

# **Use of The Services of Transvests As Bridal Make-Up According To Dsn Mui Fatwa No. 112/Dsn-Mui/Ix/2017 (Case Study of Mompang Julu Village, Mandailing Natal District)**

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## **ABSTRACT**

We must do our work in accordance with the Sharia, while the people of Mompang Julu still use the services of transvestites. Even though all the people of Mompang Julu are Muslims, they still ignore and consider it normal for transvestites as bridesmaids to make up because they only prioritise beauty for a moment without caring about who does it. do their make-up without any more restrictions in front of transvestites who are clearly male transvestites. Waria has taken over all the make-up artists in Mompang Julu village, causing this influence. This research aims to find out the law regarding the use of transgender services as bridesmaids from the perspective of DSN MUI Fatwa No. 112/DSN-MUI/IX/2017. The method in this research uses an empirical type of juridical law with a living case study approach. Field data was collected through observation and interviews; the data obtained was processed using qualitative methods and analysed based on the logic of deductive thinking related to research studied by DSN MUI Fatwa No. 112/DSN-MUI/IX/2017. The results of this research show that people still do not understand Islamic law regarding transgender women as bridesmaids because local people only prioritise appearance at weddings rather than Islamic rules. MUI Fatwa No. 112/DSN-MUI/IX/2017 and Article 1230 of the Criminal Code prohibit and invalidate their services as they violate Islamic rules.

**Keywords: Ijarah Contract, Bridal Make-Up Artist, Transvestite, Woman**

## A. INTRODUCTION

Islamic law and Islamic sharia regulate that all forms of muamalah are permitted unless there is an argument that forbids or forbids them, one of which is that human activity in the field of muamalah is ijarah. Ijarah is an agreement to transfer the right to use goods or services, followed by the payment of wages or rental fees, without being accompanied by a transfer of property rights. Muamalah activities that we often encounter in everyday life, such as renting, paying wages, and selling services, are very often carried out in society and are very helpful in life. (Sakti & Adityarani, 2020). One type of ijarah is ijarah a'mal. A type of ijarah a'mal is a rental agreement for someone's services or work. Lupiyoadi and Hamdani explained that services have many meanings, such as personal services or products. Services are an economic activity that has results that are not in the form of physical products, which are usually produced and consumed simultaneously. (Rambat, 2006). Based on this, it can be concluded that services are an activity that has no form, quickly disappears, and cannot be owned.

Cosmetology is a science that studies the art of beautifying oneself or others using cosmetic tools. The use of cosmetics for make-up has been known since ancient times (Annisa, 2023). Recently, the phenomenon of transvestites as make-up artists has become something that is no longer strange to encounter. According to Kemala Atmojo, "a waria is a man who dresses up and behaves as a woman." (Atmojo, 1987). This action is prohibited by Allah, as in the hadith of Ibn Abbas Radhiyallahu 'anhuma, he said:

لَعَنَ اللَّهُ الْمُتَشَبِّهِينَ مِنَ الرِّجَالِ بِالنِّسَاءِ ، وَ الْمُتَشَبِّهَاتِ مِنَ النِّسَاءِ بِالرِّجَالِ

Meaning: "Allah curses men who resemble women, as well as women who resemble men." (HR. Ahmad 3151 dan dishahihkan Syuaib al-Arnauth).

Since 2013 until now, the profession of make-up artists in the village of Mompang Julu has increased. Previously, there were only 1 transvestite and 2 women, whereas currently there are more than 5 transvestite make-up artists, and all of them are taken by transvestites. This is because transvestites are more skilled in the field of make-up compared to women. So the only remaining profession of bridal make-up artist in Mompang Julu village is transvestite. Even though the law is not allowed, when applying make-up, you will definitely not be separated from things that are prohibited by Islamic sharia, such as looking at and touching body parts of the opposite sex. The opinion of Fiqh scholars says that touching the face and palms of a woman who is not a mahram is not permissible, even if it is safe and not accompanied by lust. The view of the cleric, Imam an-Nawawi, also said (An-Nawawi, 2011) :

أن كلام الأجنبية يباح سماعه عند الحاجة وأن صوتها ليس بعورة وأنه لايلمس بشرة الأجنبية من غير ضرورة  
كتطيب وقصد وحجامة وقلع ضرس وكحل عين ونحوها مما لا توجد امرأة تفعله جاز للرجل الأجنبي فعله للضرورة وفي  
قط خمس لغات

Meaning: We can hear the words (voices) of ajnabiyah women when there is a need, and their voices do not include private parts. Touching the skin of ajnabiyah women is not permissible without an emergency reason such as medical reasons, bleeding, cupping, tooth extraction, or, for example, where there are no women present. Men who are not mahrams are permitted to do this for certain emergency reasons.

In sharia law, a new contract is born after consent and acceptance are carried out. Consent is a statement of the will to enter into a bond, while kabul is a statement of acceptance of the bond. By reaching an agreement between the parties, which is realised by consent and qabul, a contract (akad) is born. In this case, the contract used is an ijarah contract, viewed from the perspective of DSN Fatwa Number 112/DSN-MUI/IX/2017. In this Fatwa, there are details of work or services carried out that are not prohibited by sharia and law.

Several previous studies have shown discussions about bridal make-up artists, such as research from Windari and the Review of Islamic Law on the Work of Make-up Artists. Silvia Annisa's Research on the Phenomenon of Transgender Bridal Make-up Artists: Existence and Discrimination in the Context of Masculinity and Sexuality Devi Hartika Tanjung conducted research on the Simalungun Regency Ulama's View of the Use of Transvestite/Transvestite Bridal Makeup Services (Tanjung, 2020). The difference between this researcher and previous research lies in the location of the research, and this research is from the perspective of DSN MUI Fatwa No. 112/DSN-MUI/IX/2017. Mompang Julu, Mandailing Natal Regency

Based on the description above, the researcher aims to find out how transvestites practice and process doing bridal make-up in Mompang Julu Village, Mandailing Natal Regency, and then what is the law regarding using the services of transvestites as bridal make-up artists from the perspective of DSN MUI Fatwa No. 112/DSN-MUI/IX/2017. Mompang Julu Village, Mandailing Natal Regency.

## **B. RESEARCH METHOD**

This type of legal research is empirical because it examines the application of law in people's lives. This research is also field research because primary data is obtained through field research. In this case, researchers went directly to the location to obtain accurate data

regarding transgender make-up artists in Mompang Julu, Mandailing Natal Regency. The next approach is the living case approach, which examines cases that occur in the field and the conceptual approach to understand how transvestite make-up artists actually apply the concept. The nature of this research is descriptive analysis. We collected field data through observation and interviews, processed it using qualitative methods, and analyzed it based on deductive thinking logic.

## **C. DISCUSSION AND RESULTS**

### **3.1 Practices and Process of Making Up a Bride in Mompang Julu Village**

From the results of interviews conducted, it was found that there are several things, such as styles and practices, when doing bridal make-up, which will not be the same for transvestite make-up artists in Mompang Julu because bridal make-up is something that supports the appearance of a bride and groom in a wedding event, which is carried out with various models and styles, such as traditional and modern, which have their own characteristics for each make-up artist. Transvestites in Mompang Julu village will usually listen and give the best advice to prospective brides because, as make-up artists, they must understand the position of the prospective bride, who will one day be queen, who must be beautiful and charming at her wedding for the satisfaction of the prospective bride, such as:

Finally, before doing the bridal make-up, usually the prospective bride and groom will order the bridal make-up service in advance, long before the day of the event. After placing the order, she will ask and offer what kind of wedding concept will be implemented because she also provides wedding frames, flower bouquets, photo equipment, clothing, and so on. If the bride-to-be already has a wedding concept, she will ask for a deposit as a token of use for her make-up services, which can also be paid directly in cash. If the concept and day have been determined, the final person will arrive at the location about four or five hours before the event starts. This is done because doing bridal make-up can take two hours for one face because he also offers skin care such as body scrubs, so that the bride looks fresh. She also offers consumers to choose what kind of make-up they want, so that consumers are satisfied choosing various kinds of foundation, lipstick, eye shadow, and even clothes. Usually, I do the make-up; there are some brides who don't want to shave their eyebrows, and I just make it beautiful, and he also posts the results of his make-up on social media. After doing the make-up and all the events are over, he will return, and payment is made.

Next, Saleh does his makeup. First, he coats the face with foundation, then shaves and paints the eyebrows according to the shape of the eyebrows on the consumer's face because the

eyebrows will be the benchmark for the make-up on the face. He also pays attention to the colour of the powder, which matches the bride's skin color. And the makeup colouring is not flashy because there is a combination of accessories and clothing used by the bride and groom.

The results of interviews with people who had their make-up done by transvestite make-up artists showed that, according to them, using transvestite make-up services produces beautiful make-up. Previous consumers who were satisfied with the results of transvestite make-up demonstrate this. Apart from that, the transvestite make-up service he uses offers relatively cheap prices. And other consumers also argue that transvestites' make-up is more beautiful and of better quality than women's make-up.

Transvestites expertly hold the profession of bridal make-up, but the people of Mompang Julu Village still do not pay attention to it, as revealed by the results of the interview. which is basically men who dress or behave like women is something that is prohibited by Islam, the MUI Fatwa, in its session on the end of Jumadil 1418 H, coinciding with October 11, 1997, regarding the issue of transgender women, decided that all deviant behaviour of transgender women is haram and must be strived to return to its original nature. Islam prohibits the behaviour of transvestites due to its clear violation of Islamic teachings. However, the community, or prospective brides and grooms in Mompang Julu Village, still prioritises their appearance at weddings compared to the law of using the services of transvestites as make-up artists for the bride.

Even though Allah's word is clear in the Qur'an regarding the command to cover the private parts for women, in Q.S. An-Nur verse 31:

وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا وَلَا يَضْرِبْنَ بِخُمُرِهِنَّ عَلَى خُبُورِهِنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ أَبْنَاءِ بُعُولَتِهِنَّ أَوْ إِخْوَانِهِنَّ أَوْ بَنِي إِخْوَانِهِنَّ أَوْ بَنِي أَخَوَاتِهِنَّ أَوْ نِسَائِهِنَّ أَوْ مَا مَلَكَتْ أَيْمَانُهُنَّ أَوْ التَّابِعِينَ غَيْرِ أُولَى الْأَرْبَابَةِ مِنَ الرِّجَالِ أَوِ الطِّفْلِ الَّذِينَ لَمْ يَظْهَرُوا عَلَى عَوْرَاتِ النِّسَاءِ وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِنْ زِينَتِهِنَّ وَتُوبُوا إِلَى اللَّهِ جَمِيعًا أَيُّهُ الْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ ٣١

Meaning: "Say to the believing women that they should guard their eyes, protect their private parts, and do not reveal their ornaments (parts of their bodies), except those that are (normally) visible. They should cover their headscarves over their chests. They should also not reveal their ornaments (their private parts), except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sisters' sons, women (fellow Muslims), servants they have, male (old) servants who have no desire (for women), or children who do not yet understand about women's private parts. They

should also refrain from stamping their feet, as it may reveal the jewelry they are concealing. Repent all of you to Allah, O believers, so that you may be successful" (Q.S An-Nur: 31).

Al-Hafiz Ibn Hajar al-'Asqalani (may Allah have mercy on him) said about the hadith of women offering their allegiance to the Prophet without shaking hands:

ومنع لمس بشرة الأجنبية من غير ضرورة لذلك

This hadith contains an explanation of the prohibition on touching ajnabiyah women (who are not mahram) without an emergency reason to touch them.

You are not allowed to touch the skin of an Ajnabiyah woman without an emergency need, such as for treatment or other things. If you cannot find a female doctor who can treat it because it is an emergency, a woman may seek treatment from an Ajnabi male doctor. Anything that is forbidden to look at is also forbidden to touch, but there are circumstances that allow someone to look without allowing them to touch, namely during buying and selling transactions, when handing over goods, and similar situations. But once again, it is emphasised that you are still not allowed to touch in these circumstances. This is in accordance with the word of Allah in the Al-Quran, Surah Al-Jasiyah, verse 22, as follows:

وَخَلَقَ اللَّهُ السَّمَوَاتِ وَالْأَرْضَ بِالْحَقِّ وَلِتُجْزَىٰ كُلُّ نَفْسٍ بِمَا كَسَبَتْ وَهُمْ لَا يُظْلَمُونَ ۚ ۲۲

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## **1.2. The Law on Using the Services of Transvestites as Bridal Make-up Artists from the Perspective of DSN MUI Fatwa No. 112/DSN-MUI/IX/2017**

It is undeniable that the prevalence of transvestites working as bridal make-up artists is increasing over time. Likewise, in Mandailing Natal, transvestites as a make-up profession are

becoming increasingly common. MUI Mandailing Natal held a Muzakaroh to discuss the legal basis for waria as a make-up profession.

Dr. H. Ardito Bhinadi, M.Si, said that seven transactions are prohibited, namely: 1) usury transactions; 2) maysir transactions (gambling); 3) gharar transactions (uncertainty); 4) dharar transactions (persecution, mutual harm); 5) immoral transactions (directly or indirectly, violating Islamic law); 6) suht transactions (haram substances); and 7) risywah transactions (bribery). Transgender services fall under the fifth prohibited transaction, which is immoral transactions. Immoral transactions involve businesses that directly or indirectly violate (oppose) the laws of Allah and His Messenger.

After placing an order, usually the transvestite and the prospective bride and groom will make an agreement in accordance with Article 1320 paragraph (1) of the Civil Code. In this article it is determined that one of the conditions for the validity of an agreement is the existence of a word of agreement between the two parties. Hadith of the Prophet narrated by Imam al-Tirmidhi from 'Amr bin 'Auf al-Muzani, the Prophet SAW said meaning: Agreements are permissible and free to be entered into between Muslims except agreements that forbid what is halal or make lawful what is haram. The legal guidelines of Article 1320 of the Civil Code itself actually limit the principle of freedom of contract by regulating the requirements for the validity of an agreement which must meet the following conditions:

1. There is agreement or agreement between the parties;
2. Ability to make agreements;
3. The existence of certain objects; And
4. There is a halal legal cause.

The legal signs that limit the making of contracts are as follows:

1. Must meet the requirements as a contract
2. Not prohibited by law
3. Does not conflict with applicable customs
4. Must be carried out in good faith
5. Do not make lawful what is haram and forbid what is halal.

Likewise, service benefits must meet the following requirements: they can be assessed and felt in the contract, are not haram, can be transferred according to sharia, and the period of use of the benefits is clearly determined.

According to DSN MUI Fatwa No. 112/DSN-MUI/IX/2017, Ajir's charity work or services must comply with sharia and applicable laws and regulations. According to the provisions related to Ajir's charity, the use of bridal make-up services is not permitted because it deviates from and is not in accordance with sharia.

Based on Article 1230 of the Civil Code and the Fatwa explained above, it is clear that the law on using the services of transvestites as bridal make-up artists is not legal; therefore, the people of Mompang Julu village should prioritise Islamic sharia rather than instant beauty. Because Islamic Sharia actually guides us to carry out permissible actions and abandon all actions that are not permitted by Allah SWT (Djazuli, 2006).

#### **D. CONCLUSION**

The researcher concludes from the above explanation that women can dress up for the most important day in their lives, namely the wedding reception. However, it is important to note that the bride's make-up artist must be a woman and not a transvestite, which refers to a man who resembles the appearance of a woman. In Islamic law, this behaviour is clearly not permitted. The people of Mompang Julu village, Mandailing Natal Regency, still don't understand the Islamic law regarding transvestites as bridesmaids because the local people only care about their appearance at weddings rather than Islamic rules. Meanwhile, regarding the Law on Using the Services of Transvestites as Bridal Make-up Artists According to DSN MUI Fatwa No. 112/DSN-MUI/IX/2017, the use of its services is prohibited and illegal in line with Article 1230 of the Criminal Code. Even though it is prohibited, this is not considered a problem by the Mompang Julu community or transgender people.



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