

Negotiation and Contestation of Islamic Religious Practices Transvestites In Yogyakarta

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ABSTRACT

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This paper analyzes the forms of negotiation and contestation of religious practices Transvestites in Yogyakarta. The issue of Transvestites has become a hot conversation in the Indonesian public space and has led to multiple interpretations of the Transvestites identity's position in the eyes of the law, religion, and society. So, it becomes significant to see how the negotiation and contestation of the Islamic religious practices among Transvestites. This study was conducted through field studies by conducting in-depth interviews and relevant literature search both online and offline. The results indicate that the Contestation of Islamic practices among Transvestites occurs in the form of interpretation of the Quranic texts, families and community organizations. To strengthen its existence, transvestites carried out many negotiations mainly related to the Islamic practice. Negotiations are carried out through various activities such as holding regular recitations, engaging in discussion forums and social activities in the community and interpreting the Quranic verse with a dehumanization approach to Islamic law. Besides, the support of religious leaders and the Legal Aid Institute further strengthens its authority in the community.

ABSTRAK

Artikel ini menganalisis bentuk-bentuk negosiasi dan kontestasi praktik keagamaan Waria di Yogyakarta. Masalah Waria telah menjadi perbincangan hangat di ruang publik dan menimbulkan berbagai interpretasi tentang posisi identitas Waria di mata hukum, agama, dan masyarakat. Oleh karenanya, menjadi penting untuk melihat bagaimana negosiasi dan kontestasi praktik agama Islam di kalangan Waria. Penelitian ini dilakukan melalui studi lapangan dengan melakukan wawancara mendalam dan pencarian literatur yang relevan baik online maupun offline. Hasil penelitian menunjukkan bahwa Kontestasi praktik Islam di kalangan Waria terjadi dalam bentuk penafsiran teks Al-Quran, keluarga dan organisasi masyarakat. Untuk memperkuat keberadaannya, waria melakukan sejumlah negosiasi terutama terkait dengan praktik beragama. Negosiasi dilakukan melalui berbagai kegiatan seperti simaan

al-Qur'an, terlibat dalam forum diskusi dan kegiatan sosial di masyarakat dan menafsirkan ayat Al-Quran dengan pendekatan dehumanisasi terhadap hukum Islam. Selain itu, dukungan dari para pemimpin agama dan Lembaga Bantuan Hukum semakin memperkuat otoritasnya di masyarakat.

INTRODUCTION

This article discusses the negotiation of religious practices among Muslim in Indonesian. Hirschkind (2006), Mahmood (2005), and Sakai (2010) have conducted a study of religious practices among Muslims and concluded that the practice of piety was seen as a straight and stable practice. Different from the last study, Schielke (2009, 2010) believes that the practice of piety is not seen as a straight and stable practice, but involves negotiation and ambiguity in practice.

This article uses Schielke's perspective. Studies that discuss the negotiation of piety practices among Muslims in Indonesia have been carried out by many scholars (Beta, 2014; Kailani, 2012; Nisa, 2018). However, their study, in general, discussed the phenomenon of negotiating Muslim piety practices in Indonesia with a focus on popular culture. Kailani (2012) discussed the phenomenon of piety practice negotiations through members of the Pen Circumference Forum (FLP) and concluded that FLP members negotiate their piety practices in the context of contemporary Indonesia, not bound by FLP behavior in general.

Unlike Kailani, a study conducted by Beta (2014) describes the negotiation of piety practices in the Hijabers community. His study concludes that young Muslim women who are members of the Hijabers community negotiate their piety practices through a popular clothing culture. Then the study conducted by Nisa (2018) discussed the negotiation of the practice of piety among Muslim youth in Indonesia through digital media and concluded that Muslim youth in Indonesia channelled their values of piety through Islamic social movements, mainly ODOJ (One Day One Juz).

In contrast to these studies, this article focuses on the practice of piety negotiations among Transgender, especially the Transvestites community in Yogyakarta. Pondok Pesantren Waria Al-Fatah Yogyakarta was chosen as the focus of the study because they routinely carry out religious studies every week. Thanks to this routine they claim to be Pondok Pesantren Waria Al-Fatah in Yogyakarta. Besides, the Pondok Pesantren Waria Al-Fatah Yogyakarta conducts spiritual guidance for transvestites in Yogyakarta and is involved in social activities.

Transvestites at the Pondok Pesantren Waria Al-Fatah Yogyakarta are seen as social religious phenomena that contradict various aspects such as Islamic law, legislative regulations, religious authorities, and others. This article explores explicitly what and how contestants are doing to display their piety in the public sphere. At least this article discusses two critical questions: First, what are the forms of religious

practice negotiations carried out by transvestites? Second, how do transvestites strengthen their existence in society?

So that, the explanation is divided into five parts. Part One discusses the background of the study. Part Two discusses the history of the emergence of the Pondok Pesantren Waria Al-Fatah Yogyakarta. Part Three discusses the negotiation of religious practices of transvestites. Part Four discusses the contestation of transvestites with religious *Nash* of sources, etc. Finally, this article concludes with a conclusion.

RESEARCH METHODOLOGY

The selection of the topic of this research was carried out by tracing many previous studies about negotiating Muslim religious practices in Indonesia. It is done to find out the position of this research. Besides, the researchers also saw that the public warmly discussed the transvestite discourse in Indonesia. The data of this study were obtained through field studies at the Pondok Pesantren Waria Al-Fatah (Neuman, 2014). During the research location, researchers observed many activities carried out by Al-Fatah Islamic Boarding School. Then, the researchers conducted an in-depth interview (Wimmer & Dominick, 2014) with the Leaders of the Islamic Boarding School and some transvestites. Besides, researchers conducted online searches related to the phenomenon of transvestites in Indonesia. Then, researchers conducted a literature search that was following the topic of this study. It is done to support primary data, and the data obtained were analyzed with a qualitative approach (Sugiyono, 2013).

RESULTS AND DISCUSSION

1. Pondok Pesantren Waria Al-Fatah Yogyakarta: History and Program

Discourse on religious practice negotiations and after the earthquake that shook the city of Yogyakarta in 2006 initiated the establishment of Pondok Pesantren Waria Al-Fatah in Yogyakarta. About five transvestites in Yogyakarta were victims of the disaster. Thanks to the death of five transvestites in this disaster, made other transvestites made a prayer activity together. A Kyai jointly led the prayer *activity* in Yogyakarta named KH. Hamroeli. Then after the activity, KH. Hamroeli proposed to the transvestites who were present to continue religious studies which were packed in the nuances of the Islamic Boarding School (Ratri, 2018a).

Like Islamic Boarding School in general, Pondok Pesantren Waria Al-Fatah Yogyakarta is formed by four essential components which show its existence as a pesantren namely, *Kyai*, *Santri*, *Ustadz*, and the container. *Kyai* is people who play an essential role in the formation of an Islamic Boarding School. A Kyai initiated Pondok Pesantren Waria Al-Fatah in Yogyakarta in Yogyakarta named KH. Hamroeli Harun, M.Sc. He is a *Kyai* who actively provides recitation in various regions in Yogyakarta. He is also the leader of the congregation of the Al-Fatah

Mujahadah Yogyakarta. According to KH. Hamroeli that the existence of the Pondok Pesantren Waria Al-Fatah is a noble intention of the transvestites to worship and draw closer to Allah SWT (Nurhidayati, 2010:65).

Besides *Kyai*, *Ustadz* is an essential component in a pesantren. Initially, KH. Hamroeli sent 25 *Ustadz* to fill a religious study at the Pondok Pesantren Waria Al-Fatah. There, *Ustadz* not only gave lectures but also guided and fostered the transvestites (Nurhidayati, 2010:65). Later, after the death of KH. Hamroeli, *Ustadz* who gave spiritual guidance at the Pondok Pesantren Waria Al-Fatah came from among the volunteers of social institutions, pesantren, and campus.

In addition to *Kyai* and *Ustadz*, Santri in Pondok Pesantren Waria Al-Fatah Yogyakarta numbered around 40 peoples, consisting of transvestites from various cities (Ratri, 2018b). One of the transvestites who initiated the establishment of this Islamic Boarding is Mariyani. Mariyani became the first Chairperson in Pondok Pesantren Waria Al-Fatah Yogyakarta (Nurhidayati, 2010:65). Currently, the Pondok Pesantren Waria Al-Fatah is led by Shinta Ratri who is also a transvestite since the 5th grade of elementary school (Safri, 2016:38).

In the beginning, the Pondok Pesantren Waria Al-Fatah Yogyakarta was called the "Pondok Pesantren Waria "Senin-Kamis" Al-Fatah. The Islamic Boarding is located in Kampung Notoyudan, Pringgokusuman Village, Gedong Tengen District, Yogyakarta Special Region in Kampung Notoyudan GT II / 1294 RW 24 / RT 85. The first time this pesantren was led by Mariyani. Then, after Mariyani passed away in 2014, Pondok Pesantren Waria Al-Fatah Yogyakarta was moved to Jl. Celenan RT.09, RW 02 Jagalan, Banguntapan, Kota Gede, Yogyakarta. There, the Pondok Pesantren Waria Al-Fatah was managed by Shinta Ratri and changed its name to the "Pondok Pesantren Waria Al-Fatah Yogyakarta".

As Islamic Boarding in general, Pondok Pesantren Waria Al-Fatah Yogyakarta also has a vision and mission to clarify the direction of its establishment, namely: **Vision:** "To realize the life of transvestites who are devoted to Allah SWT and are responsible for themselves and their families, as well as the community of the Indonesian Republic of Indonesia". **Mission:** "To educate transgender Santri to become devout personalities with the knowledge of Islam that is strong and able to adapt and interact with all layers of components of Indonesian society who are united in diversity."

To realize its vision and mission, Pondok Pesantren Waria Al-Fatah in Yogyakarta has many program activities including First, a study of spiritual formation. Study of spiritual coaching at transvestites Islamic Boarding School of Yogyakarta is conducted every Sunday afternoon starting at 16.00-20.00 WIB. In this study, transvestites follow some thematic religious studies about the *fiqh* of worship, strengthening of the faith, Muamalah and others. An *Ustadz* routinely fills

these *studies*. Then the study material was carried out with a question and answer method. With this method, transvestites get an understanding and solution on religious issues during their identity as a transvestite.

Before the thematic study begins, transvestites are guided to understand how to recite the *Quran*. Low levels of education, lack of family and environmental concerns that do not support implications for the low ability to read the *Quran* among transvestites. So that the effort to help transvestites to understand how to read the *Quran* by making a *Tadarus Iqro* program. They independently and take turns reading *Iqro* with the guidance of an *Ustadz*.

Secondly, the social activities program. As social beings, transvestites not only focus on religious issues but also programs that are oriented towards social life in society. Various social activities carried out by the Waria Al-Fatah Islamic Boarding School, such as: socializing the dangers of HIV/AIDS with the Indonesian Family Planning Association (PKBI), opening discussion forums with many campuses, social services and attending many seminars as well as filling workshops in various places.

This article shows that the programs carried out by Pondok Pesantren Waria Al-Fatah are not limited to fulfilling the spiritual desires of transvestites, but also strengthening their presence in the community and many issues that are developing. It is because the more often they publish themselves or are present in many activities, the authority is getting stronger.

2. Pondok Pesantren Waria Al-Fatah: Islamic Religious Practice Negotiation

The presence of transvestites in the social landscape in Indonesia has always led to different interpretations. Some groups define transvestites as a major sin because they are contrary to the norms of morality and human nature (Zuhdi, 1991:41). Different groups define transvestites as the fundamental right of every human being to choose and carry out daily life. Therefore, the human rights of transvestites need to be protected and guaranteed in the eyes of the law (Universal Declaration of Human Rights) (Harahap, 2016:225). In contrast to previous views, transvestites claim that the appearance of transvestites is a psychological impulse that occurs naturally without realizing it or in the language of religion is called the destiny of God.

“Aku sih gak pernah memilih aku sebagai waria. Kalau aku disuruh memilih, aku tidak mau menjadi waria. Aku rasa ini sudah jadi takdir aku, kodrat aku yang harus aku jalani. Aku merasa diriku perempuan cuman aku terjebak di tubuh laki-laki” (Nur Ayu, 2018).

However, socially transvestites show ambiguity in their identity. The ambiguity in his identity makes transvestites collide in various things such as the

manner of worship, getting a job and social involvement. In this condition, Transvestites negotiate all life practices to strengthen public trust, mainly related to religious ways. According to Schielke (2009, 2010) that the practice of piety is not seen as a straight and stable practice, but involves negotiation and ambiguity in practice. Likewise, with transvestites, the ambiguity of their identity makes them have to negotiate their various practices in the community.

Negotiations carried out by transvestites in Pondok Pesantren Waria Al-Fatah in Yogyakarta have been seen since the beginning of the establishment of the Islamic Boarding itself. According to Geertz (1983:268), Islamic Boarding has two meanings, namely in the narrow and broad sense. In a narrow sense, Islamic Boarding means a place for students to study religion. Whereas in the broadest sense, Islamic Boarding is a part of the Javanese population who embraced Islam and continuously carried out various religious activities in the mosque as a representation of their Islam.

Pondok Pesantren Waria Al-Fatah Yogyakarta stands thanks to the struggle of a transvestite named Mariyani who often participates in religious studies with the surrounding community. The general public mostly attended the study that took place around his residence. Mariyani is the only transvestite who attended a study with the surrounding community. Some transvestites feel alienated when they have to attend recitation with the general public, and often become the subject of discussion in the community. For example, related to clothes that must be worn when performing prayers and others.

Starting from this anxiety, Mariyani initiated the formation of a boarding school devoted to transvestites in Yogyakarta. In the Pondok Pesantren Waria Al-Fatah will feel comfortable to attend the recitation. They are no longer a discussion of the people and independently express their piety. In this context, it seems that the environment plays a vital role in one's practice of piety. In Islamic Boarding School, transvestites negotiate their piety through various religious practices such as First, prayer cloths. Al-Qur'an and *Sunnah* authorities have regulated the terms of clothing that should be worn by men and women during prayer services. For example, in *QS. Al-A'raf: 31* about the obligation to wear proper clothing and following the *Shari'a* when performing prayer services.

However, in the context of the lives of the transvestites, they did not directly accept the text order but negotiated the obligation to order the *nash* authority. Transgender people believe that the ambiguity of identity within them implies the freedom to choose the model of prayer clothing.

“Kalau untuk sholat, kami berikan kebebasan kepada kawan-kawan waria untuk memilih memakai mukenah atau tidak, tergantung kenyamanan kawan-kawan. Kalau mereka nyaman memakai mukenah, ya mereka

memakai mukenah. Tapi kalau mereka nyamannya memakai mukenah, ya mereka memakai mukenah. Saya sendiri lebih nyaman memakai mukenah dari dulu, jadi setiap sholat ya memakai mukenah dan mengikuti shaf wanita” (Ratri, 2018a).

In this context, transvestites do not tend to make the authority of the *Quran* or *Sunnah* as their foundation of *fiqh* of worship, but they do humanization of Islamic law. According to Syari’ati (1996:96) that humanism is a belief that aspires freedom from oppression, the perfection of life, justice, truth, human self-awareness, protecting worship, fighting for universal life and rejecting individual or group discrimination. Therefore, the negotiation process of the transvestites shows that transvestites as transgender groups must be seen a person who has the right to worship, regardless of whether or not the practice is with texts, good and bad, gender and others (Suseno, 2002:37). Then the practice of negotiation is strengthened because of getting legislation from the religious authority that fosters the Waria Al-Fatah Islamic Boarding School.

Negotiations on transgender religious practices show their relevance to the general rules in *fiqh*, namely: First, the problem must be seen from its purpose (*al-Umur bi Muqashidiha*). Second, strong belief will overcome doubt (*al-Yaqin la Yauzal bi al-Syakk*). Third, the inability of a person to get the ease of law (*al-Masyaqqah Tajlib al-Taisir*). Fourth, distress must be eliminated with legal certainty (*al-Dlarar Yuzal*). Finally, urgent needs can create unique sources of law (*al-Haaajah Tanzilu Manzilah al-Dlarurah*) (Al-Jurhuzi, 1965:28–32; Al-Suyuthi, 1965:5–62).

Besides, negotiating religious practices of transvestites has implications for the emergence of new public spaces or so-called “the Waria Public Space”. The concept of public space was first pioneered by Hubermas, Lennox, & Lennox (1964). Public space is a space or place to gather ideas from the oppressed to convey arguments about the rulers (bourgeois). In this context, transvestites create new religious spaces that are different from society in general. Efforts to create this new public space to maintain and strengthen its existence in society. It shows that basically, the public space is an open space whose meaning is continuously contested (Hafsi, 2014:365). Transvestites establish Islamic Boarding School to represent themselves as godly beings while creating new religious spaces and improving negative stigma in society.

“Selama ini kawan-kawan waria juga sholatnya sendiri-sendiri di rumah, karena kalau sholat di Masjid itu di sana membuat ketidaknyamanan. Akhirnya, kita membuat juga ruang nyaman untuk kawan-kawan waria beribadah. Akhirnya pada tahun 2008 itulah, kita bentuk kita resmikan pondok pesantren waria” (Ratri, 2018b).

“Aku tau pesantren al-Fatah, waktu itu kan aku biarpun aku berdandan perempuan. Tapi aku belum menjalani ibadah sholat ya, karena aku ngerasa masih ragu. Apakah aku beribadahnya pakai mukenah ataupun pakai sarung. Makanya aku lebih memutuskan tidak beribadah, tidak sholat. Nah, pada saat itu aku kenal kawan waria yang kebetulan sudah duluan ikut pondok pesantren di Notoyudan tempat bu Mariyani. Terus aku bertanya, nah kalau sholat pakai apa walaupun kita sama-sama waria ya. Tapi temenku itu ngomong kalau kita tu berdasarkan kenyamanan. Kalau nyaman pakai mukenah ya gak masalah. Kalau pake sarung ya dipersilahkan. Makanya aku mencoba untuk ke pesantren bu Mariyani itu. Akhirnya aku tanya bu Mariyani, ya silahkan kalau kamu pakai mukenah gak apa. Akhirnya aku memutuskan untuk pakai mukenah, karena aku merasa nyaman dengan mukenah, karena keseharianku aku sudah berpenampilan perempuan. Aku merasa sangat lucu seandainya aku tiap hari pakai rok, aku rambut panjang, aku pakai lipstik, pakai bedak, kok aku sholatnya pakai peci sama sarung” (Nur Ayu (Santri Waria), 2018).

The ambiguity of religious practices of transvestites has implications for the occurrence of contestation with religious institutions such as the Nahdatul Ulama, Muhammadiyah and others. Related to how the contestation takes place and what implications it will be explained in the next sub-section in this article.

3. Pondok Pesantren Waria Al-Fatah: Some Contestation of Issues and Practices

This sub-chapter will reveal specifically the contestation that occurred among transvestites through many tracing sources of texts, the role of religious organizations and social issues. Explicitly, the Quranic and *Sunnah* text authority only mentions two types of human identity, namely men and women (QS, An-Najm: 45). Whereas in *fiqh* literature there are four types of human identities, namely women, men, *Khunsa* (transvestites or sissy, or commonly called dual sex (*Khunsa Musykil*)), and *Munkhannis* (biologically male, but identifying as women and wanting to change their sex) (Mulia, 2010:292).

However, in the Arabic dictionary, the terms *Khunsa* and transvestites have different meanings. Al-Jurjani (n.d., p. 33) calls *Khunsa* someone who has two sexes at once or vice versa. Meanwhile, Transvestites is a person's behavior that is contrary to his biological identity. Therefore, transvestites are synonymous with the terms *al-Mukhannas* or *al-Mukhannis* namely a man who behaves like a woman (Manzur, n.d.:145). Transvestites at the Waria Al-Fatah Islamic Boarding School do not only identify themselves as *al-Mukhannas* or *al-Mukhannis* only. However, identifying himself as *al-Mukhannis* or *al-Mukhannas* who were born naturally. It is due to the division of *al-Mukhannas* and *al-Mukhannis* according to experts. According to the book *al-Qamus al-Fiqhi* that *al-Mukhannas* and *al-Mukhannis* are divided into two,

namely born naturally and *al-Mukhannas* who force themselves to behave like women (Safri, 2016).

Then, the transvestites carry out a number of interpretations of the verses of the Qur'an especially QS. An-Nur: 31 who claims that they are recognized for their existence in the Qur'an. Shinta Ratri, a transvestite and leader of the *Pondok Pesantren Waria Al-Fatah* said:

“Penguatan untuk kawan-kawan waria adalah bagaimana akhirnya kita menemukan suatu surat di dalam al-Qur’an yaitu Surat An-Nur ayat 31. Itu benar-benar kemudian kita merasa bahwa kita ini menjadi Waria tidak berdosa, untuk kemudian saya yakin semakin-yakinnya bahwasanya tadinya kita masih ragu-ragu kan, tetapi dengan sejalan kita bertemu dengan para ulama. Kemudian kita berdiskusi, di tahun-tahun itulah saya mendapatkan penguatan secara religius, bahwasanya kita menjadi Waria ini tidak berdosa” (Shinta Ratri, 2018a).

Section QS. An-Nur: 31 which is the basis of the transvestite's argument is the mention of the phrase *"at-Thabi'in Ghair Ulil Irbah Minar Rijal"* (male servants who have no desire for women). Basically, the transvestites base their arguments through the interpretation of classical scholars such as Ibn Katsir, Ath-Thabari, and others. According to Ibn Katsir in *Ar-Rifa'i* (2012:355) that the sentence *"at-Thabi'in Ghair Ulil Irbah Minar Rijal"* is interpreted as *Wadam* or *Sissy* who does not have the desire and desire for women. Even Ibn Katsir strengthened the opinion of Ibn Abbas who interpreted the phrase *"at-Thabi'in Ghair Ulil Irbah Minar Rijal"* as a person who is mentally ill and has no lust.

In line with Ibn Kathir, according to Ath-Thabari (1978:353) that the meaning of the sentence *"Ghair Ulil Irbah Minar Rijal"* means people who do not have sexual desire and do not want to live side by side with women. This group belongs to the category of castrated (*Abillah*), erectile dysfunction (*Mu'tawiyah*) and transvestites (*Mukhannats*).

Unlike the interpretation of classical scholars, contemporary scholars such as Quraish Shihab interpret the phrase *"at-Thabi'in Ghair Ulil Irbah Minar Rijal"* with the term of *Berahi* (people who have the readiness and mentality to carry out sexual activities) towards women like old people (Shihab, 2002:52). In this context, transvestites are contesting the interpretation of contemporary scholars. In addition to Surah An-Nur: 31, another letter in the Qur'an which is prone to give rise to the interpretation of the existence of the transvestites, namely QS. Ar-Rum: 21. However, according to Al-Qurthubi (2009) that the meaning of the sentence “And among the sign of His power” is to create for you wives of your kind so that you are inclined and feel at ease with him. According to him, this sentence explains that God creates togetherness between men and women through the peaceful feelings that men

feel for women from the turmoil of fear. Then in another letter like QS. Ash-Syuara: 165-166 also provides an overview of transvestites' behavior and others.

Transvestites are not only contesting the sources of texts but also with their family members. In essence, the family is the first instrument in the formation of one's character (Soekanto & Sulistyowati, 2006). Besides, families not only play a role in fulfilling physical needs but also giving love through psychological assistance (Ritzer, 2004). However, this family function seems far from the lives of transgender people. Transvestite identity in a family is often considered a disgrace.

This phenomenon occurs in the life of a transvestite at the Waria Al-Fatah Islamic Boarding School, Nunik. Nunik is an example of how transvestites are in a family environment. He got resistance and rejection and was even expelled by his family. His family considered the identity of transsexuals as a disgrace and shame. Therefore, transvestites need a family presence (Safri, 2016).

Then the transvestites in the Pondok Pesantren Waria Al-Fatah also contested with some government institutions and social organizations such as the Indonesian Council of Ulama (MUI), Nahdatul Ulama, Muhammadiyah and others. The existence of Waria later became a heated conversation in many media in Indonesia. This issue originated from the statement of the Chair of the People's Consultative Assembly (MPR), Zulkifli Hasan, who said that there were five factions in the House of Representatives that approved the behavior of Lesbians, Gay, Bisexuals (LGBT) in the formulation of laws related to LGBT in Indonesia (Republika.co.id, 2018). This issue has implications for the existence of the Pondok Pesantren Waria Al-Fatah in Yogyakarta.

Thanks to the rise of LGBT issues in Indonesia, on 19 February 2016 the Pondok Pesantren Waria Al-Fatah in Yogyakarta was the target of anger by the Islamic Jihad Front Organization (FJI). FJI demanded that the Pondok Pesantren Waria Al-Fatah close all forms of religious activity there. However, later the Pondok Pesantren Waria Al-Fatah assisted by the Legal Aid Institute (LBH) conducted advocacy related to the FJI mass organizations which had violated the religious freedom of the transgender people. The Islamic Boarding Authority was strengthened because it was supported by many religious leaders and the Yogyakarta Palace through a hearing entitled "Intolerance Movement and Overcoming Efforts" held at Pendapa Keraton Klien Yogyakarta. In addition, the legal system in Indonesia as stated in the 1945 Constitution Article 28A and 28i relates "the right to life, the right not to be compelled, the right to freedom of mind and conscience including, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on the basis of human rights law which cannot be reduced to any situation". Then, Article 29 paragraphs 1 and 2 in the

Universal Declaration of Human Rights (DUHAM) further strengthen the existence of transvestites in Yogyakarta.

However, the contestation faced by transvestites at the Pondok Pesantren Waria Al-Fatah in Yogyakarta did not stop at the FJI mass organization. The existence of transvestites also contested with the appearance of the fatwa of the Indonesia Council of Ulama (MUI) on transgender issued during the Second National Conference in 1980. In its fatwa, the MUI emphasized three critical aspects, namely, First, changing the male gender into a woman or vice versa unlawful, this is due to opposition to the Qur'an and opposition to the soul. Second, the person whose sex is replaced by a legal position is the same as the original sex before being changed. Third, a *Khunsa* (transvestite) whose male behavior is more clearly defined. Likewise the opposite and the law become positive (male) (Majelis Ulama Indonesia (MUI), 2011). The MUI fatwa is also further strengthened by the support of Islamic mass organizations such as Nahdatul Ulama and Muhammadiyah. According to *Kyai Miftah*, an NU figure said that LGBT behavior and LGBT supporters were deviant behavior and considered as a desecration of human honor. Therefore, the NU views that there is a need for rehabilitation of LGBT groups and emphasizes to the government to take firm steps in rehabilitation (NU.or.id, 2016).

In line with NU's opinion, Muhammadiyah leader Haedar Nashir said that transvestites' behavior is radically contrary to the values of Pancasila and Religion. Pancasila as the basis of the state that adheres to the "One and Only God and Fair and Civilized Humanity" rejects transgender understanding. It is due to the religious and humanitarian dimensions that require natural human behavior. Nashir also explained that to overcome transvestites' behavior it needs to be identified through two crucial aspects, namely, First, looking at transvestites behavior as given or innate. Therefore, the transvestites of this group need rehabilitation. Second, transvestites are seen as adherents of secular and liberal humanism who choose identity as a daily lifestyle. Transvestites groups need to be overcome and avoided (Suara Muhammadiyah, 2018). These various contestations that resulted in transvestites in Pondok Pesantren Waria Al-Fatah must negotiate their religious practices in the midst of society. On the other hand, negotiations also have implications for the occurrence of many contestations, but on the other hand, negotiations are an effort to strengthen the existence of transvestites in public spaces.

CONCLUSION

Through the phenomenon of transvestites at the Pondok Pesantren Waria Al-Fatah of Yogyakarta, this article shows that contestation and negotiation cannot be separated. Negotiations on the practice of Islam in the transvestites are sometimes the source of the contestation itself. However, on the other hand, negotiations also

strengthen the presence of transvestites in the community primarily to eliminate negative stigma in society. Then thanks to negotiations the transvestites have implications for the creation of a new public space called “Waria public space”.

Besides, this article concludes that contestation always requires negotiation to maintain its existence. The contestation displayed by transvestites in the form of resistance to forms of interpretation of mainstream Islamic law such as, raises the concept of dehumanization of Islamic law. Then contest with family and several religious organizations in producing public discourse. The public discourse presented by transvestites is by conducting some religious activities and social activities in the community.

However, this article does not question in depth about the involvement of the media in the contestation contest. Besides, the views of scholars about the concept of dehumanization of Islamic law escaped the attention of the author. So that future research is expected to deepen these issues in order to enrich the study of negotiations and contestation of Islamic practices among transvestites.

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