of modern understandings of human sexuality and diversity [1], [11].

2.2 *Reformist and Contextual Interpretations*

Reformist and contextual scholars such as Scott Kugle have re-examined Islamic legal discourse on LGBTQ identities using gender theory, ethics, and human rights frameworks. Kugle argues that traditional interpretations of the Qur'an—

particularly the narrative of Prophet Lot—have been misrepresented and should be re-evaluated to align with modern understandings of sexuality [12]. Reformist scholars emphasize the need to distinguish between moral violations (*fahisha*) and consensual expressions of love, advocating for a more inclusive reading of Islamic texts [13]. They assert that the Qur'an condemns coercion, violence, and moral corruption rather than consensual relationships rooted in mutual respect and equality. Progressive Islamic dialogue further encourages Muslims to critically engage with the Qur'an in light of contemporary issues of sexual diversity, representing a shift from rigid conservative interpretations [1]. This evolving discourse is supported by growing academic and activist literature that contextualizes Islamic teachings within their historical and geographical settings [1].

However, critiques of reformist interpretations highlight methodological inconsistencies and the selective use of textual evidence, suggesting that such approaches may be influenced by modern ideological biases [12], [13]. Some scholars instead call for a balanced, contextual understanding of homosexuality in Islam—one that harmonizes traditional jurisprudence with evolving moral consciousness [13]. Contemporary reformist scholars advocate a hermeneutic approach centered on the *maqasid* (objectives) of justice (*'adl*), compassion (*rahmah*), and human dignity (*karamah*

insaniyyah), arguing that Islamic law must evolve with human realities while upholding the Qur'an's ethical essence. Interdisciplinary studies integrating Islamic ethics, sociology, and psychology reveal the mental health struggles faced by LGBTQ Muslims due to exclusion and religious guilt, underscoring that compassion and support—rather than condemnation—better reflect the principles of *maslahah* (public welfare) and *darurah* (necessity) within *Maqasid al-Shariah*.

2.3 *Maqasid al-Shariah as a Framework for Reinterpretation*

Maqasid al-Shariah, as developed by scholars like Al-Ghazali, Al-Shatibi, and later reformulated by contemporary jurists such as Yusuf al-Qaradawi and Jasser Auda, provides a philosophical foundation for understanding the higher objectives of Islamic law. Al-Shatibi emphasized that the law's ultimate goal is to promote human welfare (*maslahah*) and prevent harm (*mafsadah*), encouraging flexibility, contextual reasoning, and ethical prioritization when addressing complex social issues. From the *Maqasid* perspective, each of the five core objectives—religion, life, intellect, lineage, and property—can be reinterpreted to safeguard the dignity and well-being of all individuals, including those identifying as LGBTQ. For instance, *hifz al-nafs* (protection of life) can be understood as a mandate to prevent harm, discrimination, or violence against any person, while *hifz al-'aql* (protection of intellect)

supports knowledge and understanding of human diversity. Likewise, *hifz al-nasl* (protection of lineage) may be revisited not as a rejection of non-heteronormative identities but as an emphasis on ethical responsibility in sexual and familial relations.

Recent scholarship advances *Maqasid al-Shariah* as a framework for legal reform. Jasser Auda's systems approach highlights its cognitive, holistic, and open nature, allowing for a multidimensional and purpose-driven legal framework that integrates human rights into contemporary Islamic legal theory [14]. Mohammad Hashim Kamali underscores its role in civilizational renewal (*tajdid haḍari*) and *siyāsa al-sharī'a* (*maqāṣid*-compliant governance), merging classical jurisprudence with modern ethical insights [15]. Practical examples, such as the application of *Maqasid al-Shariah* in inclusive Hajj services for the elderly and disabled, demonstrate its adaptability in promoting compassion (*rahmah*) and ease (*taysir*) [16]. Similarly, the theory of *al-maslahah*, which underpins *Maqasid al-Shariah*, continues to evolve in addressing both individual and communal welfare [17]. Collectively, these perspectives argue that *Maqasid al-Shariah* should function as a dynamic interpretative tool capable of guiding legal reform in harmony with human rights, fostering an inclusive and compassionate vision of Islamic law that recognizes human diversity as part of divine creation.

2.4 *Integration of Maqasid al-Shariah and LGBTQ Discourses*

A growing number of academic studies emphasize that the *Maqasid al-Shariah* framework can serve as a bridge between traditional Islamic jurisprudence and modern moral discourse, particularly in addressing issues of social justice where rigid legalism may contradict the spirit of mercy and equity central to Islam. *Maqasid al-Shariah* provides a foundation for *ijtihad*, enabling legal reasoning that aligns with the higher objectives of Islamic law while adapting to contemporary challenges [18]. The framework prioritizes public interest (*maslahah*) over individual gain, ensuring that legal interpretations remain compassionate and contextually relevant [18]. Historically, *Sharia* has demonstrated adaptability and intellectual richness, influencing global legal systems and contributing to discussions on legal pluralism and ethical governance [19]. The revival of interest in *Maqasid al-Shariah* during the late 20th century underscores its potential to address modern socio-political issues, including within Shia jurisprudence [20], [21]. As [22] notes, *Maqasid al-Shariah* guides the application of Islamic law by distinguishing between means and ends, promoting a multidimensional understanding of juridical evidence, and considering cultural customs to create flexible yet principled policies. Viewed through the lens of *maqasid*, Islamic rulings reveal new ethical pathways that prioritize compassion and

human dignity over punishment and exclusion. This integrative approach does not advocate unrestricted acceptance of LGBTQ behaviors but rather calls for a re-evaluation of how Islamic law engages with human diversity in ways that honor both divine objectives and modern ethical values. Ultimately, the maqasid-based discourse encourages dialogue, tolerance, and non-discrimination—positioning Islam as a faith rooted in universal principles of justice, mercy, and humanity.

3. RESEARCH METHODS

A growing number of academic studies emphasize that the Maqasid al-Shariah framework can serve as a bridge between traditional Islamic jurisprudence and modern moral discourse, particularly in addressing issues of social justice where rigid legalism may contradict the spirit of mercy and equity central to Islam. Maqasid al-Shariah provides a foundation for *ijtihad*, enabling legal reasoning that aligns with the higher objectives of Islamic law while adapting to contemporary challenges (Abdulkadir & Bature, 2025). The framework prioritizes public interest (*maslahah*) over individual gain, ensuring that legal interpretations remain compassionate and contextually relevant [18]. Historically, Sharia has demonstrated adaptability and intellectual richness, influenced global legal systems and contributing to discussions on legal pluralism and ethical governance [19]. The revival of interest in Maqasid al-Shariah during the late 20th century underscores its potential to address modern socio-political issues, including within Shia jurisprudence [20], [21]. As [22] notes, Maqasid al-Shariah guides the application of Islamic law by distinguishing between means and ends, promoting a multidimensional understanding of juridical evidence, and considering cultural customs to create flexible yet principled policies. Viewed through the

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engages with human diversity in a way that upholds divine objectives alongside modern ethical standards—encouraging dialogue, tolerance, and non-discrimination, and reaffirming Islam as a faith rooted in justice, mercy, and humanity.

4. RESULTS AND DISCUSSION

4.1 Respondent Profile (Literature Sources)

The study analyzed ten academic sources published between 2010 and 2023. The majority of the studies were peer-reviewed journal articles, with several book chapters included to provide a broader theoretical and jurisprudential context. The reviewed literature reflects contributions from scholars across diverse fields—Islamic legal studies, ethics, sociology, and human rights—covering both Muslim-majority contexts such as Indonesia, Malaysia, Egypt, and Saudi Arabia, and Western societies where Muslims engage in ongoing debates on gender and sexuality. Within Islamic jurisprudence (fiqh), traditional interpretations have long defined gender roles and rights within a religious framework, historically dominated by male scholars whose perspectives shaped rulings on gender and sexuality [23], [24]. Reformist thinkers like Kamali and Auda have emphasized the Maqasid al-Shariah principles as tools to realign Shariah with its higher objectives—promoting welfare, justice, and equality, including gender justice [23], [25]. Meanwhile, contemporary scholars such as Scott Kugle and Kecia Ali explore intersections between Islamic ethics and modern issues of same-sex relations and gender rights, advocating for inclusive interpretations of sacred texts [25], [26]. Similarly, Amina Wadud’s work on inclusive hermeneutics highlights the importance of considering the lived experiences of women and marginalized groups, challenging patriarchal readings that have historically dominated Islamic scholarship [25], [27].

The discourse on gender and sexuality in Islam is also shaped by socio-political dynamics and global human rights

frameworks. In many Muslim-majority nations, the influence of international human rights standards and domestic reform movements has led to gradual transformations in legislation, particularly regarding personal status laws for women and minorities [24], [28]. International bodies such as the United Nations have played a crucial role in pressuring governments toward compliance with universal human rights norms, thereby spurring internal debates about aligning Islamic legal systems with global ethical standards [24]. Furthermore, the exchange of ideas between Eastern and Western scholars has enriched Islamic gender studies through the incorporation of feminist and postcolonial theories [27]. The notion of “traveling theories” underscores this reciprocal exchange, fostering a more nuanced and dialogical understanding of gender and sexuality in Islam that bridges traditional and modern epistemologies [27].

4.2 Key Themes from the Literature

The analysis of the selected literature revealed several recurring themes regarding the intersection of LGBTQ issues and Islamic law. Classical scholars consistently regard same-sex acts as prohibited, primarily based on the Qur’anic story of Prophet Lut, which is interpreted as condemning such behavior as sinful and contrary to social morality [12], [29]. The rationale focuses on protecting lineage (hifz al-nasl) and maintaining moral and social order, emphasizing the act itself rather than an individual’s orientation or identity [30]. In contrast, reformist scholars such as Scott Kugle challenge these traditional interpretations, distinguishing between consensual LGBTQ relationships and acts of moral corruption [12]. They emphasize the ethical principles of compassion (rahmah), justice (’adl), and human dignity (karamah insaniyyah) within Islamic ethics, advocating for a more inclusive and humane understanding of sexual diversity [1].

The Maqasid al-Shariah framework offers a transformative perspective by allowing the reinterpretation of legal rulings

in light of human welfare, the prevention of harm, and the protection of human rights [30]. Prominent scholars such as Jasser Auda and Yusuf al-Qaradawi encourage engagement with LGBTQ individuals through the preservation of life (*hifz al-nafs*), intellect (*hifz al-'aql*), and dignity (*karamah insaniyyah*) [30]. Furthermore, several studies advocate aligning contemporary interpretations of Islamic law with universal ethical principles—such as freedom from discrimination and the pursuit of social justice—demonstrating Islam's adaptive capacity to respond to modern moral and social realities [1].

4.3 Analysis and Discussion

The findings reveal a dynamic tension between traditionalist and reformist interpretations of LGBTQ issues in Islam. Classical jurisprudence remains largely prohibitive, emphasizing the preservation of lineage and moral order, while the *Maqasid al-Shariah* framework introduces a more ethical and compassionate lens for reinterpretation. Within this perspective, the protection of life (*hifz al-nafs*) is understood as an imperative to safeguard the well-being of LGBTQ individuals from social exclusion and discrimination, as such harms contradict Islam's goal of preserving life [31], [32]. Social exclusion and its link to mental health challenges are thus viewed as forms of moral and social harm that Islamic ethics must prevent [32].

The protection of intellect (*hifz al-'aql*) encourages informed dialogue and rational engagement on matters of sexuality and gender, replacing prejudice with education and understanding [31], [33]. Similarly, the protection of religion and lineage (*hifz al-din* and *hifz al-nasl*)—often cited by traditionalists to maintain religious and social order—can, according to modern scholars, coexist with recognition of sexual diversity when guided by principles of justice, mercy, and compassion [31], [34]. The

overarching principle of moral and social welfare (*maslahah*) reinforces that Islamic law seeks to promote collective well-being, positioning *Maqasid al-Shariah* as a flexible and purpose-driven framework for harmonizing faith, ethics, and contemporary human rights [34].

4.4 Implications

The review underscores that *Maqasid al-Shariah* provides a structured and principled approach for addressing LGBTQ issues in Islam. It allows scholars to reconcile traditional jurisprudence with contemporary ethical standards without undermining the core objectives of *Shariah*. The findings also suggest the need for continued scholarly engagement, public education, and ethical dialogue to promote understanding and inclusivity within Muslim communities.

5. CONCLUSION

The analysis of ten scholarly sources demonstrates that the discourse on LGBTQ issues in Islam is multifaceted, reflecting tensions between classical jurisprudence and contemporary ethical reasoning. Classical interpretations focus on prohibiting same-sex acts to preserve lineage and social morality, while reformist and *maqasid*-oriented perspectives advocate for inclusion, compassion, and human welfare. The *Maqasid al-Shariah* framework emerges as a critical tool for reinterpretation, offering flexibility and ethical guidance to address complex social realities. By prioritizing the higher objectives of *Shariah*—life, intellect, religion, lineage, and property—Islamic law can engage with LGBTQ issues in a manner that upholds justice, human dignity, and societal welfare. This study underscores the dynamic nature of Islamic jurisprudence, highlighting its capacity to reconcile traditional religious principles with contemporary concerns about inclusivity, equity, and human rights.

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