

### **CHAPTER III**

## **THE DILEMMA OF GOVERNMENT TOWARD LGBT MOVEMENT IN INDONESIA**

A phenomenon that currently develops in Indonesian society that is about Lesbian, Gay, Bisexual, and Transgender (LGBT). The term LGBT is used to denote a person or anyone with a difference in sexual orientation and gender identity based on traditional culture, namely heterosexual. Easier people who have sexual orientation and non-heterosexual identities such as homosexuals, bisexuals or others can be called LGBT (Galink, 2013). This term is used since the 1990s and replaces the phrase 'Gay community' because it is more representative of the groups mentioned. In Indonesia itself, LGBT is also still a pro and contras, many critics, but not a few also support LGBT legalization, they are censured all-out by people who are anti LGBT. In fact, according to the CIA survey, LGBT population in Indonesia is the fifth largest in the world after China, India, Europe and America (Rahman, 2015)

According to Dien, a lecturer at the Faculty of Theology who teaches Feminism and Gender (Graduate Program) lectures, LGBT is still disputed by the pros and contras because of the problem of "her/his sin", which contras considers LGBT as sin and must be returned to the right path. While the pros say that LGBT is not a sin, because they are also creatures of God, and God also has the same power to "change" his creation. Dien also states that LGBT cannot be said to be a sin. So far not as a 'trend', because today many are 'suddenly' become gay (because) just the demands of the entertainment world. This "sexual disorder" can occur due to various factors, as Freud explained in his research (Rahardjo, 2005), which is Factor Principle of life, which according to Freud, every human being has two principles, namely death and life. Environmental factors, in this regard, Freud holds the principle of psychological determinism, namely every human has predetermined to live in a certain environment.

The pros and contras of the existence of LGBT people in the life of society. Sexual orientation is sometimes difficult to accept in some societies. Though they are the same as ordinary people in general who need to interact and express gender. The exclusion or discrimination that the community does to LGBT people makes them shut down and not expose themselves. Some see it as an option for the right to life. But others see it as deviant and immoral behavior. This negative attitude toward homosexuals creates rules that can punish homosexuals. Although people give negative ratings to LGBT, their existences are exists and exists. LGBT people tend to interact with fellow LGBT people even though their gathering place in the middle of society. Prejudice and discrimination against homosexuals is widespread. A survey in the United States by Levitt and Klasen (Sarwono & Meinarno, 2009) shows that the majority of people have belief that homosexuals are a disease and need to be prohibited legally. Even in Henry's study (Sarwono & Meinarno, 2009) found only 39% of people who want to visit the practice of a homosexual doctor.

#### **A. LGBT in Indonesia**

The existence of LGBT is not a new thing for Indonesian people, especially in urban areas. The existence of LGBT people in Indonesia is a matter of pros and contras. This is because the LGBT are regarded as a minority who have a deviation of sexual orientation, because it is contrary to culture and religion. Most Indonesians still think that loving same-sex is something that is taboo, strange and disgusting. Most LGBT trends are 'attacking' young people, because in their age they are usually the easiest or can easily follow the flow because of the shallow knowledge of religion they have.

The growing number of homosexuals in Indonesia is increasing every year, including non-heterosexual sexual orientation such as, bisexual and transgender. Statistical data show 8-10 million male population in Indonesia at one time involved homosexual experience and some of still active doing that. YPKN survey results show there are 5000 same-sex

enthusiasts in Jakarta. While Oetomo estimates that 1% of the total population of Indonesia is a gay couple (Oetomo, 2001). The number of gays in Indonesia reaches 20,000 people, while experts and the United Nations say the increase in the number of gay from 2010 is estimated at 800 thousand to 3 million in 2012. In Jakarta there are estimated about 5 thousand gay and in East Java there are 348 thousand gays of 6 million residents of East Java (Siyoto & Sari, 2014)

Some of independent domestic and foreign survey institutions mentioned that in Indonesia there are 3% of LGBT people of total population. The rise of LGBT phenomena in Indonesia is closely linked to the trend of liberal countries that provide recognition and a place for LGBT communities in society. LGBT is considered a part of the lifestyle of modern society which views the heterosexuality as conservative and does not apply to everyone. Social legitimacy arises with a priori scientific and theological defense in order to strengthen claims about their existence and social purpose. It is this situation which then makes the LGBT movement spread so rapidly as a social epidemic (Sidabutar, 2016)

LGBT existence is in addition to receiving discriminatory treatment from the community but also the object of humiliation and even violence, because it is considered contrary to cultural norms and religion. The amount of violence they received resulted in them leaving and gathering with others. Finally, LGBT communities seem to act secretly. The LGBT is increasingly feeling marginalized by society. The existence of LGBT is considered not in line with the values of culture and religion that developed in Indonesia. Their sexual orientation is perceived as a bad impact of globalization that legalizes these people and is feared to affect other societies. Indonesia as a country of law and human rights enforcers, is one of the countries that ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR), should the people get appropriate treatment and equal protection in various community life, such as access to employment, education, and

other social security guarantees. However, the government has not been able to do much for LGBT (Galink, 2013).

## **B. The Government and Society Reaction toward LGBT in Indonesia**

Indonesia is one of 14 countries that express its disagreement with the UN Resolution on LGBT rights. This rejection is demonstrated concretely by ministries, institutions and community groups in the country. Ministry of Communication and Information issued a policy to restrict inappropriate content in various social media applications manifested by blocking 477 negatively contaminated sites, including LGBT.

From among interfaith leaders consisting of the Indonesian Ulema Council (MUI), the Indonesian Bishops' Conference (KWI), Indonesian Buddhist Representative (Walubi), and the Confucian High Council of Confucian Religion of Indonesia (Matakin), expressed the rejection of LGBT behavior as deviating from religious and / or natural laws. The LGBT's behavior here is a psychiatric problem requiring recovery, and therefore rejects various forms of LGBT propaganda in Indonesia. Such attitude refers to the norms prevailing in Indonesia that are different from the norms in other countries, namely Pancasila. In first Chapter shows the Divine values to be part of the soul of the Indonesian nation so that the moral character and moral aspirations of the people are sublime and in accordance with the principles of God that supposed to obey (Winurini, 2016). On the other hand, they think LGBT people need to be protected because they are society with equal rights with anyone, for example the rights of life, the rights to get a job, the rights to determine, choose, and get education, and soon.

Meanwhile, the Executive Committee of Indonesian Medical Specialist Doctors Association (PP PDSKJI) stated his attitude towards LGBT as follows (Winurini, 2016):

- 1) to categorize homosexual and bisexual as People with Psychological Problem (ODMK) according to Law number 18 Year 2014 on Mental Health (Mental Health Law);
- 2) categorize transsexuals as People with Mental Disorders (ODGJ) with reference to the Mental Health Act and PPDGJ III;
- 3) support the fulfillment of rights and obligations for ODGJ and ODMK by providing mental health services for ODGJ and ODMK;
- 4) PDSKJI supports research efforts on homosexual, bisexual, and transsexual based on Indonesian local, cultural, religious, and spiritual wisdom; and
- 5) in preventive and promotive efforts, PDSKJI advocates proactively on the community. Furthermore, the Clinical Psychology Association (IPK) states (Winurini, 2016)
  - a. views that LGBT needs to be treated humanely, justly and civilized;
  - b. commit to provide professional services both preventive and curative for individuals or groups with LGBT trends who need it;
  - c. against all attempts to exploit, manipulate, and abuse LGBT tendencies including inducing and blocking recovery; and
  - d. does not justify the existence of formal or informal organizations or communities that support LGBT as opposed to the culture of the nation and potentially damaging the social order of life in Indonesia.

### **C. The Pros of LGBT Movement in Indonesia**

The problem of LGBT in Indonesia is causing many disagreements, between the pros and contras. Those who are pro-LGBT states that the state and society should campaign non-discriminatory principles between men, women, transgender, lovers of the opposite sex (heterosexual) or lovers of the same (homosexual). LGBT supporters use the fulfillment of human rights as the basis of their demands by stating that sexual orientation is a human right for them.

LGBT is funded by UNDP, beginning in December 2014 to September 2017 aimed at promoting lesbian, gay, bisexual and intersexual (LGBTI) welfare, funding of USD 8 million or approximately 107.8 billion to support LGBTI communities in Indonesia. UNDP explains that this initiative is a collaboration with civil society, national and regional institutions to advance protective laws and policies (Muhaimin, 2016). Indonesia is a place where LGBT is able to grow, many academics support LGBT issues and allow for same-sex marriages, among them Musdah Mulia, whom Adian Husaini considered his way of thinking to be chaotic since the beginning, as well as Nurofiah he called him overwhelmed in the way of thinking.

By 2015, the LGBT phenomenon is beginning to become a "hot issue" in Indonesia and certainly leads to the pros and contras of the community. Also started appearing public figures indicated like same-sex fellow as the case of artist Saipul Jamil who do obscenity to his fans of same-sex in 2016. Then in 2013 one of Indonesian artist Dena Rahman announced gender movement from the original men to women. The news became a debate and highlighted by many people.

In recent days, the issue of LGBT has sprung up with the emergence of the Support Group and Resource Center on Sexuality Studies (SGRC) at the University of Indonesia (UI). SGRC UI is considered as a community that supports LGBT in campus environment. Despite the debate about the existence of SGRC, it seems that the public is more curious about the existence of LGBT people in Indonesia. There is still no new

data, but according to Ministry of Health records in 2012 mentioned that there are 1,095,970 gay spread across Indonesia. Yes, it is not a small amount, even a LGBT rights activist Dede Oetomo on one of the national online media had explained that at least three percent of Indonesia's population is the LGBT.

The "Gaya Nusantara" organization is led by the main character Dede Oetomo, having a vision of: "The creation of an Indonesia that respects, guarantees and fulfills human rights whereby one can live in equality, freedom and diversity of matters relating to body, identity and expression gender and sexual orientation ". While the mission of the organization includes:

1. Conducting research, publication and education in human rights, sex, gender and sexuality, health and sexual welfare.
2. Advocating on human rights, sex, gender and sexuality, health and sexual wellbeing.
3. Provide services and collect information on human rights, sex, gender and sexuality, health and sexual welfare.
4. Pioneer and encourage LGBTI movement.

The public's view of LGBT group expectations for equality in various aspects of life. As an expression:

“Like everything they have to be equal on everything. Not only health, as long way for us but they’re also human, if we could marry someone we love, why can’t them? Why can’t them marry someone they love too? I mean it’s love!” (WM, M, Nisya, 19 Tahun)

Based on the informants' accounts, they feel that LGBT should get the same treatment with the people in general, this is because they still feel there should be a sense of humanity related to LGBT and equality among human beings.

#### **D. The Contrasts of LGBT Movement in Indonesia**

Counter parties that are against LGBT, judging that LGBT as a form of deviation, and are not included in the conception of human rights. In this case, the state and society should make every effort to prevent the symptoms of LGBT emerging and developing that will harm the future generation of Indonesia. If viewed from a legal point of view in some community groups, LGBT is still considered an unfair act, so the community becomes anti-LGBT. Various community groups, mainly from religious groups, strongly opposed the anti-LGBT phenomenon. The opposing parties argue that LGBT is a deviant behavior and contradicts the noble values of Pancasila. Moreover, LGBT behavior is "trend" among the younger generation so it can exert a negative influence, especially for their future.

Various parties in response to the anti-LGBT phenomenon that some people, especially by religious leaders, academics and experts and experts argue that LGBT tend to bring negative impacts especially for the younger generation, the younger generation response related to LGBT phenomenon that occurs today in Indonesia, considering the younger generation is the next generation. As stated by Yenni Giyanika Sari (Student of Class XI SMK N 2 Semarang):

"Saya sangat tidak setuju adanya perilaku LGBT di Indonesia, karena LGBT bertentangan dengan nilai-nilai yang ada utamanya nilai Agama. Setahu Saya, tidak ada ajaran agama manapun yang memperbolehkan umatnya menyukai hubungan sesama jenis dan Tuhan sudah menciptakan bahwa manusia hidup untuk berpasangan dengan lawan jenisnya. LGBT patut diberantas karena hal tersebut merupakan penyimpangan, sehingga Pemerintah juga harus tegas untuk tidak membuat peraturan untuk mengakomodasi hak-hak pelaku LGBT"

People generally behave towards Lesbian, Gay, bisex, and transgender. As an expression:



“Masyarakat menengah kebawah tingkat pendidikan mereka rendah. mereka gak ngerti yang mereka tau kalo muslim ya, kebetulan gue muslim. Kalo muslim kan biasanya penyuka sejenis itu dilarang agama. Mereka cuma tau sampe disitu.” (WM, M, Depil, 22 Tahun)

“belum bisa nerima gitu, bukannya ditemenin dideketin, malah dijauhin, dikucilkan gitu... karena pengaruh norma di Indonesia kali yah jadi ga nerima. yah cowo sama cewe gitu sesuai kodratnya, terus di Indonesia juga mayoritas islam. Pokoknya orang yang berpasangan yah cewe sama cowo” (WM, M, Ais, 21 Tahun)

Much of the news revealed that the Indonesian Ulama Council (MUI) declared lesbian, gay, bisexual and transgender (LGBT) to violate the constitution. MUI in 2014 has issued a fatwa, that LGBT activity is a form of crime. Chairman of the Indonesian Ulema Council (MUI), Ma'aruf Amin at a press conference at the MUI office, Central Jakarta on Wednesday 17 February revealed:

“Pendapat ini didasarkan pada aktivitas LGBT yang diharamkan Islam. Aktivitas seksual LGBT juga dapat menimbulkan penyakit yang berbahaya bagi kesehatan dan sumber penyakit menular seperti HIV/AIDS.”

MUI itself has issued MUI Fatwa No. 57 of 2014 on Lesbian, Gay, Sodomy, and Obscenity. In this fatwa, LGBT is forbidden because it is called "a form of crime" (www.dw.com, 2016)

Based on informant's narrative, it can be seen that the majority of people in Indonesia are still discriminating against LGBT, mainly from middle class and Muslim, this is due to the prevailing norms and religious teachings in the society regarding sexual orientation and if look at LGBT then it will be considered as a deviant sexual orientation.

