



LGBT Movement: Existence and Responsiveness of Marriage Law In Indonesia

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Abstract

This research examines the LGBT movement which is at odds with the issue of marriage law in Indonesia. With a library research approach, this research collects data and information through journal literature, news, and books. The research results show that the existence of lesbians or the like is contrary to the values of Pancasila. The responsiveness of marriage law to the LGBT movement is very firm in rejecting it, whereas, in Law No. 1 of 1974 concerning Marriage, marriage is only permitted for men and women. In the view of the Al-Qur'an and Hadith, the existence of LGBT harms the nature that Allah has given. Because the legal aim of marriage is to form a happy, eternal family and a means of channeling biological desires. So the existence of the LGBT movement destroys the values that have been built into marriage law.

Keywords: *LGBT, Phenomena, Human Rights, Marriage Law*

Abstrak

Penelitian ini mengkaji gerakan LGBT yang bertentangan dalam isu hukum perkawinan di Indonesia. Dengan pendekatan library research (kepustakaan), penelitian ini mengumpulkan data dan informasi melalui literatur jurnal, berita, dan buku-buku. Hasil penelitian, adanya lesbian atau sejenisnya bertentangan dengan nilai-nilai Pancasila. Responsifitas hukum perkawinan terhadap gerakan LGBT sangat tegas menolak, dimana dalam Undang-undang No 1 Tahun 1974 tentang Perkawinan, perkawinan yang dibolehkan hanya laki-laki dan perempuan saja. Dalam pandangan Al-Qur'an dan Hadis, adanya LGBT

secara jelas menciderai fitrah yang Allah berikan. Sebab tujuan hukum perkawinan yakni membentuk keluarga yang Bahagia, kekal, dan sarana menyalurkan hasrat biologis. Sehingga dengan adanya gerakan LGBT justru menghancurkan nilai-nilai yang sudah terbangun dalam hukum perkawinan.

Kata Kunci : *LGBT, Fenomena, HAM, Hukum Perkawinan*

INTRODUCTION

Recently, the LGBT phenomenon has become stronger in Indonesia. On July 17-13 2023, the ASEAN SOGIE Caucus community wanted to hold an event in Jakarta. However, this has been widely criticized by various activists in Indonesia, one of whom is the Chair of the MUI in the field of Women, Youth and Family (PRK). By MUI Fatwa Number 57 of 2014 concerning Lesbians, Gays, Sodomites, and Obscenities, Prof. Amany Lubis claims that LGBT behavior is contrary to Islamic teachings. The fatwa argues that having a sexual preference that favors one gender is a deviation that needs to be corrected, so legalizing LGBT is haram.¹

The LGBT phenomenon cannot be separated from the turmoil in the international world. This stems from the position taken by the UN Council in the field of human rights in 2011, where in its resolution, the UN Human Rights Commission gave LGBT people the right to be free from discrimination, prohibiting homosexuality and hate crimes. The UN ordered countries to make regulations that support the existence of these deviant sexual groups and provide their rights as per the resolution that has been issued. According to him, this is based on a universal declaration that functions as a foundation for fundamental values.

Human rights in Indonesia lead to Pancasila, this is stated in the Pancasila philosophy. In general, no rights are granted in full without prejudice to the rights of other people as well. This condition limits and ensures that the spirit of the constitution can be properly maintained. Conflicts of rights will arise in the affairs of society, nation, and state if the state neglects to consider the rights of its people. The existence of LGBT also raises pros and cons. Opponents argue that this disease is an aberration and is not included in the idea of human rights, and even

¹ Febby Shafira Dhamayanti, "Pro-Kontra Terhadap Pandangan Mengenai LGBT Berdasarkan Perspektif HAM , Agama , Dan Hukum Di Indonesia," *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 2, no. 2 (2022): 210–31.

damages the thinking of Indonesia's future generations. Meanwhile, the pro side believes that LGBT sexual orientation qualifies as a human right.²

Society and government must work to uphold the ideal of non-discrimination against heterosexual (heterosexual) and gay (homosexual) lovers of the same sex as well as men, women, and transgender people.³ Therefore, it is a shared responsibility to build a very diverse nation. Even in responding to LGBT activists, it seems as if this nation or country does not pay attention to human rights, which is because the views of the values and beliefs of Indonesian society are based on the values of Pancasila.

In previous research, there are several similarities and differences. The results of previous research, the author divided into 3 groups, namely LGBT in terms of human rights, the impact of LGBT, and LGBT in terms of Indonesian constitutional law. According to Pratiwi, LGBT groups often use their human rights identity as a basis for protection to be able to carry out their existence.⁴ Izza further stated that there are groups that agree with LGBT, they want to uphold the principle of non-discrimination against homosexuals.⁵ The Putri even emphasized that specifically existing human rights regulations cannot be interpreted for the homosexual community.⁶ In criminal law, Widya believes that homosexual perpetrators who are old enough cannot be charged under existing criminal law.⁷ The impact of LGBT is a big problem for humanity⁸, In fact, according to Hyunmin, the biggest and

² Destashya Wisna Diraya Putri, "LGBT Dalam Kajian Hak Asasi Manusia Di Indonesia," *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 2, no. 1 (2022): 88–100, <https://doi.org/10.15294/ipmhi.v2i1.53739>.

³ Ubaidillah Canu and Ahmad Tahali, "Fenomena LGBT Di Indonesia Dalam Perspektif Hak Asasi Manusia Dan Hukum Islam," *Jurnal Ilmu Hukum Dan Ekonomi Islam* 5, no. 2 (2023): 96–111.

⁴ Bintang Pratiwi, "LGBT Bertopengkan HAM Yang Menjarah Karakteristik Pemuda Indonesia," *Jurnal Multidisiplin Indonesia* 1, no. 3 (2022): 887–95.

⁵ Izza Amalia Putri, "Kedudukan Lesbian, Gay, Biseksual, Dan Transgender (LGBT) Di Indonesia Ditinjau Dari Perspektif Hak Asasi Manusia," *Madani: Jurnal Ilmiah Multidisiplin* 1, no. 8 (2023): 385–93.

⁶ Putri, "LGBT Dalam Kajian Hak Asasi Manusia Di Indonesia."

⁷ Widya Ramadani and Roni Uli Sianturi, "Kebijakan Hukum Pidana Dalam Menanggulangi LGBT," *Aufklarung* 2, no. 4 (2022): 379–85.

⁸ Sumardi, "Toilet Gender Neutral in LGBT Practices : A Comparative Study of Human Rights and Religion," *Educational Journal of History and Humanities* 6, no. 3 (2023): 816–22.

strongest LGBT culture is in the Western world.⁹ According to Regini, this LGBT phenomenon is immoral behavior that goes against human desires.¹⁰ The position that the author wants to study is related to the responsiveness of marriage law to the LGBT movement in Indonesia.

METHOD

In this research, researchers used a type of library research. This means research in obtaining data sources using journals, books, or other library data.¹¹ In this research, the approach used is normative juridical. Where findings are drawn using inductive techniques. In data analysis, researchers used the interactive model from Miles and Huberman.¹² The primary data in this research is the LGBT movement in Indonesia and Law No. 1 of 1974 concerning marriage.

RESULTS AND DISCUSSION

The Existence of the LGBT Movement in Indonesia

The global population is increasingly aware that the phenomenon known as lesbian, gay, bisexual, and transgender (LGBT) is a social and biological problem. LGBT people are a disorderly sociological entity that has a different social structure than the heterosexual community.¹³ Biologically, LGBT is a deviation from a certain sexual orientation tendency that turns into a disorder. In various local, national, and even international contexts, the rainbow flag has been used in symbolic movement campaigns and media propaganda. LGBT campaigns impact various socio-economic strata. Based on the defense of human rights (HAM), the United States has developed into a country that openly introduces LGBT legalization throughout the world. As a result of the legalization and acceptance of LGBT people in various

⁹ Hyunmin Yu et al., "LGBTQ + Cultural Competency Training for Health Professionals : A Systematic Review," *BMC Medical Education*, 2023, 1–83, <https://doi.org/10.1186/s12909-023-04373-3>.

¹⁰ Regina Solihatun Afyah, "Fenomena LGBT Beserta Dampaknya Di Indonesia," *Gunung Djati Conference Series* 23 (2023): 822–31.

¹¹ Muhaimin, *Metode Penelitian Hukum* (Nusa Tenggara Barat: University Press, 2020).

¹² Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT Remaja Rosdakarya, 2021).

¹³ Juniawan Mandala Putra and Erlina Puspitaloka Mahadewi, "Dampak Media Social Terhadap Cara Pola Pikir Anak Muda Generasi Z Dalam Ketimpangan Pemikiran LGBT," *Zahra* 3, no. 4 (2023): 306–14.

countries in this era of globalization, the LGBT phenomenon has spread very quickly to various countries, including Indonesia.

With the rise of promotions, advertisements, or even individual views about LGBT on social media, the LGBT phenomenon has become a topic that is often debated in Indonesian society. The tendency of liberal countries to provide recognition and a place for the LGBT community has caused the LGBT phenomenon to develop or flourish in Indonesia. According to the psychological framework, LGBT people have mental illnesses, these illnesses are also contagious because they are components of mental disorders. Sociologically, LGBT groups continue to fight for acceptance and rights at the national and international levels. They have made progress on LGBT issues in Indonesia as a result of their tireless efforts. Indonesia's political and democratic changes have increased awareness of LGBT concerns and sparked changes in LGBT organizations.¹⁴

The Djakarta Wadam Association, which is the first wadam organization was founded in 1969 thanks to the help of the Governor of DKI Jakarta Ali Sadikin. Islamic authorities objected because the term wadam (disrespectful) contained the name of the Prophet Adam, the phrase was changed to waria in 1980.¹⁵ Lambda Indonesia was founded on March 1, 1982, with a secretariat in Solo. Furthermore, several branches are spread throughout Indonesia and Asia, including Yogyakarta, Surabaya, Jakarta, and other cities. The Yogyakarta Gay Brotherhood was started in 1985 by a gay organization in Yogyakarta, and the Archipelago Lesbian and Gay Workers organization, which later became known as GAYa Nusantara, took over as Lambda Indonesia in August 1987 in Pasuruan, Surabaya.

Gaya Nusantara has its vision for individuals to live in equality, freedom, and diversity in topics related to the body, gender identity and expression, and sexual orientation. In a public discussion forum about LGBT movements and activities in Indonesia, LGBT community activists Hartoyo and Yuli Ristinawati explained that

¹⁴ Deden Ramadan et al., "Pro Kontra LGBT Di Republik Indonesia," *Proceeding Conference on Psychology and Behavioral Sciences* 1, no. 1 (2022): 1–12.

¹⁵ Paulina Górska and Nicole Tausch, "People or Ideology? Social Conservatism and Intergroup Contact Moderate Heterosexuals' Responses to a State-Sponsored Anti-LGBT Campaign," *Sexuality Research and Social Policy* 20, no. 3 (2022): 1049–63, <https://doi.org/10.1007/s13178-022-00783-y>.

there are at least six types of LGBT movements or activities, especially in Indonesia, including that LGBT does not require treatment because it is not a disease; Calling on the government to stop five types of violence; government to treat all citizens equally and with respect, and eliminate prejudice against LGBT groups; Demand that the government enforce your basic rights as an LGBT person because you are a citizen and you have no right to be treated unfairly.¹⁶

For members of the LGBT community, their movement functions as a forum for group learning, mutual support, and help solving problems; Create an LGBT community website that tries to provide information to the public about what the LGBT community is, combat violence against LGBT people, and not sexually harass anyone. In addition, they are aware that society should not misunderstand LGBT by comparing homosexuals with pedophiles. They claim that adult homosexual or heterosexual groups may abuse children by engaging in pedophilia. Rather, homosexuality is a relationship between a conscious adult and another adult, thereby benefiting both parties equally.

LGBT characteristics can be divided into two categories, the first is called movement entity and the second is called individual entity. There are two ways to group entities: closed groups and open groups. The first category consists of people who cover up and hide their sexual orientation so that others do not see it. Those who are willing to reveal their identity to others constitute the second category. An organization that has certain goals, missions, and activities or movements is the second LGBT entity. Social movements can also take the form of organizations. In Indonesian society, there is currently a hot discussion about whether the LGBT movement should be legalized or not. This discussion takes place at the second entity level.

LGBT issues are still taboo in Indonesia, especially for faith-based organizations. The majority of them oppose the sexual actions and preferences of the LGBT community.¹⁷ Some people are neutral, accepting the LGBT community but opposing their right to engage in open activities. Meanwhile, the supporting group

¹⁶ Tiffany Jones, "Religious Freedom and LGBTIQA + Students," *Sexuality Research and Social Policy* 20, no. 3 (2023): 1133–51.

¹⁷ Gary Collins Brata Winardy and Eva Septiana, "LGBTQ Related Intervention in Indonesia: A Literature Review," *Psychological Research on Urban Society* 6, no. 1 (2023): 60–73.

believes that everyone has the same right to live, exercise their human rights, and pay attention to their immediate environment. LGBT advocacy groups, activists, and equality advocates want LGBT people to enjoy the same rights as everyone else, without restrictions in any situation, including same-sex unions. One of these rights is freedom from abuse and harassment, including defense against abuse, rape, and violence.¹⁸

In general, openly LGBT people in Indonesia continue to face a lot of violence and prejudice in terms of housing, employment, and safety. Due to the homophobic attitudes of many employers and a hostile environment, it is difficult for LGBT people to find work, especially in the formal sector. However, those who do manage to find work often experience discriminatory treatment, including insults, rejection, threats, and even physical violence. In the workplace, LGBT groups who are still closeted can sometimes work without experiencing severe discrimination, while the opposite is true for open groups. As a result, open-minded LGBT individuals grow more personally and professionally in jobs that are less constrained by norms, such as starting their own business. The transgender community (waria) is the group that experiences the most discrimination due to differences in their physical characteristics. This group thrives in unofficial industries including salons, arts, and entertainment, and some even enter the prostitution industry.¹⁹

Based on CIA survey results, after China, India, Europe, and America, Indonesia has the 5th largest LGBT population in the world and 3% of Indonesia's population is LGBT. According to the findings of the Counseling and Mental Health Treatment of Transgender Adults and Their Loved Ones study, this sexual orientation variance is not random. According to one study, environment, culture, physical and psychosocial factors, religion, and health, all have an impact on the LGBT phenomenon, especially as it relates to transgender people. Liberal tendencies that provide opportunities for the LGBT community to develop are closely

¹⁸ Nurfinahati, Friska Flisilia, and Rio Lingga Wijaya, "Lesbian, Gay, Bisexual, Dan Transgender Dalam Rekayasa Sosial Masyarakat Indonesia Bersudut Pandang Ilmu Kesehatan Sosiologi," *Nautical: Jurnal Ilmiah Multidisiplin* 1, no. 8 (2022): 740–45.

¹⁹ Admal Putu Yasa, "Dimensi Filosofis Hak Asasi Lesbian, Gay, Biseksual, Dan Transgender (LGBT) Di Indonesia: Rivalitas Naturalisme Dan Positivisme," *Journal Transformation of Mandalika* 4, no. 6 (2023): 338–47.

related to the expansion of the LGBT phenomenon. This is evident from the institutional and global support received by this LGBT group because this group considers it big and dares to act in public. This assertion may be supported by the role played by the international organization UNDP between December 2014 and September 2017 in supporting the growth of LGBTI groups in Indonesia with quite extraordinary funding of USD 8 million.²⁰

Society views heterosexual groups as traditional and exclusive, while LGBT is considered a lifestyle. In addition, social legitimacy is being developed to support the claim of the existence of the LGBT community.²¹ This caused the LGBT movement to spread like a social pandemic very quickly. Indonesia is not a country based on religion. However, following the first principle of Pancasila, religious belief is always the basis for every action taken. Therefore, the government's decision to reject and not recognize same-sex marriage must be based on religious references.

Responsiveness of Marriage Laws in the LGBT Movement

Marriage is a normal dream for every human being to continue their offspring. Also, the aim of marriage itself is to create a life that feels Sakinah, mawaddah, and warahmah, or in other words, a relationship that is peaceful, affectionate, and happy physically and mentally. According to the Compilation of Islamic Law, marriage is intended to "create a household life that is sakinah, mawaddah, and warahmah, in essence, a household that is peaceful, full of love, and happy both physically and mentally." Allah SWT says in QS. Ar-Ruum (30) verse 21, which states:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

“And among the signs of His power is that He created for you wives from your kind, so that you would be inclined and feel at ease with them, and He made among you a feeling of love and affection. Indeed, in that there are true signs for a people who think.” (Q.S. Ar-Ruum: 21)

Marriage itself can be said to be a bond that begins and is also full of blessings. Because of Allah SWT. It has been prescribed for the safety of its

²⁰ Usamah Ali Firdaus, “Pendidikan Karakter Sebagai Upaya Pencegahan Perilaku LGBT,” *Madinatul Iman* 2, no. 2 (2023): 15–22.

²¹ Fathurrahman Nasution, Rafi Putra Muharama, and Sania, “Dampak LGBT Bagi Kesehatan Serta Sudut Pandang Dari Agama Islam,” *Relinesia* 2, no. 3 (2023): 1–10.

servants and also for the benefit of mankind, which is intended to achieve good intentions and noble goals. Because in general, the purpose of marriage is none other than the biological relationship between husband and wife, more broadly all aspects of the couple's household, both physically and mentally. Even in the constitution, it is stated in Article 28 B of the 1945 Constitution which states that, through a legal marriage, every person has the right to start a family and have children.²²

Talking about marriage can be interpreted as two sides, namely an order carried out by religion and also sexual intercourse which is regulated and legalized by religion. Therefore, it is a biological need that must be fulfilled naturally. It has been explained that marriage is something that can provide peace in a person's life (litaskunu ilaiha) based on the Qur'an as well. Therefore, from an Islamic perspective, lesbian, gay, bisexual, and transgender people pose a serious threat to all humanity. According to Allah SWT, Islamic principles strictly prohibit deviant behavior that goes against their basic principles:

أَتَأْتُونَ الذُّكْرَانَ مِنَ الْعَالَمِينَ وَتَذَرُونَ مَا خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ ۗ بَلْ أَنْتُمْ قَوْمٌ عَادُونَ

“Why do you go to men among men, and you abandon the wives that your Lord made for you, even you are transgressors?.” (Q.S. Asy-Syu'ara: 165-166)

وَلَوْطًا إِذْ قَالَ لِقَوْمِهِ أَتَأْتُونَ الْفُلُحِشَةَ مَا سَبَقَكُمْ بِهَا مِنْ أَحَدٍ مِنَ الْعَالَمِينَ ۚ إِنَّكُمْ لَتَأْتُونَ الرِّجَالَ شَهْوَةً مِنْ دُونِ النِّسَاءِ ۗ بَلْ أَنْتُمْ قَوْمٌ مُّسْرِفُونَ

“And (We have also sent) Luth (to his people). (Remember) when he said to them: "Why do you do those faahisyah deeds, which no one (in this world) has ever done before you? Verily you go to men to release your lust (for them), not for women, in fact you are transgressing people.” (Q.S. Al-A'râf: 80-81)

Islam's view of LGBT is an act of adultery and a serious violation that can damage one's dignity, even though this is contrary to the guidance of Allah SWT and the Prophet Muhammad because this damages the dignity of humans as creatures created by Allah, the noblest among other creatures. Apart from adultery and rape, LGBT also includes sexual offenses, as well as incest (intercourse

²² Nurulia Shalehatun Nisa, "Tinjauan Fiqh 'Urf Terhadap Praktik Perjanjian Perkawinan (Studi Empiris Adat Dayak Ngajudi Kota Palangka Raya)," *Asasi: Journal of Islamic Family Law* 2, no. 2 (2022): 222.

between muhrim) or abusing animals.²³ Even for sexual offenses, the punishment is the death penalty, this has been regulated in the hadith of the Prophet Muhammad who said:

“...from Ibn Abbas, in fact, the Messenger of Allah SAW once had a dream: "Whoever finds you who is doing the deeds of the people of Lut, then kill the person who is doing it and the person who is being bullied.." [Hadist Ibnu Majah No. 2561 Kitabul Hudud].

Rasulullah said, "Whoever finds a man who is a homosexual, kill him." (HR Abu Dawud, At Tirmidzi, An-Nasai, Ibnu Majah, Al-Hakim, dan Al-Baihaki).

Because of the Qur'an and Hadith above, it is clear and straightforward that sexual misconduct is a major sin and also carries very heavy sanctions in the afterlife. As for the punishment for perpetrators of sihaq (lesbianism), according to the agreement made by the ulama, the punishment is ta'zir, where the competent government can determine the punishment and also provide a deterrent effect on this sexual deviation so that it disappears quickly.

According to Abdul Hamid El-Qudah, an STD specialist at the World Islamic Medical Association (FIMA), the impacts of LGBT existence include: 78% of homosexuals will suffer from STDs; gay couples during their lifetime carry out homosexual activities with more than 500-1000 people, and they don't even know these people, so this is very inconsistent with the values that exist in society; students who are currently attending school are 5 times more likely to drop out of school, so this also has an impact on the education sector which has an educational impact; In terms of the security impact caused by the existence of LGBT, this has an influence on the stability of peace and also the comfort of residents.²⁴

Looking at the context of the constitutional system in Indonesia, it is different from that in the United States regarding LGBT views.²⁵ The Indonesian state is based on Pancasila so the system of life in it follows the five precepts in Pancasila. The first principle is related to belief in the Almighty God, according to Muhammad Hatta, this first principle is a principle that must animate the other four principles, so

²³ Satria Effendi M. Zein, *Ushul Fiqh* (Jakarta: Prenadamedia Group, 2005).

²⁴ Afiyah, "Fenomena LGBT Beserta Dampaknya Di Indonesia."

²⁵ Anisa Fauziah, Sugeng Samiyono, and Fithry Khairiyati, "Perilaku Lesbian Gay Biseksual Dan Transgender (LGBT) Dalam Perspektif Hak Azasi Manusia," *Surya Kencana Satu* 11, no. 2 (2020): 151-62.

that if we interpret this principle, it is the basic key to the character of the Indonesian nation. In essence, all official religions in the law completely do not condone the existence of LGBT people and are contrary to human nature as a deviation.

Members of the LGBT group resonate and always argue based on "human rights", even this group wants recognition from both society and the state. Even though it is regulated in the constitution, Article 28 J of the 1945 Constitution explains that everything in this country must appear in the life of society, both as a nation and as a state. In the next verse, it is also emphasized that all freedoms remain under consideration in terms of morals, religious values, etc. which follow the norms of the unitary state of the Republic of Indonesia.²⁶

In the derivative of Law Number 1 of 1974 concerning Marriage, this regulation provides limitations regarding having to be of different types of marriage, but it is not a violation of Human Rights. However, this is done to regulate and create public order which is closely related to the moral values and religious norms of all religions. Even if you look at the regulations in Law Number 23 of 2002 concerning child protection, this has a goal that must be upheld as fully as possible. Because of the existence of this regulation, this is a step for the state to be present in safeguarding and protecting children's rights in living, growing, developing, and being able to participate.

With the many regulations that exist, the government should be able to take firm action against the amount of propaganda that exists in this beloved country. Because these LGBT groups have the aim of increasing the number of members of their group, their targets cannot be separated from children. So the thing that must be underlined is that all actions, no matter how small, by the existence of this organization, must be prohibited, must be expelled, and can even be sanctioned as a deterrent effect. This is quite based on the Human Rights Law Number 39 of 1999 which states in Article 70 that in exercising all their rights and freedoms, every person must comply with the restrictions that have been regulated in law, meaning that this is done solely with eyes to guarantee recognition and respect for the rights

²⁶ Candra Refan Daus and Ismail Marzuki, "Perkawinan Beda Agama Di Indonesia; Perspektif Yuridis, Agama-Agama Dan Hak Asasi Manusia," *Al-Adalah* 8, no. 1 (2023): 40–64.

and freedoms of others, to fulfill fair demands in all moral considerations and mutual order in a democratic society, as well as sovereignty in realizing mutual comfort.²⁷

Islam has a unique method for fighting LGBT diseases, which uses strong beliefs and philosophies to overcome them. Because these basics are determined directly by Allah through His Shari'a. It should also be noted that, with this broad and complex framework, the method used in Islam itself is to cure the disease, then overcome the cause and restrain the dangers it causes. The strategy carried out by the UN is precisely to defend the sources of disease, this can be seen by defending the rights of homosexuals and free sex, which is centered in the Western world.²⁸

CONCLUSION

The existence of Lesbians, Gays, Bisexuals, and Transgenders is caused by environmental, cultural, physical, psychosocial, religious and health factors. Where the characteristics are divided into individual entities and movement entities (organizations). The existence of the LGBT movement in Indonesia is ranked fifth after China, India, Europe, and America. Furthermore, the responsiveness of marriage law to the existence of the LGBT movement in Indonesia firmly rejects the existence of this movement. This is very far from the religious values and positive legal norms that exist in Indonesia. Islamic law strictly prohibits LGBT, as stated in the letter Q.S. Ar-Ruum: 21, Q.S. Ash-Syu'ara: 165-166, Q.S. Al-A'raf: 80-81. Furthermore, it is also explicitly stated in Law No. 1 of 1974 concerning marriage, that only men and women can marry, not homosexuals. The existence of LGBT itself has many impacts such as social, security, and health impacts.

²⁷ Anastasia Meilin Gita Permata Laia and Stivani Ismawira Sinambela, "Strategi Amnesty Internasional Diskriminasi LGBT Di Indonesia," *Jurnal Sospoli Integratif* 3, no. 1 (2023): 391–402.

²⁸ Safira Putri Cahyani et al., "Studi Komparasi Prosedur Pencatatan Perkawinan Indonesia Dan Malaysia," *Ma'mal* 4, no. 3 (2023): 217–33.

REFERENCES

- Afiah, Regina Solihatun. "Fenomena LGBT Beserta Dampaknya Di Indonesia." *Gunung Djati Conference Series* 23 (2023): 822–31.
- Cahyani, Safira Putri, Siti Winariyah, Wiwik Andriyani, Drajat Samudra Pangestu, and Zakiyatul Ulya. "Studi Komparasi Prosedur Pencatatan Perkawinan Indonesia Dan Malaysia." *Ma'mal* 4, no. 3 (2023): 217–33.
- Canu, Ubaidillah, and Ahmad Tahali. "Fenomena LGBT Di Indonesia Dalam Perspektif Hak Asasi Manusia Dan Hukum Islam." *Jurnal Ilmu Hukum Dan Ekonomi Islam* 5, no. 2 (2023): 96–111.
- Daus, Candra Refan, and Ismail Marzuki. "Perkawinan Beda Agama Di Indonesia; Perspektif Yuridis, Agama-Agama Dan Hak Asasi Manusia." *Al-'Adalah* 8, no. 1 (2023): 40–64.
- Dhamayanti, Febby Shafira. "Pro-Kontra Terhadap Pandangan Mengenai LGBT Berdasarkan Perspektif HAM , Agama , Dan Hukum Di Indonesia." *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 2, no. 2 (2022): 210–31.
- Fauziah, Anisa, Sugeng Samiyono, and Fithry Khairiyati. "Perilaku Lesbian Gay Biseksual Dan Transgender (LGBT) Dalam Perspektif Hak Azasi Manusia." *Surya Kencana Satu* 11, no. 2 (2020): 151–62.
- Firdaus, Usamah Ali. "Pendidikan Karakter Sebagai Upaya Pencegahan Perilaku LGBT." *Madinatul Iman* 2, no. 2 (2023): 15–22.
- Górska, Paulina, and Nicole Tausch. "People or Ideology? Social Conservatism and Intergroup Contact Moderate Heterosexuals' Responses to a State-Sponsored Anti-LGBT Campaign." *Sexuality Research and Social Policy* 20, no. 3 (2022): 1049–63. <https://doi.org/10.1007/s13178-022-00783-y>.
- Jones, Tiffany. "Religious Freedom and LGBTIQ + Students." *Sexuality Research and Social Policy* 20, no. 3 (2023): 1133–51.
- Laia, Anastasia Meilin Gita Permata, and Stivani Ismawira Sinambela. "Strategi Amnesty Internasional Diskriminasi LGBT Di Indonesia." *Jurnal Sospoli Integratif* 3, no. 1 (2023): 391–402.
- Moleong, Lexy J. *Metodologi Penelitian Kualitatif*. Bandung: PT Remaja Rosdakarya, 2021.
- Muhaimin. *Metode Penelitian Hukum*. Nusa Tenggara Barat: University Press, 2020.

- Nasution, Fathurrahman, Rafi Putra Muharama, and Sania. "Dampak LGBT Bagi Kesehatan Serta Sudut Pandang Dari Agama Islam." *Relinesia* 2, no. 3 (2023): 1–10.
- Nisa, Nurulia Shalehatun. "Tinjauan Fiqh 'Urf Terhadap Praktik Perjanjian Perkawinan (Studi Empiris Adat Dayak Ngajudi Kota Palangka Raya)." *Asasi: Journal of Islamic Family Law* 2, no. 2 (2022): 222.
- Nurfinahati, Friska Flisilia, and Rio Lingga Wijaya. "Lesbian, Gay, Bisexual, Dan Transgender Dalam Rekayasa Sosial Masyarakat Indonesia Bersudut Pandang Ilmu Kesehatan Sosiologi." *Nautical: Jurnal Ilmiah Multidisiplin* 1, no. 8 (2022): 740–45.
- Pratiwi, Bintang. "LGBT Bertopengkan HAM Yang Menjarah Karakteristik Pemuda Indonesia." *Jurnal Multidisiplin Indonesia* 1, no. 3 (2022): 887–95.
- Putra, Juniawan Mandala, and Erlina Puspitaloka Mahadewi. "Dampak Media Social Terhadap Cara Pola Pikir Anak Muda Generasi Z Dalam Ketimpangan Pemikiran LGBT." *Zahra* 3, no. 4 (2023): 306–14.
- Putri, Destashya Wisna Diraya. "LGBT Dalam Kajian Hak Asasi Manusia Di Indonesia." *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 2, no. 1 (2022): 88–100. <https://doi.org/10.15294/ipmhi.v2i1.53739>.
- Putri, Izza Amalia. "Kedudukan Lesbian, Gay, Biseksual, Dan Transgender (LGBT) Di Indonesia Ditinjau Dari Perspektif Hak Asasi Manusia." *Madani: Jurnal Ilmiah Multidisiplin* 1, no. 8 (2023): 385–93.
- Ramadan, Deden, Yulfa Dinda Parazqia, Nurhidayati Muthmainah, Dinta Rizka Irfianti, Nyayu Nurul Hikmah, Nys Zakirah Sammaniah, Berty Salsabila Pasha, et al. "Pro Kontra LGBT Di Republik Indonesia." *Proceeding Conference on Psychology and Behavioral Sciences* 1, no. 1 (2022): 1–12.
- Ramadani, Widya, and Roni Uli Sianturi. "Kebijakan Hukum Pidana Dalam Menanggulangi LGBT." *Aufklarung* 2, no. 4 (2022): 379–85.
- Sumardi. "Toilet Gender Neutral in LGBT Practices : A Comparative Study of Human Rights and Religion." *Educational Journal of History and Humanities* 6, no. 3 (2023): 816–22.
- Winardy, Gary Collins Brata, and Eva Septiana. "LGBTQ Related Intervention in Indonesia: A Literature Review." *Psychological Research on Urban Society* 6, no. 1 (2023): 60–73.

- Yasa, Admal Putu. "Dimensi Filosofis Hak Asasi Lesbian, Gay, Biseksual, Dan Transgender (LGBT) Di Indonesia: Rivalitas Naturalisme Dan Positivisme." *Journal Transformation of Mandalika* 4, no. 6 (2023): 338–47.
- Yu, Hyunmin, Dalmacio Dennis Flores, Stephen Bonett, and José Arturo Bauermeister. "LGBTQ + Cultural Competency Training for Health Professionals : A Systematic Review." *BMC Medical Education*, 2023, 1–83. <https://doi.org/10.1186/s12909-023-04373-3>.
- Zein, Satria Effendi M. *Ushul Fiqh*. Jakarta: Prenadamedia Group, 2005.

