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Legal Vacuum of LGBT in Indonesia: A Multidimensional Analysis of Implications, Challenges, and Solutions

Article	Abstract
<p>Author Robin Mulki Ramadhan¹, Dede Bagus Sadewo², Abdi Nauffal Satria Eruffif³, Sarah Tri Nur Firman Ramadhan⁴, Wahyu Catur Adi Nugroho⁵</p> <p>¹²³⁴⁵ UNESA Campus 5, State University of Surabaya, Surabaya</p> <p>Corresponding Author: *Robin Mulki Ramadhan, Email: 24111764012@mhs.unesa.ac.id</p> <p>Data: Received: May 26, 2025; Accepted: Jun 19, 2022; Published: Jun 20, 2022</p> <p>DOI: DOI -</p>	<p>Objective: This study analyzes the legal vacuum surrounding the protection and recognition of LGBT rights in Indonesia, focusing on the unclear legal status due to the absence of explicit national legislation, which results in discrimination and legal uncertainty.</p> <p>Theoretical Framework: The research analysis is based on several main theoretical frameworks, namely Human Rights Theory which emphasizes the protection of individual rights without discrimination, Cultural Relativism Theory which highlights the importance of cultural and religious contexts in the application of law, Legal Politics which discusses the direction of state legal policies, and Social Stigma Theory which explains the processes of discrimination and marginalization of LGBT groups in society.</p> <p>Method: Using a normative legal qualitative approach, this study reviews national and regional laws, decisions of the Constitutional Court, drafts of the Penal Code, and academic literature through comparative analysis.</p> <p>Results and Discussion: Findings indicate a significant gap between the principles of universal human rights and the legal realities of conservative culture and religion in Indonesia, which allows for systemic discrimination and arbitrary law enforcement. Strong social stigma exacerbates the marginalization of LGBT.</p> <p>Research Implications: This study highlights the urgent need for inclusive and human rights-based legal reforms and constructive dialogue between the state, society, and minority groups to promote social justice.</p> <p>Originality/Value: This research provides a comprehensive mapping of the legal gaps in Indonesia related to LGBT issues, offering theoretical and practical insights for fair and equitable regulation in a pluralistic society.</p> <p>Keywords: <i>LGBT Rights, Legal Vacuum, Human Rights, Legal Protection.</i></p>

INTRODUCTION

LGBT is an abbreviation for Lesbian, Gay, Bisexual, Transgender. Lesbian is a term for women who direct their sexual orientation towards other women. Gay is a term for men who direct their sexual orientation towards other men. Bisexual, on the other hand, is a sexual orientation where the sexual attraction is directed towards both men and women. Transgender is a term used to describe someone who acts, feels, thinks, or appears different from the sex assigned to them at birth, naming a condition unrelated to sexual orientation. LGBT is a form of sexual deviation beyond adultery and abuse¹. LGBT is an acronym for the terms Lesbian, Gay, Bisexual, and Transgender. The acronym 'LGB' refers to specific sexual orientations. Meanwhile, the acronym 'T' refers to an individual's gender identity². Sexual orientation is different from gender. Gender refers to the demands, roles, and positions of an individual in the social environment related to their sexual identity³. Sexual identity means how a person views themselves, either as a man or as a woman. Sexual identity refers to the result of the division of sex in terms of chromosomal, chromatin (genetic), gonadal, hormonal, and somatic (phenotypic, biotypic) aspects.

gender versus sex divides womanhood and manhood into two types of reality: femininity/femaleness and masculinity/maleness. This divide, however, does not acknowledge that these two layers can only be understood in relation to each other⁴. Humans are actually created in two types to marriage, namely male and female. In Indonesia, there is a law governing marriage, namely Law No. 1 of 1974, Article 2, paragraph 1, which stipulates the validity of a marriage, namely that a marriage is valid if it is conducted in accordance with the laws of each religion and belief⁵. Marriage aims, among other things, to preserve humanity. It is very contrasting when compared to the LGBT community who are attracted to the same sex. In the LBHM report, it is stated that the most commonly found fatal error is considering LGBT as a deviation, amoral, proxy war, and a threat to the nation⁶. Many other countries appreciate and legalize LGBT, but Indonesia chooses its own stance, rejecting LGB and understanding Transgender. This stance is based on a public policy approach, whereby every country has the right to adopt different approaches and policies in accordance with their respective values and wisdom⁷. For example, Sweden is a role model for LGBT people around the world. In Sweden, there are 652 female couples and 498 male couples who are registered in same-sex marriages⁸.

Indonesia, as the country with the largest Muslim population in the world, has a complex legal landscape related to lesbian, gay, bisexual, and transgender (LGBT) issues. Although there is no national criminal law that explicitly criminalizes homosexuality or transgender identities, a significant legal vacuum creates uncertainty and vulnerability for

¹ Tempo.com, "Pakar Hukum: Ada Kekosongan Hukum Tentang LGBT Di Indonesia," tempo, 2017, <https://www.tempo.co/hukum/pakar-hukum-ada-kekosongan-hukum-tentang-lgbt-di-indonesia-1012288>.

² Jeanete Ophilia Papilaya, "Lesbian, Gay, Biseksual, Transgender (LGBT) Dan Keadilan Sosial," *Jurnal Humaniora Yayasan Bina Darma* 3, no. 1 (2016): 25–34.

³ Rofingatun Hamidah, Tyas Retno Wulan, and Arizal Mutahir, "Representasi Kelompok Lesbian, Gay, Biseksual, Dan Transgender (LGBT) Dalam Pemberitaan Detik . Com" 18, no. 1 (2023): 59–84, <https://doi.org/10.24090/yinyang.v18i1>.

⁴ Anne Fausto-Sterling, "Gender/Sex, Sexual Orientation, and Identity Are in the Body: How Did They Get There?," *Journal of Sex Research* 56, no. 4–5 (2019): 529–55, <https://doi.org/10.1080/00224499.2019.1581883>.

⁵ Syamsul A. Bahri and Adama, "Akibat Hukum Perkawinan Beda Agama Menurut Undang-Undang No. 1 Tahun 1974 Tentang Perkawinan," *AL-SYAKHSHIYYAH: Jurnal Hukum Keluarga Islam Dan Kemanusiaan* 2, no. 1 (2020): 75–85.

⁶ Papilaya, "Lesbian, Gay, Biseksual, Transgender (LGBT) Dan Keadilan Sosial."

⁷ Muhamad Ridha Suaib, "Pengantar Kebijakan Publik," 2016.

⁸ Sang Hie Lee, "Social Science Research," *Scholarly Research for Musicians* 01, no. 1 (2017): 89–97, <https://doi.org/10.4324/9781315458090>.

LGBT individuals. Currently, Indonesia is in turmoil over the issues of Lesbian, Gay, Bisexual, Transgender (LGBT). LGBT behavior is a form of negative behavior because it is seen as inconsistent with the norms prevailing in society. These behaviors are said to be a form of sexual deviance because they do not align with the sexual orientation that they should have⁹. The LGBT community has emerged and developed in developed countries (the West), but is slowly appearing in developing countries, such as Indonesia¹⁰. The absence of comprehensive laws to protect LGBT rights leads to systemic discrimination in various aspects of life, including employment, housing, healthcare, and education. On one hand, articles in the Criminal Code (KUHP) related to morality are often used to target and criminalize behaviors deemed "deviant.". Although the interpretation and application of these articles are inconsistent. On the other hand, efforts to criminalize same-sex relationships through revisions to the Criminal Code have faced challenges and controversy, reflecting a deep debate in Indonesian society about religious values, human rights, and national identity. LGBT behavior and other deviant sexual practices are seen as detrimental to the lives of society, the nation, and the state, and contrary to the true nature of humanity¹¹. Certainly in Indonesia, many do not accept LGBT because it is considered a behavior that deviates from religious and societal norms¹².

This legal vacuum not only creates uncertainty for LGBT individuals but also opens the door for discriminatory regional regulations (perda) and arbitrary law enforcement. Regulations that prohibit "lewd acts" or "indecency" are often used to target LGBT individuals, while conservative civil groups and religious organizations continue to promote an anti-LGBT agenda through political lobbying and public campaigns. In this context, the Constitutional Court has played an important role in reviewing laws considered discriminatory against LGBT. Although the Constitutional Court has rejected attempts to criminalize same-sex relationships in several cases, these decisions do not completely eliminate the legal vacuum or address the systemic discrimination faced by the LGBT community. LGBT has become a topic that has spread widely across various countries, including Indonesia and Japan. There are numerous pros and cons regarding the acceptance and rejection of LGBT groups. They often face discriminatory treatment from people around them, for example in terms of employment, experiencing violence, and having difficulties interacting with society, leading them to prefer hiding their identities. They tend to feel more open when gathering with other homosexuals, as being among fellow homosexuals provides them with comfort, helps them understand themselves better, and allows them to share knowledge, enabling them to 'survive' as lesbians.¹³

Therefore, it is important to understand the legal void regarding LGBT in Indonesia as a complex and multidimensional issue, involving legal, social, cultural, and political aspects. An in-depth analysis of this legal void will help identify the root causes of discrimination and

⁹ Erin Padilla Siregar, "Persepsi Remaja Terhadap LGBT (Lesbian, Gay, Biseksual, Dan Transgender) Di SMA Santa Lusia Kecamatan Percut Sei Tuan, Kabupaten Deli Serdang Tahun 2018," *Jurnal Darma Agung Husada* 5, no. 1 (2019): 69–76.

¹⁰ Viska Anindya Apta Artanti et al., "LGBT Dalam Prespektif HAM Di Indonesia," *Proceeding of Conference on Law and Social Studies* 1 (2022): 1–8.

¹¹ Enggar Wijayanto and Nuriah Hasibuan, "Moralitas Hukum, Lgbt Dan Hak Asasi Manusia Dalam Perspektif Fikih Siyasah," *Jurnal Hukum Keluarga Islam* 1, no. 1 (2023): 18–32.

¹² Siti Kholifatur Rosyidah, "Pengaruh Globalisasi Dalam Perkembangan Perjuangan Identitas Dan Hak Kelompok Lgbt Di Indonesia," *Global and Policy Journal of International Relations* 5, no. 02 (2020): 183–98, <https://doi.org/10.33005/jgp.v5i02.1892>.

¹³ Hayun Nurdiniyah and Rizky Aurelia Putri Dehars, "Fenomena LGBT Di Indonesia Dan Jepang Dalam Perspektif Wacana Seksualitas Dan Kekuasaan Michel Foucault," *Izumi* 12, no. 2 (2023): 193–203, <https://doi.org/10.14710/izumi.12.2.193-203>.

injustice faced by LGBT individuals in Indonesia, as well as formulate effective strategies to promote human rights and equality for all Indonesian citizens, regardless of their sexual orientation or gender identity. Although various study results have concluded that Indonesia falls into the category of countries that do not yet have specific legal regulations. Regarding same-sex marriage, it does not mean that there is no debate and ideological conflict within it. In Indonesia, that debate also takes place. This can be seen, for example, in the judicial review process of several articles of the Criminal Code at the Constitutional Court of the Republic of Indonesia (MKRI) concerning crimes against morality, which have been requested to expand their formulation so that it can be used to criminalize those who engage in same-sex marriage. In the trial process at the Constitutional Court, there is a clear display of debate and ideological conflict between the groups that support and those that oppose the legalization of same-sex marriage.

This research uses several theories, the first being the theory of human rights according to Luhut M.P Pangaribuan, which states that human rights are the rights possessed by humans that are obtained and carried along with their birth and presence in society¹⁴. Human rights are inherently the fundamental rights that are attached to every individual since they are born. An excessive concern for human rights makes it a spearhead in the implementation of state governance, especially regarding welfare, prosperity, security, etc., which relates to all citizens regardless of status, caste, etc¹⁵. The theory of human rights framework states that the rights of LGBT individuals are part of fundamental rights¹⁶. In the review of Human Rights, the issue of LGBT occupies a rather complicated dialectical space of pro and contra. The emergence of the LGBT issue in public spaces is fundamentally identified as a principle of freedom to express oneself, which is part of human rights provisions. However, the emergence and existence of LGBT result in the birth of two opposing perceptions, especially in social life. Because LGBT itself has been labeled as a form of sexual deviation¹⁷. The second is the theory of cultural relativism regarding the view that the culture of a society is the highest value, so the application of human rights must be adapted to local culture and should not change it¹⁸. Next, there is the legal political theory which is a part of legal science that examines the changes that must be made in the existing law to meet the demands of societal life¹⁹. The last is the theory of social stigma, which is a behavior where a person is not accepted in a group due to the belief that the person goes against the prevailing norms²⁰. The stigma that is attached also triggers the internalization of stigma by the LGBT individuals themselves, which can adversely affect their mental health. This condition is exacerbated by the public's lack of understanding of human rights and SOGIE (sexual orientation, gender identity, and gender expression)²¹. LGBT is a

¹⁴ Luhut M.P. Pangaribuan, "Hak Asasi Manusia," *Jurnal Hukum & Pembangunan* 19, no. 6 (2017): 519, <https://doi.org/10.21143/jhp.vol19.no6.1180>.

¹⁵ Yeni Sri Lestari, "Lesbian, Gay, Biseksual, Dan Transgender (Lgbt) Dan Hak Asasi Manusia (Ham)," *Jurnal Community* 4, no. 1 (2018): 105–22, <https://doi.org/10.35308/jcpds.v4i1.193>.

¹⁶ Papilaya, "Lesbian, Gay, Biseksual, Transgender (LGBT) Dan Keadilan Sosial."

¹⁷ Enggar Wijayanto and Vivi Yulia Putri, "LGBT RUU KUHP Dan Hak Asasi Manusia Dalam Tinjauan Negara Hukum Pancasila," *Jurnal Justisia : Jurnal Ilmu Hukum, Perundang-Undangan Dan Pranata Sosial* 7, no. 2 (2022): 290, <https://doi.org/10.22373/justisia.v7i2.14495>.

¹⁸ Universalisme Dan, Relativisme Budaya, and Dalam Penegakan, "Sylvia Dwi Andini" 5 (2022): 331–44.

¹⁹ Syahriza Alkahir Anggoro, "Politik Hukum: Mencari Sejumlah Penjelasan," *Jurnal Cakrawala Hukum* 10, no. 1 (2019): 77–86, <https://doi.org/10.26905/idjch.v10i1.2871>.

²⁰ C. (2021) Widyastutik, "Makna Stigma Sosial Bagi Disabilitas Di Desa Semen Kecamatan Paron Kabupaten Ngawi," *Paradigma*, 10(1). (2021).

²¹ Lidia L (Fakultas Psikologi Unika Atma Jaya Jakarta) Sarahsita, Rr. Sitti H, Hidajat, "Dinamika Internalized Sexual Stigma Pada Lesbian Maskulin Yang Belum Mengalami Proses Coming Out (Studi Kasus Pada Dua Lesbian Maskulin Di Jakarta)," *Ilmiah Psikologi MANASA* 6, no. 1 (2017): 23–37.

term derived from the acronym for lesbian, gay, bisexual, and transgender, used to refer to a group of sexual minorities. Lesbian is a term referring to women who are emotionally, physically, and sexually attracted to other women. The term gay refers to gay men, and sometimes also refers to the sexual orientation of lesbian, gay, and bisexual individuals. Bisexual individuals are emotionally, physically, and sexually attracted to members of both sexes. Transgender refers to a person's identification with a gender different from the one assigned at birth²².

Several previous studies on the issue of Lesbian, Gay, Bisexual, and Transgender (LGBT) in Indonesia have shown a very complex dynamics, especially in the context of human rights, social acceptance, and state policies. Yasa (2023) in his research titled "Philosophical Dimensions of Human Rights for Lesbian, Gay, Bisexual, and Transgender (LGBT) in Indonesia: The Rivalry of Naturalism and Positivism" explains that the concept of human rights philosophically acknowledges the existence of natural rights that are very fundamental and cannot be violated by anyone. These rights include freedoms and protections that should be possessed by every individual without exception. However, in practice, the state as the highest authority still plays an important role and often uses its power to restrict or even eliminate the rights that are supposed to belong to individuals, including LGBT groups. This indicates a tension between the universal principles of human rights and the realities of national laws and policies that are influenced by cultural, religious, and political values. Furthermore²³.

In its research discussing the LGBT phenomenon and its impacts in Indonesia, it was found that the development of LGBT behavior brings a number of significant negative impacts on society, especially among teenagers. The research highlights that LGBT behavior can have serious consequences on various aspects of life, ranging from physical and mental health, social relationships, to education and safety. The health impacts referred to include the risk of infectious diseases and psychological disorders due to discrimination and social stigma. From a social perspective, LGBT behavior often leads to conflicts and tensions within family environments as well as in the broader community. In the realm of education, this behavior can disrupt the teaching and learning process and create an environment that is less conducive to adolescent development. Furthermore, safety aspects also become a concern due to the potential for violence or acts of intolerance towards LGBT individuals being quite high. Thus, Afiyah's research emphasizes the importance of greater attention to the social and psychological impacts of the LGBT phenomenon in Indonesia.

On the other hand,²⁴ through their study titled "Debates and Global Phenomena of Legalizing Same-Sex Marriage: Case Studies of the United States, Singapore, and Indonesia," they reveal that the legalization of same-sex marriage is not a phenomenon that can be universally accepted across all countries, cultures, and religions. They emphasize that same-sex marriage remains a controversial issue influenced by different cultural and religious values in each country. In this context, same-sex marriage cannot yet be categorized as a universal and absolute human right that must be recognized by all countries. This indicates a plurality of views and policies regarding LGBT rights worldwide, reflecting fundamental differences in the interpretation and acceptance of human rights in various communities and countries.

²² Sri Rahmah Ramadhoni, Isu Keadilan Sosial, and Strategi Advokasi Konselor, "Vol. 4, No. 1, Juni 2023" 4, no. 1 (2023): 20–29.

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

²⁴ Hamid Chalid and Arief Ainul Yaqin, "Perdebatan Dan Fenomena Global Legalisasi Pernikahan Sesama Jenis: Studi Kasus Amerika Serikat, Singapura, Dan Indonesia," *Jurnal Konstitusi* 18, no. 1 (2021): 138–67, <https://doi.org/10.31078/jk1817>.

Overall, the three studies depict that LGBT issues in Indonesia still face various complex challenges, in terms of legal, social, and cultural aspects. Although human rights philosophically recognize individual rights without discrimination, the reality on the ground shows that the state and society still consider traditional and religious values in determining the limits on the rights of LGBT groups. The social and psychological impacts arising from this phenomenon also require a more holistic and sensitive approach in addressing LGBT issues, so as not to create greater conflicts in society. Therefore, constructive dialogue and inclusive policies are essential to find a meeting point between the protection of human rights and the existing cultural values in Indonesia. This research focuses on the ambiguity and legal vacuums governing LGBT in Indonesia. Currently, there is no specific law that explicitly prohibits or protects the activities and rights of LGBT groups, resulting in their legal status being ambiguous - not criminalized, but it is not legally recognized either. This vacancy creates implications in the form of vulnerability to discrimination, stigmatization, and unequal treatment in society, because the existing legal protections are still very limited and often influenced by social and religious values. On the other hand, the need for clear regulations is becoming increasingly urgent as times change and social dynamics evolve. However, efforts to establish fair and comprehensive legal regulations still face prolonged debates at the legislative and societal levels. This indicates a gap between the evolving social realities and the stagnation of regulations that have yet to meet challenges and provide legal certainty for LGBT groups in Indonesia.

Some people in Indonesia believe that the recognition or legal protection of LGBT contradicts cultural values, social norms, and religious teachings that have long been the foundation of community life in Indonesia. Concerns arise that the legalization or protection of LGBT could threaten the social and moral order of the younger generation, as well as trigger horizontal conflicts in a society that still largely adheres to traditional values. In addition, some parties argue that a legal vacuum is actually necessary to maintain social stability and prevent sharper polarization between pro and contra groups. Thus, the debate regarding LGBT regulation in Indonesia is not only related to legal aspects but is also closely linked to national identity, social integrity, and the noble values upheld by society. This research aims to analyze the legal vacuum regarding LGBT rights in Indonesia, which still lacks clear and comprehensive regulations. This legal vacuum creates uncertainty and vulnerability for LGBT individuals, thus requiring an in-depth study to understand the social and legal implications comprehensively. In addition, this research also seeks to identify the impacts of this legal vacuum on society and the Indonesian legal system, including how it affects human rights protection and social cohesion. Based on the results of this analysis, This research aims to provide policy recommendations based on the principles of human rights, while remaining sensitive to the cultural context and local values of Indonesia. Thus, it is hoped that the resulting policies will not only meet international standards, but also be accepted and effectively implemented within the complex social and cultural framework of Indonesia.

RESEARCH METHOD

The research method used in this article is normative legal research with a descriptive approach, which focuses on the analysis of legal gaps regarding LGBT in Indonesia. This normative legal research was conducted through literature study or secondary data, including documents, regulations, literature, archives, reports, as well as previous research results relevant to the discussed topic. The secondary data that was collected and analyzed focuses on regulations, doctrines, and court decisions directly related to the research issues, thereby providing a deep understanding of the application of legal norms in that context. Data analysis is conducted qualitatively using a deductive approach, which means drawing conclusions from

general legal provisions found in legislation and applying them to the specific issues that are the focus of the research, so that the discussion remains focused on the main issue and produces valid conclusions that can be scientifically accountable. With this approach, it is expected that this research can contribute to enriching the academic discussion regarding fair and inclusive broadcasting governance, as well as provide policy recommendations for broadcasting institutions and regulators such as KPI to formulate more effective, adaptive, and public protection-oriented supervision strategies while respecting diversity²⁵.

ANALYSIS AND DISCUSSION

The existence of LGBT in the world has been around for a long time, starting from the earliest time the phenomenon was discovered, which is the 19th century. In the 19th century, the American Psychiatric Association (APA) still considered homosexuality as a mental disorder. As seen in the development of diagnoses by psychiatrists in America along with their research, in 1952 the original diagnosis and the Diagnostic and Statistical Manual of Mental Disorders (DSM) classified homosexuality as a sociopathic personality disorder²⁶. If legalized, LGBT will certainly have an impact on the emergence of various problems in Indonesia. From the declining birth rate because same-sex couples cannot produce offspring, to other issues such as the anxiety of society that feels their safety is disturbed, leading to the disintegration of the nation which becomes divided into pro and anti LGBT groups²⁷. Since the importance of Human Rights was articulated in the Universal Declaration of Human Rights (UDHR), the LGBT community has increasingly grown in numbers and has begun to find the courage to speak out for their recognition. The international community's acceptance of the existence and protection of LGBT rights needs to be emphasized based on international human rights legal instruments that guarantee fundamental human rights and freedoms such as the right to non-discrimination (UDHR, 1948: Article 7)²⁸.

A. The implications arising from the legal vacuum regarding LGBT in Indonesia

1. There is no legal certainty

The legal vacuum causes LGBT activities to not be categorically classified as either legal or illegal. Because there are no rules that explicitly prohibit or impose sanctions on LGBT behavior, criminalization cannot be enforced, but it also does not mean that LGBT activities are legalized. In the Indonesian Penal Code, homosexuality is not specifically considered an illegal act, as long as it does not involve other more specific legal violations²⁹. The current Criminal Code only regulates homosexual acts if they involve minors (Article 292), so consensual same-sex relationships between adults cannot be prosecuted under criminal law. This has led law enforcement officials to often use other articles that are open to interpretation, such as articles

²⁵ Rhesa Yusuf Prabowo, Kebebasan Berekspresi, and Komisi Penyiaran Indonesia, "Begawan Abioso Representasi LGBT Di Media Televisi Indonesia Dan" 15 (2024).

²⁶ 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>.

²⁷ Iqbal Wahyu Permana, "Perspektif Hukum Terhadap Maraknya Kasus LGBT Di Indonesia," *Referendum : Jurnal Hukum Perdata Dan Pidana* 1, no. 2 (2024): 43–50, <https://doi.org/10.62383/referendum.v1i2.37>.

²⁸ Firman Faresi Wijaya et al., "Proceeding of Conference on Law and Social Studies Regulasi Hukum Indonesia Terhadap Eksistensi Hak Asasi Manusia Di Masyarakat Terhadap LGBT (Lesbian, Gay, Biseksual, Dan Transgender)," *Proceeding of Conference on Law and Social Studies*, 2022, <http://prosiding.unipma.ac.id/index.php/COLaS>.

²⁹ Sahat T Maruli Situmeang, Latiffa Rojikin Putri, and Karlina Mendisa, "Penegakan Hukum Terhadap Pelaku Penyimpangan Seksual Dalam Perspektif Hukum Pidana Indonesia," *Jurnal Riset Indragiri* 2, no. 3 (2023): 226–39.

on morality or religious blasphemy, to act against LGBT behavior³⁰. This certainly creates a vacuum of norms in Indonesian criminal law. On the other hand, some regions such as Aceh and Pariaman have adopted local regulations (Qanun and Perda) that explicitly prohibit and impose sanctions on LGBT behavior. This fragmentation of regulations creates contradictions between national law, regional law, and Indonesia's commitments to international law, particularly after Indonesia ratified the International Covenant on Civil and Political Rights (ICCPR), which prohibits discrimination based on sexual orientation.

This situation creates significant legal uncertainty for both the LGBT community and law enforcement officials. On one hand, due to the lack of clear regulations, LGBT individuals face the risk of discrimination and repressive actions that are often based on the interpretation of vague legal provisions. On the other hand, law enforcement officials face a dilemma in enforcing the law due to the absence of a clear legal framework, making the enforcement of LGBT activities inconsistent and subjective. This legal vacuum also opens opportunities for the abuse of power and arbitrary actions that can harm human rights³¹. In addition, the existence of different regional regulations, especially in areas that implement Sharia law like Aceh, creates tension between the principle of national legal unity and regional autonomy. These regulatory differences cause disharmony in the national legal system, which can lead to overlapping regulations³². This situation can also create a dilemma for LGBT people in these regions, who may face much harsher penalties than in other regions that do not have similar regulations. This situation reflects a fragmentation of the law that threatens the principles of justice and equality before the law.

2. Exploitation of legal loopholes in promoting the legalization and propaganda of LGBT

The legal vacuum related to LGBT in Indonesia provides an opportunity for certain parties to exploit this situation as a chance to advocate for legalization or to spread LGBT propaganda. In the absence of clear regulations, narratives of freedom and human rights are often used to justify the existence and activities of LGBT, even though they contradict the values of Pancasila and the applicable social norms. The legal vacuum regarding LGBT in Indonesia creates an ambiguous situation, where there are no clear rules that explicitly prohibit or legalize LGBT activities at the national level, except in some areas like Aceh which enforce Sharia law. This ambiguity opens opportunities for various parties to exploit these legal gaps, either to advocate for legalization or to spread narratives supporting the existence and activities of LGBT under the guise of freedom and human rights. This legal vacuum gives the impression that LGBT activities are not a legal act³³. In conditions without clear regulations, arguments regarding individual freedom and the protection of human rights are often used as justifications, even though this is often seen as contrary to the values of Pancasila, religious norms, and customs that prevail in Indonesian society. As a result, there is polarization of attitudes in society: some demand recognition and protection of LGBT rights, while the majority rejects it and urges the government to fill the legal vacuum to prevent social disintegration and maintain the moral values upheld by the majority. Sexual orientation and the deviant behavior of the

³⁰ Anak Agung Istri Adhi Pramesti and Diah Ratna Sari Hariyanto, "Pandangan Hukum Pidana Terhadap Hubungan Sesama Jenis Di Indonesia," *Presidensial: Jurnal Hukum, Administrasi Negara, Dan Kebijakan Publik* 1, no. 3 (2024): 82–91, <https://doi.org/10.62383/presidensial.v1i3.80>.

³¹ Victor Imanuel Nalle, "Asas Contarius Actus Pada Perpu Ormas: Kritik Dalam Perspektif Hukum Administrasi Negara Dan Hak Asasi Manusia," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 4, no. 2 (2017): 244–62, <https://doi.org/10.22304/pjih.v4n2.a2>.

³² Arnoldus Jansen et al., "Efektivitas Harmonisasi Peraturan Perundang-Undangan Dalam Menghindari Tumpang Tindih Regulasi Di Indonesia" 4, no. 1 (2025): 68–79.

³³ Tempo.com, "Pakar Hukum: Ada Kekosongan Hukum Tentang LGBT Di Indonesia."

LGBT community influence society's view that they are unjustly labeled, marginalized, and considered a dangerous social disease. The LGBT community often faces subtle discrimination, and they are frequently alienated from their families and surroundings. Indonesia, for example, a country that upholds Pancasila and adheres to the law, has a variety of religions³⁴.

3. Social tension and pros and cons in society

The polarization of the Indonesian public's attitude towards LGBT issues is closely related to the absence of clear regulations and the clash between the arguments for individual freedom and the protection of human rights with the values of Pancasila, religious norms, and prevailing customs. On one hand, some members of society demand recognition and protection of LGBT rights based on the principles of universal human rights, highlighting the importance of non-discrimination and protection for minority groups to prevent them from becoming victims of human rights violations. Therefore, the LGBT community in Indonesia should not be marginalized because they are also citizens with the right to life and freedom as long as they do not disturb or harm society³⁵. However, on the other hand, the majority of Indonesian society, which adheres to religious values and local traditions, rejects the existence and legality of LGBT behavior, fearing social disintegration and a shift in the shared moral values. The majority of Indonesian society, which still strongly holds on to religious and local cultural values, rejects the existence and legality of LGBT. Research by Setyawan & Muhiddin on community responses to LGBT content in Indonesian media is heavily influenced by existing social, cultural, and religious norms. It shows that although the younger generation tends to be more open to LGBT issues, their perceptions³⁶.

The pro and con debate regarding this group cannot be avoided. The pro side argues that LGBT is an expression that must be respected and protected by the state. LGBT is considered part of human rights. The con side argues that LGBT is deviant sexuality and can disrupt the social order. This opinion is usually voiced by religious and cultural groups in Indonesia³⁷. They are concerned that if the LGBT phenomenon becomes more accepted, there will be social disintegration and a shift in moral values that have long been considered the foundation of the nation. Another opinion regarding the LGBT debate is that there are supporters who argue that the state should promote a non-discriminatory attitude toward various sexual orientations and gender identities. respect for human rights (HR). On the other hand, critics argue that this may conflict with certain cultural or religious values. Nevertheless, from a human rights perspective, LGBT supporters assert that sexual orientation is a part of human rights that needs to be recognized³⁸. This concern is also reinforced by the narrative in mainstream media that tends to provide negative stigma towards the LGBT community.

There is also the assumption that the legalization of LGBT could undermine traditional marriage institutions and create confusion of values among younger generations. Additionally,

³⁴ Silvia Siti Handayani and Rofiah Siddiq, "Konflik LGBT Marak Di Lingkungan Sekitar Yang Membuat Resah," *MANIFESTO : Jurnal Gagasan Komunikasi, Politik, Dan Budaya* 1, no. 2 (2023): 1–4, <https://journal.awatarapublisher.com/index.php/manifesto>.

³⁵ Tempo.com, "Pakar Hukum: Ada Kekosongan Hukum Tentang LGBT Di Indonesia."

³⁶ Maulana, "PELAKSANAAN HUKUM HAK ASASI MANUSIA TERHADAP PELAKU LESBIAN GAY BISEKSUAL TRANSGENDER (LGBT) DI INDONESIA Maulana Magister Ilmu Hukum , Universitas Kader Bangsa Email : Maulana2564@gmail.Com A . Latar Belakang Hak Yang Dimiliki Setiap Manusia Dari Rahim," *Social Justicia* 2, no. 2 (2019): 122–31.

³⁷ Toba Sastrawan Manik et al., "Eksistensi LGBT Di Indonesia Dalam Kajian Perspektif HAM, Agama, Dan Pancasila," *Jurnal Kewarganegaraan* 18, no. 2 (2021): 84, <https://doi.org/10.24114/jk.v18i2.23639>.

³⁸ Bagas Dwi Arwindra et al., "Analisis Framing Pemberitaan Lgbt Yang Dikaitkan Ham Di Indonesia Pada Media Online Detik . Com," *Jurnal Solidaritas FISIP UNISRI X*, no. X (2023): 1–10.

research shows that stigma and rejection from society lead LGBT individuals to experience quite high social anxiety, especially among the lesbian group. This indicates that the LGBT issue in Indonesia is not only about rights and recognition, but is also closely related to complex social, psychological, and cultural dynamics. The LGBT community has a human rights foundation, which is the freedom to love another individual and to legalize their romantic relationships in the social institution of marriage without regard to gender, ethnicity, race, religion, or the social groups behind both. The LGBT community also seeks legal recognition of marriage in countries that have legalized same-sex marriage. Several countries around the world have legalized same-sex marriage and LGBT rights based on a society that is aware of human rights and does not have issues with LGBT individuals³⁹.

4. Contradiction with the Values of Pancasila and Religion

Indonesia is a country founded on the principles of Pancasila, which serves as the philosophical and ideological foundation of the nation. The values in Pancasila, especially the first principle regarding the One and Only God, serve as the main guideline in national and state life⁴⁰. The majority of Indonesian society highly upholds religious values as the moral foundation and social life. Therefore, many groups reject the existence of LGBT on the grounds that sexual orientations other than heterosexuality contradict widely held religious teachings in Indonesia. The recognition of LGBT rights would undermine the religious and moral values that have long been the foundation of society. From the perspective of this opposing group, the state must protect and respect religious values and social norms based on Pancasila, thus the legalization or recognition of LGBT activities is considered a threat to moral order and social harmony. Furthermore, it is believed that the traditional family institution consisting of relationships between men and women is the main pillar in maintaining the social and moral stability of the nation⁴¹. The recognition of same-sex marriage or other LGBT rights is considered to undermine this foundation and lead to division within society. Opponents also highlight the tension between individual rights and the collective values upheld by Indonesian society. The opinion expressed is that individual freedom to express one's sexual orientation should not sacrifice the common interests and social norms that have been mutually agreed upon. In this context, the state is seen as having the responsibility to uphold these values to prevent social disintegration.

In summary, the rejection of LGBT in Indonesia is often based on the values of Pancasila and religion, which are considered to be in conflict with non-heterosexual sexual orientation, with the reasoning of maintaining morality, social harmony, and the stability of traditional family institutions. The strong role of religion in politics and public policy in Indonesia further strengthens the stance of groups opposing the existence of LGBT. Many political parties, civil society organizations, and religious leaders oppose the existence of LGBT on the grounds that it contradicts religious teachings and Pancasila values. This rejection is manifested in various policy advocacy against the legalization of LGBT and the recognition of their rights. Thus, the LGBT issue in Indonesia is not only an individual rights issue but also a complex social, cultural, and political issue that involves collective values and national religious identity.

³⁹ Wijaya et al., "Proceeding of Conference on Law and Social Studies Regulasi Hukum Indonesia Terhadap Eksistensi Hak Asasi Manusia Di Masyarakat Terhadap LGBT (Lesbian, Gay, Biseksual, Dan Transgender)."

⁴⁰ Keren Mawar Eliza et al., "Implementasi Nilai-Nilai Pancasila Sebagai Ideologi Negara Dalam Kehidupan Masyarakat Di Era Globalisasi," *Journal of Law and Nation (JOLN)* 3, no. Mei (2024): 341–50.

⁴¹ Oleh Atma Ras et al., "Analisis Peran Orang Tua Dalam Optimalisasi Fungsi-Fungsi Keluarga Di Desa Latekko Kabupaten Bone" 6, no. 2 (2024): 161–77.

5. Barriers in Law Enforcement and Protection of LGBT Victims

The legal vacuum regarding LGBT issues also creates various obstacles in law enforcement and victim protection, both for victims of violence, discrimination, and other human rights violations. The lack of legal clarity often confuses law enforcement officials, such as police and prosecutors, when handling cases involving LGBT individuals. Many cases of violence or discrimination against LGBT people are not processed fairly, and often victims are blamed or ignored⁴². In many cases, LGBT victims who report to law enforcement do not receive equal treatment. They often face demeaning questions, negative stigma, and even rejection of their reports. This situation causes many cases of violence based on sexual orientation to never reach court, and perpetrators of violence often escape legal consequences. In addition, the lack of legal clarity causes law enforcement officials to use ambiguous articles, such as morality or blasphemy articles, which can actually worsen the position of LGBT victims. Another obstacle is the lack of witness and victim protection mechanisms for LGBT individuals⁴³. In a non-inclusive legal system, protection for victims of violence based on sexual orientation is still very limited. The absence of clear regulations also affects the low level of reporting of violence cases against LGBT individuals. Many victims feel distrustful of the legal system, so they choose not to report. Fear of stigma, discrimination, and even the threat of criminalization makes victims prefer to hide their identities and experiences. This is exacerbated by the attitude of law enforcement officers who are often insensitive to issues of sexual orientation and gender identity, resulting in an unfair legal process that tends to marginalize the victims⁴⁴.

Furthermore, data shows that violence against LGBT individuals occurs not only in public spaces, but also within family and community environments. There are many cases where victims actually experience violence from close relatives, such as family members who force the victims to change their sexual orientation through degrading means that violate human rights. In several regions, discriminatory actions are even legitimized by regional regulations based on certain moral or religious interpretations, thereby narrowing the legal protection space for LGBT individuals. Legal reform efforts become very important to address these barriers. Regulations that explicitly protect the rights of LGBT individuals and ensure equal treatment before the law are needed. Furthermore, law enforcement officials need to receive specialized training to handle cases involving LGBT individuals professionally and without prejudice. Witness and victim protection mechanisms must also be strengthened so that victims of violence based on sexual orientation feel safe to report and seek justice⁴⁵.

B. Recommendations for Legal Regulations on LGBT in Indonesia in the Future

The existence of the LGBT community in Indonesia remains a very sensitive and controversial issue as it is considered contrary to the religious, cultural, and moral values held by the majority of society. In the Indonesian constitution, human rights are viewed as having limitations, where the limitations should not contradict moral values, religious values, security, and public order; Indonesia is not a country based on religion, but Pancasila clearly states in its

⁴² Almyra Hesty et al., "Keadilan Sosial Dan Pelanggaran Hak Asasi Manusia Di Indonesia," n.d.

⁴³ Masfi Sya'fiatul Ummah, "No 主観的健康感を中心とした在宅高齢者における健康関連指標に関する共分散構造分析Title," *Sustainability (Switzerland)* 11, no. 1 (2019): 1–14, http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PEMBETUNGAN_TERPUSAT_STRATEGI_MELESTARI.

⁴⁴ Karlina Sofyarto, "Abu-Abu Regulasi LGBT Di Indonesia," *Jurnal Hukum Dan Bisnis (SELISIK)* 4, no. 6 (2018): 84–94.

⁴⁵ Deden Ramadan et al., "Pro Kontra LGBT Di Republik Indonesia," *Proceeding Conference on Psychology and Behavioral Sciences* 1, no. 1 (2024): 1–12, <https://doi.org/10.61994/cpbs.v1i1.1>.

first principle 'Belief in the One and Only God' so that religious values serve as the foundation for the constitution in realizing a democratic life for the Indonesian nation.⁴⁶ Indonesia, as a country with a majority Muslim population and a strong cultural tradition, views that sexual orientation and gender identity deviating from heterosexual norms can threaten social order and family harmony. Therefore, stricter and clearer regulations are needed from the government to limit the activities and spread of LGBT influence so as not to damage the noble values of the nation. The government is expected to strengthen the ban on LGBT promotion and propaganda in public spaces, including mass media and digital platforms, so as not to give space for the spread of such deviant lifestyles.

The legal vacuum regarding LGBT in Indonesia creates ambiguity in the enforcement of social and legal norms⁴⁷. The absence of specific regulations that explicitly govern sexual orientation and gender identity leads to a dissonance between the moral values of society and positive legal instruments. This results in confusion for both law enforcement officials and the general public in responding to the LGBT phenomenon, especially concerning individual civil rights that often intersect with public interests. On one hand, the constitution guarantees the right to freedom of expression and human rights protection; on the other hand, society demands protection for cultural and religious values that are perceived to be threatened by the existence of LGBT. This imbalance poses a serious challenge in the efforts to harmonize universal human rights principles with local norms that are deeply rooted in nationhood and governance⁴⁸.

To address this legal vacuum, a multidimensional approach is needed that involves legal, social, cultural, and religious aspects in a proportionate manner. Specific legislation governing LGBT must be formulated by considering a balance between respect for individual rights and protection of public order. The government together with the House of Representatives can draft laws that affirm the boundaries of public behavior without arbitrarily violating the principle of non-discrimination. In addition, a preventive approach through character education, strengthening the role of families, and enhancing moral literacy among the youth is crucial for building cultural resilience against external influences. Within this framework, inclusive dialogue among stakeholders such as religious leaders, academics, and civil communities becomes important so that the resulting policies are accommodative while still reflecting national identity.

In addition, consistent law enforcement against violations of moral norms must be carried out by imposing strict sanctions on offenders, in order to create a deterrent effect and maintain social order⁴⁹. Legal recognition of same-sex marriage must also be explicitly rejected because it contradicts the family values that have long been the foundation of Indonesian society, and it poses a potential threat to the institution of the family as the smallest unit in society. In addition, efforts to educate and socialize moral, religious, and cultural values need to be massively enhanced, especially for the younger generation, so that they understand the importance of maintaining norms and are not influenced by the negative impacts of LGBT lifestyle. With strict regulations and consistent implementation, it is hoped that the LGBT phenomenon will not spread further and can maintain social harmony as well as protect the

⁴⁶ Wijayanto and Hasibuan, "Moralitas Hukum, Lgbt Dan Hak Asasi Manusia Dalam Perspektif Fikih Siyazah."

⁴⁷ Biseksual Dan et al., "Analisis Yuridis Terhadap Keberadaan," n.d.

⁴⁸ Teti Krisdayanti Laia, "Penerapan Hak Asasi Manusia Menurut Uu Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia" 4 (2024): 16067–75.

⁴⁹ Eko Nurisman, "Risalah Tantangan Penegakan Hukum Tindak Pidana Kekerasan Seksual Pasca Lahirnya Undang-Undang Nomor 12 Tahun 2022," *Jurnal Pembangunan Hukum Indonesia* 4, no. 2 (2022): 170–96, <https://doi.org/10.14710/jphi.v4i2.170-196>.

Indonesian society from the negative impacts that may arise due to deviations in sexual orientation and gender identity. This legal vacuum urges the government and the parliament to promptly create clear regulations, whether through amendments to the Criminal Code, the Sexual Violence Crimes Law, or specific bills related to LGBT.

Here are recommendations for regulations regarding LGBT laws in Indonesia that can be added to the Criminal Code:

1. "Whoever is proven to engage in same-sex relations shall be punished with a prison sentence of up to 7 years and a fine of up to Rp. 20,000,000"
2. "Any person who deliberately disseminates, teaches, or promotes lesbian, gay, bisexual, and transgender (LGBT) behavior or lifestyle, either directly or through print, electronic, or social media, is threatened with imprisonment for a maximum of 5 (five) years and/or a maximum fine of Rp 10,000,000 (ten million rupiah)."
3. "Any formal or non-formal educational institution that is proven to facilitate activities of dissemination, teaching, or promotion of LGBT behavior or lifestyle to minors as referred to in paragraph (2), may be subject to administrative sanctions in the form of revocation of operational permits."
4. "Efforts for social and psychological rehabilitation must be provided to minors exposed to LGBT propaganda as referred to in paragraph (2), involving families and related institutions."

C. Harmonization of Regional Regulations and National Regulations

The harmonization between regional regulations and national regulations is a crucial aspect in building a consistent and effective legal system for the prohibition of LGBT behavior in Indonesia⁵⁰. Currently, Indonesia faces serious challenges related to the disharmony of regulations between the national and local levels. At the national level, there is no law that explicitly prohibits LGBT behavior, thus the legal status regarding this issue remains ambiguous and opens up different interpretations. Meanwhile, several regions like Aceh and Pariaman have enacted regional regulations that explicitly prohibit LGBT behavior and impose criminal sanctions, including whipping and fines, which are much harsher compared to existing national provisions⁵¹. This disharmony creates various problems, including legal uncertainty for citizens, inconsistencies in law enforcement, and potential discrimination that varies depending on the region. LGBT citizens living in areas with strict regulations face significantly heavier penalties compared to those in other areas without similar regulations. This situation not only causes injustice but also disrupts social integration and leads to horizontal conflict in society.

Therefore, regulatory harmonization becomes a strategic step that must be taken by the central government to create uniformity of rules across all regions of Indonesia. This harmonization can be realized through the drafting of national laws that explicitly prohibit LGBT behavior, regulate a clear definition of prohibited behaviors, and establish legal sanctions that apply uniformly throughout all areas. With the presence of a comprehensive

⁵⁰ Firman Freaddy Busroh, Fatria Khairo, and Putri Difa Zhafirah, "Harmonisasi Regulasi Di Indonesia: Simplikasi Dan Sinkronisasi Untuk Peningkatan Efektivitas Hukum," *Jurnal Interpretasi Hukum* 5, no. 1 (2024): 699–711, <https://doi.org/10.22225/juinhum.5.1.7997.699-711>.

⁵¹ P Setyonagoro, "Wacana Hukum Uji Konstitusionalitas Produk Hukum Peraturan Daerah (Legal Discourse About Testing Constitutionality Of Regional Regulations)," *Cakrawala* 13, no. 1 (2019), <http://www.cakrawalajournal.org/index.php/cakrawala/article/view/294%0Ahttps://www.cakrawalajournal.org/index.php/cakrawala/article/download/294/275>.

national law, conflicting local regulations can be revised or adjusted to avoid overlapping and inconsistencies in the national legal system⁵². The harmonization process must also involve a thorough evaluation of existing regional regulations, especially those prohibiting LGBT behavior. The central government needs to provide technical guidance and supervision to local governments to ensure that the regulations they create are in line with national laws and applicable legal principles⁵³. This is important so that law enforcement can be carried out effectively, proportionally, and without causing excessive human rights violations. In addition, the harmonization of regulations will also make it easier for law enforcement officers to carry out their duties without having to face confusion due to differing rules in various regions.

Furthermore, this harmonization also has a strategic dimension in the context of geopolitics and international diplomacy. As a sovereign nation, Indonesia needs to demonstrate a firm and consistent stance in upholding the cultural values, religion, and social norms embraced by the majority of its society. With harmonious and uniform national regulations in place, Indonesia can strengthen its bargaining position in facing pressures from countries or international organizations advocating for the legalization and recognition of LGBT rights. This also serves as a form of protection for national legal sovereignty and culture. Nevertheless, in the process of harmonization, the government must also pay attention to universally recognized human rights principles. The enforcement of prohibitions against LGBT behavior must be conducted fairly and humanely, without allowing space for violence or discrimination that violates the fundamental rights of citizens. The government needs to ensure that the legal mechanisms applied are not misused to oppress or excessively criminalize, but rather aim at maintaining social and moral order in accordance with the values of Pancasila and religious norms.

In addition to legal aspects, regulatory harmonization must also be supported by comprehensive education and socialization programs for the public. The government needs to involve religious leaders, community leaders, and cultural figures to convey moral messages and social norms that align with the regulations. Thus, harmonization occurs not only in the legal realm but also in the social and cultural spheres, enabling better acceptance and compliance among the public towards the new rules. Overall, the harmonization of regional and national regulations is the main foundation for creating a consistent, fair, and effective legal system in prohibiting LGBT behavior in Indonesia. This step will not only provide legal certainty for all citizens but also strengthen social integration and uphold the noble values of the nation. With harmonized and integrated regulations, Indonesia can build a disciplined, civilized society that aligns with the norms widely accepted by its people.

CONCLUSION

Based on the description and analysis presented, it can be concluded that the issue of LGBT (Lesbian, Gay, Bisexual, and Transgender) in Indonesia is a complex problem that requires serious attention from various aspects, especially the law. To date, Indonesia does not have specific regulations that clearly govern the existence and rights of LGBT groups. This legal vacuum has resulted in an ambiguous legal status for LGBT individuals, who are not explicitly criminalised but also do not receive adequate legal protection. This situation creates uncertainty and vulnerability for LGBT individuals in their social and personal lives. The lack of clarity in regulations also contributes to unfair social treatment of the LGBT community.

⁵² Felani Ahmad Cerdas, Ali Abdurahman, and Indra Perwira, "Harmonisasi Dalam Proses Pembentukan Peraturan Daerah Di Indonesia," *Jihk* 4, no. 1 (2022): 40–53, <https://doi.org/10.46924/jihk.v4i1.149>.

⁵³ Marten Bunga, "Model Pembentukan Peraturan Daerah Yang Ideal Dalam Penyelenggaraan Otonomi Daerah," *Jurnal Hukum & Pembangunan* 49, no. 4 (2020): 818, <https://doi.org/10.21143/jhp.vol49.no4.2342>.

They often face strong discrimination and stigma from the wider community, which is sometimes reflected in discriminatory actions in formal institutions such as workplaces, schools, and health facilities. Although several articles in the Criminal Code (KUHP) and regional regulations are used to prosecute LGBT behaviour, their application is inconsistent and often discriminatory. This exacerbates the psychological and social conditions of LGBT groups, who are vulnerable to pressure and marginalisation.

In addition to legal and social aspects, LGBT issues in Indonesia are also greatly influenced by prevailing cultural values and religious norms. The majority of Indonesians still view sexual orientations and gender identities that differ from heterosexual norms as deviant and contrary to religious teachings. This perspective poses a significant obstacle to advocating for LGBT rights and raising public awareness about the importance of respecting diversity in identity and sexual orientation. The conflict between traditional values and human rights principles is a major challenge in formulating inclusive policies. On the other hand, the human rights perspective asserts that every individual has the right to legal protection without discrimination, including on the basis of sexual orientation and gender identity. This principle requires fair and equal treatment for LGBT groups in all aspects of life, from education and employment to healthcare services. Therefore, it is important to develop a legal framework that can guarantee these rights and protect LGBT groups from all forms of discrimination and violence.

To this end, constructive and inclusive dialogue is needed between various parties, including the government, civil society, religious leaders, and the LGBT community itself. This dialogue aims to find common ground between the protection of human rights and respect for the cultural and religious values embraced by society. Through a sensitive and inclusive approach, it is hoped that policies can be created that not only protect the rights of the LGBT community but also reduce the stigma and discrimination they have faced. Thus, the legal vacuum regarding LGBT issues in Indonesia is not merely a legal issue, but also a social and cultural problem that requires a comprehensive solution. The establishment of clear, fair, and comprehensive regulations is crucial to provide legal certainty and equal protection for all citizens, regardless of their sexual orientation or gender identity. This effort is an important step toward a more inclusive and just Indonesian society.

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