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Abstract: The Human Rights perspective and the Islamic perspective have **1**ite significant differences in viewing non-binary options in gender choices. This research aims to specifically compare these two perspectives. This research is qualitative research with a comparative descriptive approach r⁶egarding human rights and Islamic views on non-binary options in gender choices. The data used in this research is secondary da⁷ta. The data collection technique in this research uses the library research method. The analysis technique in this research uses analytical techniques for data collection, data selection, data **20**uction, and drawing conclusions. The results of this research show that from a human rights perspective there is no problem with the inclusion of non-binary options in gender choices. This is in line with the fundamenta⁸l principles contained in human rights, namely regarding sexuality rights which include the right to privacy, the right to autonomy over oneself, and human rights. This is in contrast to the Islamic perspective which views human gender from a biological aspect as consisting of only two groups, namely men and women. Each group has its own limitations in carrying out worship and muamalah. Even if physically there are humans who are born with two genders. So you are required to choose the most dominant of the two things.

Abstrak: Perspektif Hak Asasi Manusia dan perspektif Islam memiliki perbedaan yang cukup signifikan dalam memandang opsi non biner dalam pilihan²³ gender. Penelitian ini bertujuan mengkomparasi secara seskriftif dua perspektif tersebut. Penelitian ini merupakan penelitian kualitatif dengan pendekatan deskriftif komparatif mengenai panda⁶ngan Hak Asasi Manusia dan Islam terhadap opsi non biner dalam pilihan gender. Data yang digunakan dalam penelitian ini merupakan data sekunder. Teknik pengumpulan ²⁶ data dalam penelitian ini menggunakan metode pustaka/library re²⁴rch. Teknik analisis dalam peneltian ini menggunakan teknik analisis pengumpulan data, seleksi data, reduksi data, dan penarikan kesimpulan. Hasil penelitian ini menunjukkan, dalam perspektif Hak Assasi Manusia tidak mempermasalahkan masuknya opsi non biner dalam pilihan gender hal tersebut sejalan dengan prinsip-prinsip fundamental yang ada dalam Hak Asasi Manusi yakni mengenai sexuality right yang meliputi hak atas privasi, hak otonom atas diri sendiri, dan hak asasi manusia. Berbanding trebalik dalam perspektif Islam yang memandang gender manusia dari aspek bilogis hanya terdiri darri dua golongan yakni laki-laki dan perempuan. Setiap golongan memiliki batasan masiing-masing dalam melaksanakan ibadah dan muamalah. Bahkan apabila secara fisik terdapat manusia yang terlahir dengan dua jenis kelamin. Maka diharuskan memilih salah satu yang paling dominan dari du hal tersebut.



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INTRODUCTION

History has written that long before the arrival of Islam, It is known that there were two great civilizations, namely the Greek civilization and the Roman civilization. In addition, the world also recognizes the existence of two major religions, namely Judaism and Christianity. The existence of women in the cycle of time during these civilizations and religions has its own nuances. This can be specifically seen from the side of equality between men and women, both in public and domestic matters (Farida, 2016).

The pinnacle of Greek civilization depicts women given freedom only to meet the needs and tastes of men, so that free sexual relations are not considered something that violates decency, and places of prostitution become centers of political and literary or artistic activity. This condition really discredits women, so they cannot express themselves naturally (Ismail et al., 2020).

Furthermore, in Roman civilization, women were completely under the authority of their fathers position as head of the household. When women have a family, power in the household shifts to the husband. Therefore, the power that men had at that time was the power of ownership, not the power of protection. The power shown by men is absolute power which is not accompanied by affection so that the existence of women is always in a world of prolonged criticism (Kasmawati Kasmawati, 2013).

In the social life of a society, gender plays an essential role in identifying one another. Gender identity marks the members of society in their social life and assigning them the social roles they deserve. Gender diversity forms a grouping of people who give idea of the special characteristics of each group. Physical appearance is often used as a reference or marker in the gender identification process, placing them in one gender category and distinguishing them from other categories. Gender identification starts from or even before a baby is born. Paragraph writing is in the form of one column aligned to the left and right margins, except that every time you start the first line of the paragraph, it must indent within 5 letters of the left margin. Reference writing cannot be a direct quote

and must follow the description of the previous statement (Suhra, 2013).

In a binary gender system, the penis and vagina are often the primary markers for medical personnel to determine the gender of the baby; between men and women. Apart from these two organs, various physical characteristics such as body curves, voice, muscles and hair on the body can help identification. Social norms then require them to follow the 'rules' for embedded gender identities. In traditional gender values, men are required to act masculine like a woman who should act feminine. There is a stereotype that says; someone wearing lipstick, high heels, and a skirt (Siri, 2014).

Apart from men and women, lately the option of non-binary gender choices has become a hot topic of discussion among the masses and has generated varied opinions from different groups, including human rights activists, gender activists, and religious groups. Genderqueer or non binary (nonbinary) is a gender identity term that does not refer specifically to one gender such as female or male. Nonbinary can be between outside these two genders. In this context, gender identity refers to a person's internal perception.

Gender identity depends on how a person views himself, not based on biological conditions determined by sex. In fact, in the environment or medically, genderqueer groups are still considered male or female. However, they themselves do not associate themselves with male or female gender. In other words, non-binary or genderqueer groups do not recognize their specific gender, regardless of their physical appearance. The nonbinary group thinks of themselves as having two genders at once, even though they actually have one sex or even two (Hallosehat, 2023).

According to the Nottingham Center Gender Dysphoria, gender identity is not the same as sex determined by biological conditions. Gender identity is a person's way of viewing themselves or how a person assesses their identity. Gender itself is a term formed from culture and social environment, not stating gender such as men because they have a penis or women have a vagina. Non-binary groups do not describe themselves specifically according to male or female

gender. Meanwhile, transgender people are people who admit that their gender is the opposite of the sexual anatomy they were born with (Hallodoc, 2023).

In the Islamic view, men and women are differentiated based on gender and should also behave as it is their nature to be born into this world. In worship there are also striking differences and limitations between men and women. So that the non-true concept of queer activists as well as the representation of gender activists is partially unacceptable and creates a tangled thread that is difficult to find an end to. In addition, this activist also argues for the concept of human rights (HAM), which includes the concepts of freedom, equality, and **10** on (Rainbow, 2023).

Based on this, this research aims to comprehensively analyze non-binary options in gender choices studied from a gender perspective, human rights and religious perspective.

METHODS

This research is qualitative research with a descriptive approach (Sugiyono, 2019). This research describes the views of gender, human rights and Islamic activists regarding non-binary options in gender choice (Salim, 2016). This study uses secondary data. Data collection techniques in research use central/library research collection techniques which include scientific journals, books, scientific magazines, classic books, credible websites, and so on which can **11** used in this research (Manzilati, 2017). The analysis technique in this research uses observation techniques, data selection, data reduction, and drawing conclusions (Lexy J. Moleong, 2014).

RESULTS AND DISCUSSION

Human Rights Perspective

Talking about human rights, Wolfgang Benedek explained that the essence of human rights is the aspiration to protect the dignity of all humans. This means that all humans regardless of their gender differences. One issue that is important enough to be protected by human rights is **12** health, sexual rights, and Reproduction. In **The Cairo Conference and the Assertion of Sexual and Reproductive Rights as a Basis For Sexual and Reproductive**

16 Health, there is a Program of Action adopted at the conference, agreeing that Sexual and Reproductive Health and Rights (SRHR) is a human right that fulfills value in enhancing and respecting human rights of every human being. SRHR is then based on basic logic has a focus on individual empowerment and in the social reality there is discrimination against individuals and their sexuality (Salsa et al., 2020).

SRHR consists of four main foundations, including: 1) Sexual Health, which is a principle that sees sexuality in human **16** individuals and health services, formed with the aim of improving the quality of life related to the reproductive process; 2) Sexual Rights, namely an approach that specifically focuses on basic human rights, so that they are free from pressure, discrimination, violence, etc information related to aspects of sexuality they have; 3) Reproductive Health, is an aspect of rights that specifically guarantees a prosperous condition physically, mentally, socially as a whole, which is not limited on aspects of reproductive system disease and process function only; 4) Reproductive rights, rights recognized by law relating to aspects that aim to freely decide the number of children one wants, as well as the right to be free from discrimination, coercion and violence (David P. Forsythe, 2012).

Therefore, the discussion regarding the non-binary option in gender choice is closely **8** related to sexual rights, especially regarding the right to privacy, the right to personal autonomy, and the right to freedom. The Indonesian state has the responsibility to provide full guarantees for respecting, protecting and fulfilling the human rights of every citizen. If the state here is declared to have failed in carrying out its responsibilities, related to protecting human rights for its people, then the community has the right to take action. Society has the right to rebel and withdraw the mandate that has been given to the state (Alfirdaus, 2019).

Based on this, if the non-binary option in a human rights perspective is based on the UDHR, then the non-binary option in gender choice because sexual rights is related to freedom of choice, the right to privacy, and the right to autonomy over oneself. Therefore, the non-binary option in gender choice is in line with the principles of Human Rights. Not only men and women, the non-binary option is a symbol of respect for the existence of non-binary groups or not considering biological gender (Rocky Gerung, 2023).

Islamic Perspective

The rapid progress of the times has also affected the human mindset, which for some reason feels more and more eccentric. Indeed, the current mindset is increasingly open, people seem to value other people's lives much more, even though not many people think otherwise. However, in various liberal countries around the world, normalization of things that were previously taboo began to spread with the label of Human Rights, forms of the right to self-expression, determining one's personal life path and so on, some of these taboo things violate the norms of a religion. One of them is the religion of Islam (Faqih, 2023).

Observing the differences between the present era (globalization era, the era of society 5.0) and ancient times, say the 20th century to the early 21st century, one of which can be seen in the field of sexuality. Of course it is no longer something strange, taboo issues such as sexual issues, sexual orientation deviations, and gender issues, in essence not far from LGBT, now seem to have become a normal part of life in various liberal countries. The reason is that it is included in one's life choices in the name of human rights (Siri, 2014).

One of them is the non-binary phenomenon, otherwise known as non-binary and genderqueer. This non-binary is a gender term that does not refer specifically to either male or female gender, it can be said that a

person is not masculine, but not feminine either, but gender identity is based on one's internal perception, not from biological conditions. Sometimes, they think of themselves as having two sexes at once, regardless of their physical appearance (Suhra, 2013).

The Islamic perspective so far has tended to see gender in a binary opposition women and men only. Islamic theology rejects gender and sexuality diversity on the grounds that non-binary gender is contrary to sharia, violates God's destiny, and violates natural law. In this research, I discovered how Adi was able to negotiate his non-binary gender identity in an environment with high Islamic religious

²⁵ In the Al-Qur'an letter An-Najm verse 45 Allah says which means "And that He created the male and female pairs." Similar verses also have the same essence, that humans were created by Allah SWT with nature as a man or a woman. If humans live not according to their nature, that is tantamount to deviating from Islamic teachings, and this is wrong.

Even in Islam itself, there is a prohibition for a man to look like a woman and vice versa. This proves that a human being should live according to his nature, not deviate so that in his life can generate wisdom. The creation of two genders in this world is for humans to pair up and produce offspring, so that civilization is created (Faqih, 2023).

1 CONCLUSION

Based on the results of the discussion above, it can be concluded that Human Rights and the Islamic Religion have a very wide gap in perspective regarding binary options in gender choices. Human rights universally consider sexuality rights which include the right to privacy, the right to autonomy over oneself, and the right to freedom to view the non-binary option in gender choices as something that is fair and at the same time as a symbol that respects people who are non-binary or regardless of gender, biological side.

Apart from that, not considering oneself as a man or a woman is a freedom that cannot be limited under any conditions or circumstances.

In contrast to the human rights perspective, Islam strictly divides humans into two groups, namely men and women. By nature, men and women have their own limitations in practicing prayer and worship. In Islam it is forbidden for men to carry out activities similar to women and vice versa. Even if someone is born with multiple sexes, when they grow up they have to choose which of these sexes is the most dominant. Thus, it can be concluded that Islam views gender from the biological aspect that every human being has. Within these types/groups, there are only men and

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SRHR consists of four main foundations, including: 1) Sexual Health, which is a principle that sees sexuality in human individuals and health services, formed with the aim of improving the quality of life related to the reproductive process; 2) Sexual Rights, namely an approach that specifically focuses on basic human rights, so that they are free from pressure, discrimination, violence, etc information related to aspects of sexuality they have; 3) Reproductive Health, is an aspect of rights that specifically guarantees a prosperous condition physically, mentally, socially as a whole, which is not limited on aspects of reproductive system disease and process function only; 4) Reproductive rights, rights recognized by law relating to aspects that aim to freely decide the number of children one wants, as well as the right to be free from discrimination, coercion and violence (David P. Forsythe, 2012).

Therefore, the discussion regarding the non-binary option in gender choice is closely related to sexual rights, especially regarding the right to privacy, the right to personal autonomy, and the right to freedom. The Indonesian state has the responsibility to provide full guarantees for respecting, protecting and fulfilling the human rights of every citizen. If the state here is declared to have failed in carrying out its responsibilities, related to protecting human rights for its people, then the community has the right to take action. Society has the right to rebel and withdraw the mandate that has been given to the state (Alfirdaus, 2019).

Based on this, if the non-binary option in a human rights perspective is based on the UDHR, then the non-binary option in gender choice because sexual rights is related to freedom of choice, the right to privacy, and the right to autonomy over oneself. Therefore, the non-binary option in gender choice is in line with the principles of Human Rights. Not only men and women, the non-binary option is a symbol of respect for the existence of non-binary groups or not considering biological gender (Rocky Gerung, 2023).

Islamic Perspective

The rapid progress of the times has also affected the human mindset, which for some reason feels more and more eccentric. Indeed, the current mindset is increasingly open, people seem to value other people's lives much more, even though not many people think otherwise. However, in various liberal countries around the world, normalization of things that were previously taboo began to spread with the label of Human Rights, forms of the right to self-expression, determining one's personal life path and so on, some of these taboo things violate the norms of a religion. One of them is the religion of Islam (Faqih, 2023).

Observing the differences between the present era (globalization era, the era of society 5.0) and ancient times, say the 20th century to the early 21st century, one of which can be seen in the field of sexuality. Of course it is no longer something strange, taboo issues such as sexual issues, sexual orientation deviations, and gender issues, in essence not far from LGBT, now seem to have become a normal part of life in various liberal countries. The reason is that it is included in one's life choices in the name of human rights (Siri, 2014).

One of them is the non-binary phenomenon, otherwise known as non-binary and genderqueer. This non-binary is a gender term that does not refer specifically to either male or female gender, it can be said that a

person is not masculine, but not feminine either, but gender identity is based on one's internal perception, not from biological conditions. Sometimes, they think of themselves as having two sexes at once, regardless of their physical appearance (Suhra, 2013).

The Islamic perspective so far has tended to see gender in a binary opposition women and men only. Islamic theology rejects gender and sexuality diversity on the grounds that non-binary gender is contrary to sharia, violates God's destiny, and violates natural law. In this research, I discovered how Adi was able to negotiate his non-binary gender identity in an environment with high Islamic religiosity.

In the Al-Qur'an letter An-Najm verse 45 Allah says which means *"And that He created the male and female pairs."* Similar verses also have the same essence, that humans were created by Allah SWT with nature as a man or a woman. If humans live not according to their nature, that is tantamount to deviating from Islamic teachings, and this is wrong.

Even in Islam itself, there is a prohibition for a man to look like a woman and vice versa. This proves that a human being should live according to his nature, not deviate so that in his life can generate wisdom. The creation of two genders in this world is for humans to pair up and produce offspring, so that civilization is created (Faqih, 2023).

CONCLUSION

Based on the results of the discussion above, it can be concluded that Human Rights and the Islamic Religion have a very wide gap in perspective regarding binary options in gender choices. Human rights universally consider sexuality rights which include the right to privacy, the right to autonomy over oneself, and the right to freedom to view the non-binary option in gender choices as something that is fair and at the same time as a symbol that respects people who are non-binary or regardless of gender. biological side.

Apart from that, not considering oneself as a man or a woman is a freedom that cannot be limited under any conditions or circumstances.

In contrast to the human rights perspective, Islam strictly divides humans into two groups, namely men and women. By nature, men and women have their own limitations in practicing prayer and worship. In Islam it is forbidden for men to carry out activities similar to women and vice versa. Even if someone is born with multiple sexes, when they grow up they have to choose which of these sexes is the most dominant. Thus, it can be concluded that Islam views gender from the biological aspect that every human being has. Within these types/groups, there are only men and

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