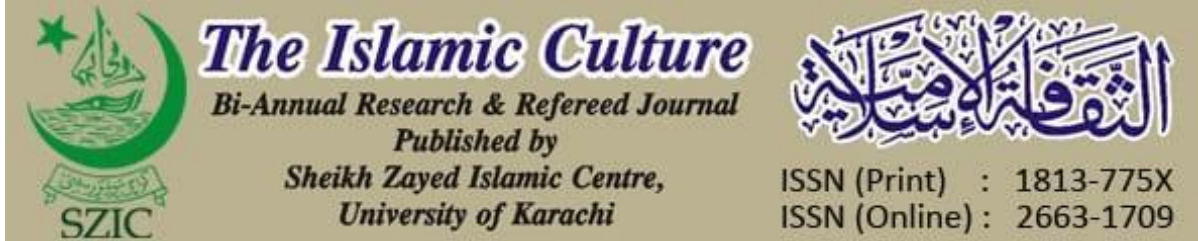

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TRANSGENDER SHARIA, LEGAL AND SOCIAL STATUS

Dr. Muhammad Rashid Khan Awan,
Assistant Professor, Department of Islamic Studies,
Sir Syed University Engg & Tech.
Email: rashidawan197999@gmail.com

Ms. Asma Perveen
Lecturer, Department of Islamic Studies,
Sir Syed University Engg & Tech.
Email: asperveen@ssuet.edu.pk

ABSTRACT:

Transgender is a modern Western term. The word "Transgender" is a combination of two words. Trans means "to move" or "to change", while gender means "sex". The following definition is taken from a United Nations document. A Men or women who deviate from their birth sexual identity and convert their gender Identity. For example, they want to be male or contradictory from a woman, or to be a woman or a male or contradictory or non -sexually man or adopt another modern identity. Some of them resort to medical procedures such as hormone therapy or surgery. They are also called transsexual. And some of them only express gender expression different from their birth gender, i.e., they change shape, cell, clothes, and features. They are also called Cross Dresser. Transgender laws around the world are not designed to protect people who are born transgender or intersex. Because they are born in the same condition medically and physically and statistically their number is very less. In the developed world they do not have the same problems that we have here. Transgender laws in the developed world are designed to protect those who voluntarily change their gender and are not limited to gender choice but extend to sexual orientation. Therefore, homosexuality with transgender is given full protection in the western world. Transgender law, if it is made absolute without including the necessary and Sharia fiefs, is a collection of many forbidden (haram) acts and Islam never allows any

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Islamic government to implement any such law in its country, rather, implementing and supporting any such law is strictly illegal and forbidden and is a deed that leads to hell.

Keywords: Trans, gender, Gender Expression, Prohibited, forbidden, Unwanted, Sharia laws, Country laws, Transsexual, Cross Dresser.

Introduction:

Trans Gender is a modern Western term. The word "transgender" is a mixture of two words. Trans means "moving" or "changing, while Gender means" sex ". The sex of a man or a woman is determined by the pregnancy, i.e., the first cells /fetus. The reason for this is the sex chromosome coming from the mother and the father.

Due to these chromosomes, the fetus creates the internal and external organs and hormones of the man or the woman. And they appear with the gender of a man or woman at the time of birth or puberty, call them cisgender. Because they are born in birth and physically a man or woman and are pleased with their gender identity. And if there is a defect in this system or hormone, etc., there are doubts in the sex of children. This ambiguity is sometimes visible at birth and never appears before puberty. Later, men or women who deviate from their birth sexual identity and convert their Gender Identity. For example male want to be a woman or to be Intersex from male or want to be male from a woman or to become intersex from a woman or just want to be non-sexually. Some of these medical procedures also do hormone therapy or surgery, etc. They are also known as Trans Sexual. And some only have different sexual expressions from birth sex, that is, appearance changes and wear other clothes and change their lives, they are also called Cross Dresser.

Individuals who are born with sexual ambiguity due to such an abnormality, they are called Hermaphrodite or Inter -sex. They have a difference of severity in terms of abnormality, In Islamic history, the jurists have also given such people the power to adopt the dominant gender. And if society is sensible and fears Allah, then they should be given the right to live in honor with the same situation. However, they have different hormonal or surgical methods of different needs that facilitate some matters.

Transgender laws in the world were not created to protect the intersex individuals. They are medically and physically like this and are extremely low in number. In the developed world, they do not have the problems that we have. In the developed world, transgender laws are optionally designed to protect their gender changers and they are not just limited to gender elections but also spread to sexual trends. Therefore, homosexuality with transgender is given full protection in the Western world. If Trans Gender Law is made without absolutely incorporating necessary and Sharia laws, then there will be a combination of multi -forbidden (haram) tasks. And Islam does not allow any Islamic government to enforce any such law in its country, Rather, implementing and supporting any such law, is illegal and forbidden, and it is the cause of hell.

Reality of Transgender Law:

The name of this law is the Transgender Act and there is all the deception in the name itself which is not understood by our lawyers and law makers here. Whose male or female signs are defective, In Islamic jurisprudence such a person is called an intersex /eunuch, and in Arabic they are called khunsa (خنثى). Transgender is a completely different thing, It means a congenitally normal male becoming a female by choice, without any compulsion or medical reason, or a congenitally normal female becoming a male.

Gender and sex are literally two different things. Sex is related to reproductive organs and gender is related to thought or mind. And the person in whom the gender different from the birth gender is called transgender. It is the most important thought of liberalism that it is the will of man to adopt whatever gender he wants and under the guise of this, there is also a plan to promote homosexuality. And obviously these things are absolutely forbidden in Islam.

- What will you do if your wife or husband changes gender in future?
- In the case of inheritance, what will you do if your sister changes her gender and claims the same share as men?
- What will you do if the wife becomes a man and refuses to perform Idda (عَدَّت) upon the death of her husband?
- If your son wants to be a girl and marry a boy, that is open homosexuality, what will you do?
- What will you do if a boy changes gender and becomes a girl and demands to live with women on Hajj and Umrah?
- He will stay with women in mosques, girls' colleges and institutes, what will you do?
- What would you do if he joined the ladies staff in hospitals and gained access to maternity homes?
- Similarly, he will use women's bathroom, ladies' swimming pool and ladies' gym etc. So what will you do?

These are just a few examples of what can be happen in a home and your society so there is nothing you can do after this law is passed. Because any surgery or hormonal therapy will not change her true sex, only the body will change.

The Transgender Protection of Rights Act was passed in 2018 to protect the rights of (Intersex) peoples. After that, a huge number of applications for gender reassignment were received. The religious circles called it alarming and demanded amendments to the possible errors in the law. Because actual transgender people who are born with gender ambiguity, very few are found all over the world. The law designed to protect intersex completely misrepresents the meaning of intersex. In the legislation that has been passed to protect the intersex, the meaning of intersex has been completely misrepresented. And the highest mistake made in this law is that gender change has been allowed in the ID card without confirmation from any medical board. The Shariah and legal disadvantage of this will be that if a woman changes her gender in the identity card to male without any medical confirmation, her share in the

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property will also increase. Similarly, if a man simply changes his gender on an ID card, he can harass and harm any woman.

FEW SOCIAL EVILS FROM IMPLEMENTATION OF TRANSGENDER LAW:

Without including the necessary and Shariah restrictions in the Transgender Law, it will lead to many Shariah and social malpractices in legislating and enforcing it, some of them are as follows:

Promotion of lies and deceit:

As a result of this law, anyone can claim to be intersex, when in reality he can be anything, male or female, and his claim is based on mere speculation without any evidence or Sharia. If the procedure is accepted without adopting it, it will open the way for outright lies and deception, while telling lies and deception are illegal and haram and will lead to hell. In the Holy Qur'an, Allah Almighty says: *لَعْنَتُ اللَّهِ عَلَى الْكٰذِبِيْنَ* (the curse of Allah upon the liars (1)). *Hazrat Muhammad Rasullah Khatam un Nabiyyen Sallallahu Alihi Wa Aleihi Wa Sallam* said: said about lying: *(اياكم والكذب، فان الكذب يهدى الى الفجور وان الفجور يهدي الى النار وان الرجل ليكذب ويتحرى الكذب حتى يكتب عند الله كذابا)*

Beware of lies, for lies lead to sin and sin is the cause of hell, a person tells a lie and keeps thinking of telling a lie until he is written as a liar in the presence of Allah. (2)

And the Holy Prophet (May the choicest blessings and peace of Allah be upon him) while describing the condemnation of the deceivers, said: *(من غشنا فليس منا)* whoever deceives, he is not one of us. (3)

Who is the real man and who is the woman among the intersex? It has to be decided by the Shariah and there is a complete procedure for it in the Shariah, so it will be possible to determine who belongs to which type of sex only by keeping this method in front. So when it is necessary to adopt the prescribed method of the Shariah even in real transgender, So, if there is any doubt as to whether he is a transgender, it is not right at all to make a decision based on a mere assumption or what someone has said, except for this method. Rather, in doing so, it will be necessary to violate the rules of Islamic Sharia. While every person is obliged to follow the laws given by Allah and His Beloved Messenger (May the choicest blessings and peace of Allah be upon him).

It will be difficult to implement Sharia rules:

Accepting the false claim of being intersex will create a social problem that people will start mistaking it for real intersex. Although the reality will be different from that, i.e. he will not be eligible for these orders of Shariah and then after claiming to be intersex. Under this law, since any man can declare himself as a woman and any woman can declare herself as a man, then there will be difficulties in the implementation of Sharia laws.

As the rules of intersex are different in the matter of inheritance, considering the signs found in their bodies, it will be decided whether they should inherit as a male or as a female. And whoever is actually

a woman, but takes advantage of this law to get her gender changed and then claim to be a man and receive the male share in the inheritance so there will be a violation of the prescribed portions of inheritance. While inheritance is a right ordained by Allah, he who receives as much as is assigned, if someone tells a lie and writes himself as male or female, then he will be called a wrongful usurper of the property of other heirs. Its strict prohibition has been stated in the Qur'an and Hadith. In the Holy Qur'an, Almighty Allah says: (وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبُطْلِ) Translation: And do not eat each other's wealth unjustly. (4)

Regarding the inheritance of men and women, Allah Almighty has said:

(لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانُ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانُ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا)

Translation: Of this (property) for men is the portion of the inheritance left by parents and relatives, and for women it is the portion of that which is left by parents and relatives. Part is made. (5)

Change in Allah's Creation:

Through this law, people will get justification for changing their genitals and they will consider any non-permissible change in it as their legal right. The people will be involved in the great sin of disobedience to Allah by changing and cutting their limbs, and will be guilty of a great Sharia crime. According to the Transgender Law, there will be legal permission to change the Allah's creation, due to which a man can make himself impotent and a man can make himself a woman, similarly a woman can make herself a man and this is making fun of something created by Allah, which is forbidden in the Islamic Sharia. It is in the Holy Qur'an that Satan, after being rejected, said one thing in the court of Allah that he would say to the people, they will definitely change the things created by Allah, and today if gender is changed through an operation, then this is the confirmation of Satan's claim and the implementation of his command. Therefore, Allah says in the Holy Qur'an:

(وَأَلْبَسْنَاهُمْ لُغَمًا فَمَنْ يَمُنُّ بِهِمْ وَلاَ يَمُنُّ بِهِمْ فَلاَ يَبْتَئِنُّ أَذَانُ الأَنْعَامِ وَلاَ يَمُرُّنَّ بِهِمْ فَلَيعْزِزْنَ خَلْقَ اللهِ وَمَنْ يَتَّخِذِ الشَّيْطَانَ وَلِيًّا مِّنْ دُونِ اللهِ فَقَدْ خَسِرَ إِسْرَافًا مُّبِينًا)

Translation: I swear, I will certainly lead them astray and certainly I will excite in them desires and will certainly say to them that they would cut the ears of cattle and will certainly bid to them that they would alter the creation of Allah. And he, who takes Satan for a friend beside Allah, has suffered a manifest loss. (6). This proved that the change in the creation of Allah Ta'ala is a satanic act and is forbidden in the Islamic Sharia. There is a lot of detail about it in the hadiths. The Prophet *Hazrat Muhammad Rasullah Khatam un Nabiyyen Sallallahu Alihi Wa Aleihi Wa Sallam* said: Allah Almighty has cursed the women who tattoo and the women who have themselves tattooed, and the women who pluck hair from the faces and those who have others pluck hair from the faces and the women who space between their teeth for beauty and those who change what Allah Almighty has created. (7) Similarly, a Hadith mentions the ruling regarding *musla* (مثله) i.e. distorting or disfiguring the original form,

(عن النبي صلى الله عليه وسلم أنه نهى عن النهية والمثلة)

The Prophet *Hazrat Muhammad Rasullah Khatam un Nabiyyen Sallallahu Alihi Wa Aleihi Wa Sallam* forbade robbing someone's property and *musla* i.e. distorting or disfiguring the original form. (8)

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Promotion of Homosexuality:

Because of this law, a man can have sex with another man by writing himself as a woman in the papers. Similarly, a woman can have sex with another woman by writing a man on her own. Which is an abominable act, the Qur'an and the hadiths have strongly condemned establishing such an intimate relationship between a man and a man and a woman with a woman.

Therefore, in the Holy Qur'an, while describing the favors that Allah bestowed on *Hazrat Loot Alihi Salam* the third favor is that Allah saved him from the town where the inhabitants were suffering from homosexuality and dirty activities they used to do, because they were bad people and disobedient. So Allah says: (وَ نَجَّيْنَاهُ مِنَ الْقَرْيَةِ الَّتِي كَانَتْ تَعْمَلُ الْخَبِيثَ إِنَّهُمْ كَانُوا قَوْمٍ فَاسِقِينَ)
Translation: We rescued him from (the people of) that town which had been doing evil deeds; Indeed, those evil people were disobedient. (9)

Defense and Promotion of Otherkin:

Taking advantage of this law, some people will fall into myths like Otherkin, and anyway, in the western world, especially in USA, there has been such a class, which calls itself animal, not human. Such people are called Otherkin. The first such person in the world appeared in USA 32 years ago in 1990. He was a student at the University of Kentucky. Now there is a whole community of these two-legged animals, and their oldest website is called Elfin Kind Digest. They refuse to consider themselves human. Some of them call themselves a dog, some a cat, some a fox and some a wolf, and behave in the same way. He has several pages on social media, on which he uploads evidence of his being a beast and experiences. These types of people also have many YouTube channels as well. Dennis Avner is an American Otherkin who has gained worldwide fame. It called itself the Stalking Cat. That is why it was also known by this name. It became the animal and managed to win the world title by entering its name in the Guinness Book of World Records, it spent thousands of dollars to look like a cat and then started living as a cat, then it died in November 2012. done. In a way, this was the beginning of transgenderism. Who also appeared in the form of Otherkin and now look further ahead. This is the real face of Western civilization, which Allah made the highest of all creatures, they are not satisfied with it.

Resembling man and woman to each other's:

As a result of this law, a man and a woman will be found to resemble each other, while the Islamic Sharia has forbidden a man and a woman to resemble each other, and cursed are the men who adopt women's look and those women who adopt men's look, rather, a man and a woman were forbidden to even wear such clothes that resembled those of the other sex.

So when it was forbidden to adopt a mere likeness, how can it be permissible for a woman to become a man and a man to become a woman by changing her sex? This act is much worse than similitude. In many books of hadiths regarding women adopting masculine status and men adopting feminine status, it is narrated from Hazrat Abdullah bin Abbas, (may Allah be pleased with him) that he says:

(لعن رسول الله صلى الله عليه وسلم المتشبهين من الرجال بالنساء والمتشبهات من النساء بالرجال)

Translation: The Messenger of Allah *Hazrat Muhammad Rasullah Khatam un Nabiyyen Sallallahu Alihi Wa Aleihi Wa Sallam* cursed those men who resemble women and those women who resemble men. (10)

Promotion of Unveiling and obscenity:

As a result of this law, veiling and obscenity will be promoted that a person, even if he is a man, can go among girls by simply writing himself as a woman in the papers and can display obscenity and obscenity in public, and this is Islamic Sharia. It is illegal, forbidden and sinful. In sex-reassigning surgeries, a man or a woman has to reveal their private parts (body parts veiled obligatorily) to other people without any valid Shari reason; and, the other person i.e. the surgeon has to look at their private parts and touch them without any valid Shari reason. And this act is forbidden. Since Islam is a beautiful religion and it forbids veiling and indecency, and the private part is an impressive part of human nature and instinct, it is permissible and forbidden to touch or see the private part without Shariah necessity, because the male So it is obligatory to cover the entire area from the navel to the lower end of the knees, and not to do so without it. Any Shariah justification is forbidden. Allah Almighty says about women in the holy Quran:

(وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا)

Translation: And not to reveal their adornment except what is apparent itself. (11)

In the hadith of Sahih Muslim:

لا ينظر الرجل إلى عورة الرجل، ولا المرأة إلى عورة المرأة

Translation: The Messenger of Allah *Hazrat Muhammad Rasullah Khatam un Nabiyyen Sallallahu Alihi Wa Aleihi Wa Sallam* said: A man should not look at a man's seventy and a woman should not look at a woman's seventy (12).

It is in the hadith of Shub al-Iman:

عن الحسن قال: بلغني أن رسول الله صلى الله عليه وسلم قال: لعن الله الناظر والمنظور إليه

Translation: Sayyiduna Hasan (may Allah be pleased with him) narrates that I received the news that the beloved Prophet (peace and blessings of Allah be upon him) said: "May the curse of Allah be upon him who looks at the forbidden and who encourages others to do so. (13)

In the light of all the above Quranic verses and blessed hadiths, it became clear that it is not permissible for any Islamic government to implement such a law in its own country.

Transgender law, if made absolute without including necessary and Shariah restrictions, is a collection of many prohibited acts. And Islam never allows any Islamic government to enforce any such law in its country.

Rather, enforcing any such law and supporting it is strictly illegitimate and forbidden and is a deed leading to hell.

Transgender Law and Destruction of the Human Race:

Transgender law is a plan to destroy the human race, because in countries where transgender law is being implemented, it has become common, among other problems, that the genealogy of future

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generations is being spoiled. Because a transgender woman is not able to have children because she is actually a man, she borrows eggs from someone to have a baby and the sperm gives its own.

Thus, they borrow the uterus of a third woman to develop the fetus. From this you can guess how the lineage of children born in this way will be proven? How will their mother and father determine who the mother is and who is the father? Rather, it will be more strange and worse than children born of adultery.

Who is their real father? Who will be called the mother who nurtured in the womb for nine months or the transgender woman who is actually a man and does not have the natural ability to be a mother, who will claim to be a parent? Because a child that many people claim

The parentage of this child becomes doubtful. Then what will be the future of the child? Who will he call as mother and whom will he call as father? These actions are against nature itself.

Currently in the western world, children born as a result of adultery are deprived of a single parent or both parents. Think how much the spiritual, psychological, physical and emotional attachment of the children born from this kind of process will be affected? As if this is a plan to destroy the human race.

Conclusion:

If this law remains in Islamic countries and specially our country Pakistan, then think! What will happen to us in the future? The decision is in our hands. We cannot turn a blind eye to this danger like a dove. We have to work hard and strive for it and make fundamental amendments in this Transgender Bill. We know very well that Allah Almighty has created man as the best and noblest among His creations. And just as Allah has made pairs of all His creations in this universe,

In the same way, men and women have been created within humans so that humans can maintain their caliphate on this world through their reproduction. This is how the entire system of the universe is running, in which Allah Almighty has created the human being according to His wisdom, which was the best gender. Both men and women have been given separate organs, through which the reproductive system proceeds. Now, if someone makes a change in this world system created by Allah Ta'ala only to satisfy his sexual desires, then without a doubt, that person will be called the perpetrator of a forbidden and illegal act, and will be declared a severe sinner and entitled to hell. And there are many rulings of Intersex that are completely separate from transgender issues and for that such persons should seek Shariah guidance. Therefore, Muslims should live their lives according to the commandments given by Allah and His Messenger. The good of this world and the hereafter are hidden in it. Allah Almighty protect all Muslims from making, supporting and implementing any such laws. Ameen

References

- (1) Al-Quran, Surah Aal-e-Imran part 3, verse # 61
- (2) Ibn Dawud Suleiman bin Ash'ath, Sunan Abi Dawud, Kitab al-Adab, Chapter Karahiyyah al-Ghana, (Beirut, Lebanon: Dar al-Kitab al-Arabi) Hadith No: 4926, vol. 2, p. 339
- (3) Muslim Ibn Al-Hajjaj Qashiri, Sahih, Kitab Al-Masjid, Chapter An-Nahi An-Nashid Al-Dazalah, etc., Beirut, Lebanon: Dar Ihya Al-Tarath Al-Arabi. Hadith No: 79, vol. 1, p. 70

- (4) Al-Quran, Surah Al Baqarah, part 3, verse # 188
- (5) Al-Quran, Surah Al Nisa, part 3, verse # 7
- (6) Al-Quran, Surah Al Nisa, part 3, verse # 119
- (7) Muslim Ibn Al-Hajjaj Qashiri, Sahih, Kitab Al-Masjid, Chapter An-Nahi An-Nashid Al-Dazalah, etc., Beirut, Lebanon: Dar Ihya Al-Tarath Al-Arabi. Hadith No: 79, vol. 2, p. 205
- (8) Bukhari, Abu Abdullah Muhammad bin Ismail. The correct Beirut, Lebanon: Dar Ibn Kathir, Al-Imamah, Al-Tabba, 1407, vol. 2, p. 829, Hadith No: 4858
- (9) Al-Quran, Surah Al Anbiya, part 17, verse # 21
- (10) Bukhari, Abu Abdullah Muhammad bin Ismail. The correct Beirut, Lebanon: Dar Ibn Kathir, Al-Imamah, Al-Tabba, 1407, vol. 2, p. 874, Hadith No: 4858
- (11) Al-Quran, Surah Al Noor, part 18, verse # 31
- (12) Muslim Ibn Al-Hajjaj Qashiri, Sahih, Kitab Al-Masjid, Chapter An-Nahi An-Nashid Al-Dazalah, etc., Beirut, Lebanon: Dar Ihya Al-Tarath Al-Arabi. Hadith No: 79, vol. 1, p. 266
- (13) Bayhaqi, Abu Bakr Ahmad bin Husain bin Ali bin Abdullah bin Musa (384 AH / 458 AH). Al-Sunan Al-Kubri. Beirut. Lebanon. Dar al-Kitab al-Alamiya, Vol. 7, Page No. 159