



## ANALYSIS OF THE LAVENDER MARRIAGE PHENOMENON AND ITS CHALLENGES TO FAMILY LAW IN INDONESIA

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### ABSTRACT

*The phenomenon of lavender marriage—a marriage between heterosexual and homosexual individuals based on social or cultural motives to maintain the image or fulfill family expectations—is a real challenge in family law practice in Indonesia. This study aims to analyze the forms, motivations, and legal, social, and psychological implications of this practice. Using a qualitative approach with normative-sociological methods, data were obtained through interviews and literature studies which were then analyzed thematically. The findings show that although lavender marriage is administratively valid, this practice is contrary to the maqashid of marriage according to Islamic law and Law Number 1 of 1974, because it ignores the principles of honesty, the goal of building a family, and protection of partners and children. This study emphasizes the importance of a more adaptive regulatory response and social education to prevent the misuse of the institution of marriage as a tool for identity camouflage. This research contributes to the development of family law policies that are more responsive to contemporary social dynamics.*

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## 1. INTRODUCTION

Marriage in Indonesia is a social institution that is not only based on legal aspects, but also contains deep religious, moral, and cultural values. In the national legal system, especially Law Number 1 of 1974 concerning Marriage, the main purpose of marriage is to form a happy and eternal family based on the One Almighty God. Marriage is expected to be a physical and spiritual bond that reflects the emotional, spiritual, and social commitment between husband and wife.

However, the social dynamics of modern society have given birth to a new complex phenomenon, one of which is lavender marriage, namely marriage between individuals with heterosexual and homosexual orientations carried out for non-romantic purposes, such as maintaining social image, meeting family demands, or avoiding social stigma. This phenomenon is often carried out without any intention of forming a harmonious family as mandated in family law, but rather as a social strategy to hide sexual identity.

Historically, the term lavender marriage emerged in the United States in the 1920s, especially among celebrities, and is now developing in countries with strict family norms, including Indonesia. This phenomenon is in the spotlight because although it is administratively valid, its essence is contrary to the *maqashid* of marriage in Islamic law and the values of justice and honesty in national family law.

The presence of lavender marriage raises legal and social dilemmas, especially regarding the validity of contracts based on dishonesty, implications for the rights of couples, and their impact on children who may be born from the marriage. This phenomenon also raises concerns about the misuse of the institution of marriage as a form of identity camouflage, which can threaten the stability of family structures in Indonesian society that upholds the sacred values of marriage.

With this background, this study is important to comprehensively examine the phenomenon of lavender marriage from the perspective of Indonesian family law, in order to identify regulatory challenges and provide policy recommendations that are more adaptive to contemporary social dynamics without ignoring the basic values of law and religion.

## 2. RESEARCH METHOD

This study uses a descriptive qualitative approach with a normative-sociological method, aiming to understand the phenomenon of lavender marriage comprehensively from the legal, social, and psychological aspects in the context of the family law system in Indonesia. The normative approach is used to analyze the relevant legal framework, while the sociological approach is applied to explore the empirical reality and public views on the practice of lavender marriage.

Primary data were obtained through semi-structured interviews with six key informants, namely: two Heads of the Religious Affairs Office (KUA), two Chief Justices of the Religious Court, and two individuals who claimed to have been involved or were victims of lavender marriage. The purposive sampling technique was used to select informants who were considered to have knowledge, experience, and direct involvement with the research topic. The research location was focused on two areas: Binjai City and Medan, which were chosen because they reflect a conservative urban society but are exposed to modern social dynamics.

Secondary data were obtained from legal literature, scientific journals, academic books, and laws and regulations, such as Law Number 1 of 1974 concerning Marriage, the Compilation of Islamic Law (KHI), and classical and contemporary fiqh references.

The data analysis process was carried out using thematic content analysis techniques to identify key patterns in informant statements and legal documents. Interview data were transcribed, manually coded, and grouped based on major themes: lavender marriage

forms, motivations, legal implications, and institutional responses. Data validity was maintained through source triangulation techniques and reconfirmation of interview results with key informants. Validation guidelines follow the standards of Moleong (2001) and Soekanto & Mamudji (2001) in qualitative legal research. With this approach, it is hoped that the research results will not only be able to describe the developing social reality, but also contribute to the development of adaptive and responsive family law discourse to the dynamics of sexual orientation and marriage institutions in Indonesia.

### 3. RESULTS AND ANALYSIS

#### RESULTS

##### *Lavender Marriage Form in the Field*

The findings show that lavender marriages in Indonesian society can be classified into three main patterns:

1. **Consensual Marriage:** Both partners are aware of each other's sexual orientation and agree to marry in order to meet family demands or maintain social image. This practice is common among professionals and religious figures who feel they must maintain their public reputation. Informants from the KUA said that this case is difficult to detect because administratively it meets all legal requirements.
2. **Unilateral Marriage:** One partner is unaware of the sexual orientation of the other. In this case, the victim feels deceived and experiences emotional stress and psychological trauma. One of the victim informants stated: "I didn't know at all. Only after a year of marriage, I became suspicious because she often avoided me, and finally I found out she was still in a relationship with another man."
3. **Transactional Marriage:** This marriage is based on economic motivation or social status, without emotional involvement or romantic relationships. A Religious Court judge revealed that in several cases of requests for annulment of marriage, the reasons given indirectly refer to this condition, although it is difficult to prove legally.

##### *Psychological and Legal Impact on Victims*

Victims of lavender marriages generally experience psychological disorders such as anxiety, depression, and distrust of the institution of marriage. One victim said: "I feel like I'm living in a lie. He never touched me as a wife."

From a legal perspective, religious judges state that a request for annulment of marriage due to lies related to sexual orientation can be accepted if there is strong evidence that the marriage was built on deception. However, the evidence process often faces obstacles, especially because sexual identity is not an element that is explicitly stated in the marriage document.

Overall, field results show that lavender marriage is a hidden phenomenon that is quite widespread in Indonesian society, especially in conservative social environments that are oriented towards strict religious norms. This practice not only has an impact on household disharmony, but also poses a serious challenge to the family legal protection system which does not yet have effective instruments to detect it early.

## ANALYSIS

The lavender marriage phenomenon reflects a complex social reality, where cultural pressures, religious norms, and societal expectations of marriage encourage individuals with non-heterosexual sexual orientations to enter into heterosexual marriages in order to fulfill social constructions. Sociologically, this practice is a form of “identity compromise” that shows the dominance of heteronormative norms in a society that rejects the diversity of sexual expression (Giddens, 2006).

### *Lavender Marriage as a Social Strategy: A Social Role Theory Perspective*

Lavender marriage was first known in the United States in the 1920s–1950s, especially among Hollywood celebrities to protect their careers from discrimination against LGBTQ+ people (Griffin, 2006). However, it is now also occurring in conservative Asian societies, including Indonesia. This complex and multidimensional social phenomenon is now thriving in a society that has not accepted diversity of sexual orientations. Although this marriage appears legally valid, it often leaves emotional suffering, relational injustice, and broad social impacts.

Based on social role theory, individuals will adjust their behavior according to the social roles expected by the environment (Eagly & Wood, 2012). In this context, LGBT individuals in conservative environments tend to make adjustments through formal marriage as a form of symbolic compliance with social norms. Interviews with lavender marriage actors support this argument, showing that the action is carried out as a survival strategy, not as a manifestation of true love or commitment.

Based on the agreement and awareness of the couple, lavender marriage is classified into several forms: 1) Consensual Marriage, where both partners are aware of each other's sexual orientation and agree to marry to maintain social image or meet family demands (Herdt, 1997). 2) Unilateral Marriage, One partner is not aware that their partner is hiding their sexual orientation, which often causes emotional injustice and disappointment (Koeswinarno, Agus Iswanto, Haris Burhani, 2022). 3) Transactional/Commercial Marriage, Marriage occurs on the basis of economic gain or social status, without any true emotional or romantic relationship.

These marriages are held solely to fulfill formal legal provisions that are considered beneficial to both parties, in order to avoid violating legal norms that apply generally in society. Thus, the couple chooses a strategic step—legally valid, but still provides personal benefits and comfort. This phenomenon reflects a shift in marriage patterns in some levels of society today.

In many cases, individuals with homosexual orientation plan heterosexual marriages that are in accordance with societal norms and customs, with the aim of forming a social image that is in accordance with public expectations. This marriage is used as a tool to reduce suspicion of the surrounding environment towards their sexual orientation. After the marriage is carried out, it is not uncommon for them to continue to have relationships with same-sex partners in secret without their legal partners knowing. Thus, the marriage functions as a form of camouflage to hide their sexual orientation. (Nira Nianti, 2023) In addition, there is another pattern that is developing today, namely marriages between gay men and lesbian women that are consciously designed to fulfill the pillars and requirements of marriage according to religious and state regulations. Although formally

legal, the purpose of this marriage is not to build a family based on the values of marriage, but solely as a social strategy to avoid stigma or pressure from society. After the pillars and requirements of marriage are met, each party tends to return to an emotional or sexual relationship with a partner of the same sex. (Yeni Hartini, 2019)

### ***Social and Cultural Motivations Behind Lavender Marriage***

In a religious society like Indonesia, the existence of individuals with non-heteronormative sexual orientations, such as lesbian, gay, bisexual, and transgender (LGBT), is still very difficult to accept. Strong religious norms and cultural values that uphold marriage as worship and part of the perfection of life make social pressure on LGBT individuals even heavier. In many religious traditions, marriage is not just a personal choice, but is part of the implementation of sharia and a moral obligation.

This pressure becomes stronger when someone has entered adulthood. Society considers that individuals who are not married at a certain age are considered not "perfect" in living their lives. In situations like this, LGBT individuals are often in a dilemma. On the one hand, they have a sexual identity that is different from the majority norm, but on the other hand they are faced with demands from religion, family, and society to immediately marry heterosexually. This marriage is not based on romantic love or sexual attraction, but rather as a form of "survival strategy" amidst strong social and cultural pressures.

In addition, for many LGBT individuals in Indonesia, lavender marriage is a way to avoid stigma, discrimination, and even threats of violence. By getting married formally, they can maintain their reputation and family, fulfill religious expectations, and avoid suspicion or rejection from the environment.

Other motivations that drive this type of marriage are to maintain social status, obtain legal rights such as inheritance and citizenship, and maintain career continuity in a work environment or religious institution that demands a heterosexual image (Rahman, F., & Wijaya, 2020) not infrequently parents also force their children to get married immediately, while the child is homosexual so that their goal in getting married is to please their parents only so that they ignore the purpose of marriage itself. (Muhammad Subkhi, 2018) Other motivations include wanting to cover up shame, and even the intention to repent and change from the sexual deviations they experience. (Nira Nianti and Nugraha Andri Afriza, 2023)

However, behind the apparent obedience, lavender marriage leaves many psychological and emotional problems. Individuals who go through it often experience inner conflict, coercion, and even emptiness in their marital relationship. This shows that strong social and religious pressure can push someone to make decisions that are not in line with their true identity, in order to fulfill external expectations.

### ***Legal Analysis: Is Lavender Marriage Contrary to the Purpose of Marriage?***

Law No. 1 of 1974 concerning Marriage, which was updated by Law No. 16 of 2019, defines marriage as a physical and spiritual bond between a man and a woman as husband and wife to form a happy and eternal family based on the Almighty God.

In Islamic teachings, marriage is not just a civil legal bond, but is the sunnah of the Prophet Muhammad SAW which has a very high value of worship. Marriage is seen as 'mitsaqan ghalizha', a strong and noble agreement based on the intention to obey the

commands of Allah SWT and as a form of devotion of a servant in carrying out life according to the guidance of sharia (Ahmad Rofiq, 2013). Marriage must also be interpreted holistically, as a means of perfecting religion, maintaining self-respect, forming a *sakinah* family, and as a medium to foster affection, responsibility, and good values in household life.

If marriage is only understood as an ordinary social contract or civil relationship between two individuals, then its spiritual value and sanctity will be reduced. This kind of view can eliminate the noble meaning of marriage as a social worship that not only concerns two individuals, but also has a broad impact on families, society, and future generations.

Marriage that only prioritizes legal form without substance actually harms the values that family law wants to build. This is a serious challenge, not only in terms of religion, but also in the context of legal protection for couples and children who may be born from the marriage.

Lavender marriage is essentially contrary to these principles. The purpose of marriage law is not fulfilled because there is no intention to live together or form a family. In this context, such marriages can be seen as an abuse of law, which only prioritizes legal form without the substance of the marriage relationship.

Even when viewed from the legal bases contained in Law Number 1 of 1974 concerning Marriage, it is clear that the legal system in Indonesia does not recognize the existence of same-sex relationships, let alone legalize them in the form of a marriage institution. Furthermore, in the context of criminal law, same-sex sexual orientation also has certain limitations. Article 292 of the Criminal Code (KUHP) states that: "An adult who commits an indecent act with another person of the same sex who is known or reasonably suspected to be underage, shall be punished with a maximum imprisonment of five years." Although this article does not explicitly criminalize same-sex relations between adults in general, it still shows that there are legal limitations on homosexual practices, especially if they involve minors. (Fatimah Asyari, 2017)

### ***Legal, Social and Psychological Implications of Lavender Marriage***

From an Islamic legal perspective, a marriage contract is a sacred agreement that must be based on honesty (*ṣidq*) and mutual openness. If there is a concealment of essential personal conditions such as deviant sexual orientation in the contract, then this is classified as a defect in will or disgrace, which can be a reason for *fasakh nikah* (cancellation of marriage). Scholars such as Ibn Qudamah in *al-Mughni* state that any form of deception or hidden information that has the potential to hinder a normal husband-wife relationship can invalidate the contract (Ibn Qudamah, 2022). This principle is important because in Islamic law, consent and willingness in marriage must be based on complete and honest knowledge of the partner. Likewise, in national law, a similar thing is emphasized in the Compilation of Islamic Law (KHI). Article 71 letter (b) of the KHI states that a marriage can be annulled if there is fraud against the partner that was not previously known, while Article 72 gives the injured partner the right to file for annulment. Fraud in this context includes concealing important facts that are the basis for a couple in making a decision to marry. In addition, Article 27 paragraph (2) of Law No. 1 of 1974 also

provides a legal basis for annulment of a marriage if there is an element of coercion or fraud in the process.

Thus, a lavender marriage built on lies or fabrication of personal identity has the potential to be annulled by the Religious Court if it is proven that there is a loss to one of the parties. The annulment of a lavender marriage has a number of legal consequences, including: 1) the marital status becomes invalid from the start (*ab initio*), 2) the loss of the rights and obligations of husband and wife, so that there is no obligation to provide *iddah* maintenance even though the wife is required to perform *iddah*. 3) All marriage documents issued, including the marriage certificate, are declared invalid and there is no obligation for the Respondent to provide maintenance to the Applicant because the marriage is considered to have never occurred legally. (Rustam et al., 2025)

The legal consequences of the decision granted by the judge regarding the annulment of marriage due to same-sex sexual orientation do not apply retroactively to children, joint property, and third parties, meaning that all bonds in the field of civil law or agreements made by husband and wife before the annulment of the marriage between the two are valid bonds or agreements that must be carried out responsibly (Priscila Rotula Caroline, Renny Supriyatni, 2023). The author sees the need for legal protection for children born from the marriage, because in some cases, the injured party can claim compensation or file for child custody, with the principle of protecting the best interests of the child.

Therefore, marriages that are carried out without a foundation of honesty and the true goal of building a family are at great risk of causing legal problems, as well as violating the basic principles of Islamic law and national law that place marriage as a noble and dignified institution.

Ultimately, the lavender marriage phenomenon brings a number of complex social impacts, both on the perpetrators and on the partners or even families who are part of this engineered marriage. On the one hand, this phenomenon is a response to social pressure on individuals with LGBT sexual orientation. However, on the other hand, it can give rise to broad and layered social consequences, both in terms of health, education, and social security.

First, in terms of health, research shows that individuals with homosexual sexual orientation have a higher risk of certain health problems, especially in terms of sexually transmitted infections (STIs). Data from various studies indicate that around 78% of people who have same-sex sexual relations are at higher risk of contracting sexually transmitted diseases such as HIV/AIDS and syphilis. In the context of lavender marriage, hiding sexual orientation risks causing legal partners to not know their partner's true sexual behavior, which in the end can have health impacts on partners who are not consciously involved. For victims, especially couples who feel cheated, the impact can be emotional trauma and psychological disorders such as anxiety, distrust, and even depression.

Second, from a social and demographic perspective, lavender marriage does not resolve the fundamental issue of the perpetrator's sexual orientation. This pseudo-relationship is generally not based on love and sincerity, so it is not uncommon for it not to produce offspring. In the long term, if this practice occurs massively, it can have an impact on population dynamics and generational continuity, especially in a society that still relies heavily on a family system based on biological reproduction. Although it cannot

be generalized in an extreme way, this issue is important to examine in the context of family resilience and the country's demographic policies.

Third, from an educational perspective, children or adolescents with non-heterosexual sexual orientation often face bullying, discrimination, and insecurity in educational environments. Data from the Trevor Project (2022) shows that LGBT students are five times more likely to drop out of school than heterosexual students due to the psychological and social pressures they experience. In fact, around 28% of them are forced to leave school because they feel unaccepted. If this condition is not responded to wisely and preventively by educational institutions, there will be a systemic and widespread loss of human resource potential. Fourth, from the aspect of social security, there are concerns about the potential for sexual deviation involving violence, including against children. Although not all LGBT perpetrators commit sexual violence, certain cases show a correlation between sexual repression and misdirected venting. In the context of lavender marriage, perpetrators who cannot express their sexual orientation openly are at risk of experiencing psychological pressure that can turn into deviant actions, including forms of violence. This poses a serious threat to social stability and protection of vulnerable groups such as children (Afiyah, 2023).

Thus, lavender marriage is not only a personal or ethical issue, but has a broad social dimension and requires a multidisciplinary approach in handling it. The government, educational institutions, religious leaders, and civil society need to take an active role in building a culture of openness, comprehensive sexuality education, and encouraging policies that protect the rights of all citizens without normalizing manipulative practices that are socially and psychologically risky.

### ***Responses and Challenges of Indonesian Family Law to the Lavender Marriage Phenomenon***

The emergence of the lavender marriage phenomenon has become a new challenge in Indonesian society which is religious, adheres to family norms, and upholds the sanctity of the institution of marriage. Legally and socially, this practice creates rifts in the family order because it stems from dishonesty and pretense that weaken the essence of marriage itself. This situation is exacerbated because until today, there are no regulations that explicitly provide legal protection to couples who are victims of lavender marriage, especially when the dishonesty is only discovered after marriage. This causes social trauma, stigma against victims, and severe psychological rifts.

However, a number of legal instruments can be used: 1) Article 27 of the Civil Code and Article 22 of the Marriage Law allow for the annulment of a marriage if it does not meet the legal requirements. 2) Law No. 23 of 2004 concerning the Elimination of Domestic Violence can be used if psychological violence occurs.

However, the main challenge is the difficulty of proving the motivation behind a marriage. Legal officers and civil registrars (KUA) generally only check administrative completeness, not the substance of the relationship between the couple. This shows the limited authority of the KUA in identifying indications of lavender marriage.

The phenomenon of lavender marriage is the result of individual unpreparedness, social pressure, and a weak protection system in marriage. To answer this challenge, Indonesian families and society must carry out socio-cultural transformation by:

- a. Instilling marriage values based on honesty, love, and responsibility,
- b. Providing a safe space for individuals who experience identity confusion,
- c. Increasing family literacy and strengthening marriage guidance institutions.

Thus, the phenomenon of lavender marriage is a complex problem that not only concerns personal aspects, but also has a broad impact on family resilience and the social order of society. Therefore, synergy is needed between families, society, and the state in building a system of values, education, and legal protection that can prevent marriages based on falsehood and maintain the integrity of the meaning of marriage within the framework of Islamic family law and Indonesian social norms.

#### 4. CONCLUSION

The phenomenon of lavender marriage in Indonesia reflects the tension between heteronormative social norms and the diversity of sexual identities that have not been fully accepted in society. This practice—although administratively legal—is fundamentally contrary to the essence and maqashid of marriage in Islamic law and national law, which emphasize the principles of honesty, commitment, and the formation of a harmonious and sustainable family.

Field findings show that lavender marriages are generally born from family pressure, religious demands, and social stigma against non-heterosexual sexual orientation. In this context, marriage is used as a camouflage tool to gain social legitimacy, which actually has significant psychological and legal impacts on the couples and children involved.

From a legal aspect, this practice has the potential to harm the principle of justice in family law because it is built on the basis of deception of personal identity. Both Islamic law and positive law in Indonesia provide a legal basis for the annulment of marriage in cases of fraud or defective will, but the implementation mechanism still faces challenges of proof and limitations of premarital institutions.

Socially, lavender marriages risk perpetuating unhealthy household relationships, creating mental stress for both perpetrators and victims, and weakening family structures. In the long term, this practice can damage public trust in the institution of marriage as a main pillar of family and national development.

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