

**STRATEGY ADVOCACY OF THE PEOPLE LIKE US  
SATU HATI YOGYAKARTA (PLUSH) COMMUNITY IN  
THE REVIEW ISLAMIC LAW**



acc daftar ujian 4 jan 2024

Yusdani

**By :**  
**Name : Sina Mulia Cahyana**  
**NIM : 20421111**

**THESIS**

Submitted to Ahwal Syakhsyah Department International Program  
Faculty of Islamic Studies Universitas Islam Indonesia  
Presented As Partial Fulfillment Of The Requirements Of Obtaining  
A Bachelor Degree Of Law

**YOGYAKARTA**  
**2023**

**ADVOCACY STRATEGY OF THE PEOPLE LIKE US  
CAREFULLY YOGYAKARTA(PLUSH) COMMUNITY**

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Supervisor:  
Dr. YUSDANI, M.Ag.

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**2023**



## PENGESAHAN

Tugas Akhir ini telah diujikan dalam Sidang Munaqasah Program Sarjana Strata Satu (S1) Fakultas Ilmu Agama Islam Universitas Islam Indonesia Program Studi Ahwal Al-Syakhshiyah IP yang dilaksanakan pada:

Hari : Kamis  
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in The Review Islamic Law  
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Sehingga dapat diterima sebagai salah satu syarat untuk memperoleh gelar Sarjana Strata Satu (S1) Syariah pada Fakultas Ilmu Agama Islam Universitas Islam Indonesia Yogyakarta.

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Hereby declare that the results of writing this thesis are my own work and are of true authenticity, if it turns out that at a later date the writing of this thesis is the result of plagiarism or plagiarism of other people's work, then I am willing to take responsibility and be willing to accept sanctions based on the rules and regulations that apply at the Islamic University of Indonesia.

Thus, I make this statement honestly and not forced.

Yogyakarta, 04 Jan 2023 Yang  
Menyatakan,



Sina Mulia Cahyana

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Subject : **Thesis**  
Dear : Honorable **Dean of the Faculty of Islamic Studies**

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*Assalaamu 'alaikum Wr. Wb.*

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Thesis Title : Strategy Advocacy of The People Like Us Satu Hati Yogyakarta (PLUSH) Community in The Review Islamic Law

After researching and making necessary improvements, we finally decided that your thesis above fulfills the requirements to be submitted to the Munaqasyah Trial of the Islamic Studies Faculty, Universitas Islam Indonesian

Thus, it can be tested soon, and together with us, we will send 4 (four) copies of the thesis in question.

*Wassalaamu 'alaikum Wr. Wb.*

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## SUPERVISOR'S APPROVAL

The undersigned is the thesis supervisor, certifying that:

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According to the process and the results of supervising among several months, and being made necessary improvements, then the concerned person can register herself to join the Munaqasah Trial of the *Ahwal Syakhsiyyah* International Program Department, Faculty of Islamic Studies, Universitas Islam Indonesian.

Supervisor

Yogyakarta, 04 jan 2024



**Dr. Yusdani., M.Ag**

## **ACKNOWLEDGMENT**

*"I dedicate this thesis to the people that I love most, my parents (Ibu and Bapak), To myself who did well until now, My sister who always support me, and my brothers. I would also say thank u so much for my big family, grandmothers, grandfathers, cousins who always send their best prayers to me. I also dedicate this thesis to my best friends while I was studying at UII. Thank you very much you have present and coloring my campus's life. May Allah SWT give the best reward for all of you and get Allah SWT's blessing on everything."*

*Aamiin...*

## MOTTO

وَمِنْ كُلِّ شَيْءٍ خَلَقْنَا زَوْجَيْنِ لَعَلَّكُمْ تَذَكَّرُونَ

*Artinya: “Dan segala sesuatu Kami ciptakan berpasang-pasangan agar kamu mengingat (kebesaran Allah).”*

*(QS Adz-Dzariyat: 49).<sup>1</sup>*

وَأَنَّهُ خَلَقَ الزَّوْجَيْنِ الذَّكَرَ وَالْأُنثَىٰ

*Artinya: “Dan bahwasanya Dialah yang menciptakan berpasang-pasangan pria dan wanita.”*

*(QS An-Najm:45).<sup>2</sup>*

---

<sup>1</sup> (Al-Qur'an Surah Adz-Dzariyat: 49).19 november 2023, 10.00 wib.

<sup>2</sup> “(Al-Quran Surah An-Najm:45).19 november 2023, 10.00 wib”



# PEDOMAN TRANSLITERASI ARAB LATIN

## KEPUTUSAN BERSAMA

MENTERI AGAMA DAN MENTERI PENDIDIKAN DAN KEBUDAYAAN

REPUBLIK INDONESIA

Nomor: 158 Tahun 1987

Nomor: 0543b//U/1987

Transliterasi dimaksudkan sebagai pengalih-hurufan dari abjad yang satu ke abjad yang lain. Transliterasi Arab-Latin di sini ialah penyalinan huruf-huruf Arab dengan huruf-huruf Latin beserta perangkatnya.

### A. Konsonan

Fonem konsonan bahasa Arab yang dalam sistem tulisan Arab dilambangkan dengan huruf. Dalam transliterasi ini sebagian dilambangkan dengan huruf dan sebagian dilambangkan dengan tanda, dan sebagian lagi dilambangkan dengan huruf dan tanda sekaligus.

Berikut ini daftar huruf Arab yang dimaksud dan transliterasinya dengan huruf latin:

**Tabel 1. Tabel Transliterasi Konsonan**

Huruf Arab	Nama	Huruf Latin	Nama
ا	Alif	Tidak dilambangkan	Tidak dilambangkan
ب	Ba	B	Be

ت	Ta	T	Te
ث	Ṡa	ṣ	es (dengan titik di atas)
ج	Jim	J	Je
ح	Ḥa	ḥ	ha (dengan titik di bawah)
خ	Kha	Kh	ka dan ha
د	Dal	d	De
ذ	Ḍal	ḏ	Zet (dengan titik di atas)
ر	Ra	r	er
ز	Zai	z	zet
س	Sin	s	es
ش	Syin	sy	es dan ye
ص	Ṣad	ṣ	es (dengan titik di bawah)
ض	Ḍad	ḏ	de (dengan titik di bawah)
ط	Ṭa	ṭ	te (dengan titik di bawah)
ظ	Ẓa	ẓ	zet (dengan titik di bawah)

ع	`ain	`	koma terbalik (di atas)
غ	Gain	g	ge
ف	Fa	f	ef
ق	Qaf	q	ki
ك	Kaf	k	ka
ل	Lam	l	el
م	Mim	m	em
ن	Nun	n	en
و	Wau	w	we
هـ	Ha	h	ha
ء	Hamzah	‘	apostrof
ي	Ya	y	ye

## B. Vokal

Vokal bahasa Arab, seperti vokal bahasa Indonesia, terdiri dari vokal tunggal atau *monoftong* dan vokal rangkap atau *diftong*.

## 1. Vokal Tunggal

Vokal tunggal bahasa Arab yang lambangnya berupa tanda atau harakat, transliterasinya sebagai berikut:

**Tabel 2. Tabel Transliterasi Vokal Tunggal**

Huruf Arab	Nama	Huruf Latin	Nama
ـَ	Fathah	a	a
ـِ	Kasrah	i	i
ـُ	Dammah	u	u

## 2. Vokal Rangkap

Vokal rangkap bahasa Arab yang lambangnya berupa gabungan antara harakat dan huruf, transliterasinya berupa gabungan huruf sebagai berikut:

**Tabel 3. Tabel Transliterasi Vokal Rangkap**

Huruf Arab	Nama	Huruf Latin	Nama
ـِـَ...ي	Fathah dan ya	ai	a dan u
ـِـَ...و	Fathah dan wau	au	a dan u

Contoh:

- كَتَبَ kataba
- فَعَلَ fa`ala

- سُئِلَ suila
- كَيْفَ kaifa
- حَوْلَ haula

### C. Maddah

*Maddah* atau vokal panjang yang lambangnya berupa harakat dan huruf, transliterasinya berupa huruf dan tanda sebagai berikut:

**Tabel 4. Tabel Transliterasi *Maddah***

Huruf Arab	Nama	Huruf Latin	Nama
أ...إ...أ	Fathah dan alif atau ya	ā	a dan garis di atas
إ...إ	Kasrah dan ya	ī	i dan garis di atas
و...و	Dammah dan wau	ū	u dan garis di atas

Contoh:

- قَالَ qāla
- رَمَى ramā
- قِيلَ qīla
- يَقُولُ yaqūlu

#### D. Ta' Marbutah

Transliterasi untuk ta' marbutah ada dua, yaitu:

1. Ta' marbutah hidup

Ta' marbutah hidup atau yang mendapat harakat fathah, kasrah, dan dammah, transliterasinya adalah “t”.

2. Ta' marbutah mati

Ta' marbutah mati atau yang mendapat harakat sukun, transliterasinya adalah “h”.

3. Kalau pada kata terakhir dengan ta' marbutah diikuti oleh kata yang menggunakan kata sandang *al* serta bacaan kedua kata itu terpisah, maka ta' marbutah itu ditransliterasikan dengan “h”.

Contoh:

- رَوْضَةُ الْأَطْفَالِ      raudah al-atfāl/raudahtul atfāl
- الْمَدِينَةُ الْمُنَوَّرَةُ      al-madīnah al-munawwarah/al-madīnatul munawwarah
- طَلْحَةَ      talhah

#### E. Syaddah (Tasydid)

Syaddah atau tasydid yang dalam tulisan Arab dilambangkan dengan sebuah tanda, tanda syaddah atau tanda tasydid, ditransliterasikan dengan huruf, yaitu huruf yang sama dengan huruf yang diberi tanda syaddah itu.

Contoh:

- نَزَّلَ nazzala
- الْبِرُّ al-birr

## **F. Kata Sandang**

Kata sandang dalam sistem tulisan Arab dilambangkan dengan huruf, yaitu ال, namun dalam transliterasi ini kata sandang itu dibedakan atas:

### **1. Kata sandang yang diikuti huruf syamsiyah**

Kata sandang yang diikuti oleh huruf syamsiyah ditransliterasikan sesuai dengan bunyinya, yaitu huruf “l” diganti dengan huruf yang langsung mengikuti kata sandang itu.

### **2. Kata sandang yang diikuti huruf qamariyah**

Kata sandang yang diikuti oleh huruf qamariyah ditransliterasikan dengan sesuai dengan aturan yang digariskan di depan dan sesuai dengan bunyinya.

Baik diikuti oleh huruf syamsiyah maupun qamariyah, kata sandang ditulis terpisah dari kata yang mengikuti dan dihubungkan dengan tanpa sempang.

Contoh:

- الرَّجُلُ ar-rajulu
- الْقَلَمُ al-qalamu
- الشَّمْسُ asy-syamsu
- الْجَلَالُ al-jalālu

## **G. Hamzah**

Hamzah ditransliterasikan sebagai apostrof. Namun hal itu hanya berlaku bagi hamzah yang terletak di tengah dan di akhir kata. Sementara hamzah yang terletak di awal kata dilambangkan, karena dalam tulisan Arab berupa alif.

Contoh:

- تَأْخُذُ ta'khuẓu
- شَيْءٌ syai'un
- النَّوْءُ an-nau'u
- إِنَّ inna

## H. Penulisan Kata

Pada dasarnya setiap kata, baik fail, isim maupun huruf ditulis terpisah. Hanya kata-kata tertentu yang penulisannya dengan huruf Arab sudah lazim dirangkaikan dengan kata lain karena ada huruf atau harkat yang dihilangkan, maka penulisan kata tersebut dirangkaikan juga dengan kata lain yang mengikutinya.

Contoh:

- وَإِنَّ اللَّهَ فَهُوَ خَيْرُ الرَّازِقِينَ / Wa innallāha lahuwa khair ar-rāziqīn/  
Wa innallāha lahuwa khairurrāziqīn
- بِسْمِ اللَّهِ مَجْرَاهَا وَ مَرْسَاهَا Bismillāhi majrehā wa mursāhā

## I. Huruf Kapital

Meskipun dalam sistem tulisan Arab huruf kapital tidak dikenal, dalam transliterasi ini huruf tersebut digunakan juga. Penggunaan huruf kapital seperti apa yang berlaku dalam EYD, di antaranya: huruf kapital digunakan untuk menuliskan huruf awal nama diri dan permulaan kalimat. Bilamana nama diri itu didahului oleh



kata sandang, maka yang ditulis dengan huruf kapital tetap huruf awal nama diri tersebut, bukan huruf awal kata sandangnya.

Contoh:

- الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ      Alhamdu lillāhi rabbi al-`ālamīn/  
Alhamdu lillāhi rabbil `ālamīn
- الرَّحْمَنُ الرَّحِيمُ      Ar-rahmānir rahīm/Ar-rahmān ar-rahīm

Penggunaan huruf awal kapital untuk Allah hanya berlaku bila dalam tulisan Arabnya memang lengkap demikian dan kalau penulisan itu disatukan dengan kata lain sehingga ada huruf atau harakat yang dihilangkan, huruf kapital tidak dipergunakan.

Contoh:

- اللَّهُ غَفُورٌ رَحِيمٌ      Allaāhu gafūrun rahīm
- لِلَّهِ الْأُمُورُ جَمِيعًا      Lillāhi al-amru jamī`an/Lillāhil-amru jamī`an

## J. Tajwid

Bagi mereka yang menginginkan kefasihan dalam bacaan, pedoman transliterasi ini merupakan bagian yang tak terpisahkan dengan Ilmu Tajwid. Karena itu peresmian pedoman transliterasi ini perlu disertai dengan pedoman tajwid.

## **ABSTRACT**

### **ADVOCACY STRATEGY OF THE PEOPLE LIKE US CAREFULLY YOGYAKARTA(PLUSH) COMMUNITY ADVOCACY STRATEGY IN THE REVIEW OF ISLAMIC LAW**

SINA MULIA CAHYANA

NIM : 20421111

LGBT is a very controversial topic, not only from an academic point of view, but also from a pragmatic reality in society. LGBT is often underestimated and considered an unimportant thing in scientific literature, especially among religious people who expressly state that LGBT is *haram*. The reason is simple, LGBT is a form of strangeness and an effort against God's destiny. LGBT In the view of Islam, homosexuality is a despicable act and a serious violation of human dignity and dignity as the highest creation of Allah, as required by Allah SWT and Allah's Messenger in the Al-Qur'an and Hadith. In line with the pros and cons of LGBT in the community in Indonesia, LGBT groups continue to unite and try to fight for their rights, by building communities and then becoming an organisation, one of which is the People Like Us-Satu Hati community in Jogjakarta. In general, LGBT groups under the auspices of "Human Rights" ask the community and the State to recognise the existence of the community. Discrimination and violence against the LGBT community are still rampant in Indonesia. The People Like Us-Satu Hati Jogjakarta community, especially those in Jogjakarta with other communities, is trying to advocate against discrimination issues. Through his advocacy with the aim of fighting for LGBT rights in Jogjakarta. Based on the research that has been done, the researcher concluded that the results of the research remain the same. In the view of Islamic Law Advocacy carried out by the LGBT community which is an effort made by LGBT groups to fight for their rights in Islamic law which is clearly opposed. similar that has been explained and explained in the Verses of the Qur'an and hadith. Sheikh Zakariya Al-Ansari explained what has been explained by It should be noted that all activities that help the continuation of legal security are

haraam. The same thing is if helping the advocacy means supporting the welfare and opposing religious teachings.

Keywords: community, lgbt, islamic law, ham

## PREFACE

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آلِهِ وَصَحْبِهِ أَجْمَعِينَ، أَمَّا بَعْدُ

All praise and deep gratitude to Allah, the One True Almighty God, for his blessing and guidance; thus, this thesis can be finished on its time, the time Allah has decreed. Shalawat and greetings are always devoted to the prophet Muhammad SAW, who brought the light out in the dark era and removed all the ignorance, hence existed the freedom of learning for all gender, and found many discoveries until created this civilization.

The process of arranging and finishing this thesis, titled "Strategy Advocacy People Like Us Satu Hati Yogyakarta (PLUSH) in The Review Islamic Law" is not separated from the support, guidance, suggestion, and supervision of several involved parties till this thesis can be finished properly. Thus, incredible gratefulness is sincerely given to the honorable:

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Allah give them health and long life so that they accompany me on my life journey.

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The arrangement of this thesis is far from the perfect word because all the perfectness is Allah's own. Thus, I wish all dearest readers to give supportive suggestions and criticism for improving and revising this thesis so that this thesis can be valuable and helpful later on.

Yogyakarta,



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# CHAPTER 1

## INTRODUCTION

### A. The Background

The phenomenon of Lesbian, Gay, Bisexual and Transgender (LGBT) has become a topic of conversation which has recently been being discussed again, both in Indonesia and worldwide. In the United States, violence against the LGBT community increased by 86% during the Trump administration. The State of Indonesia is a constitutional state based on Pancasila by upholding moral values, ethics, noble character, and the nation's noble personality, having faith and piety to God Almighty, respecting diversity in social, national and state life, and protecting the dignity and worth of every individual citizen. LGBT is a very controversial topic, not only from an academic point of view, but also from a pragmatic reality in society. LGBT is often underestimated and considered an unimportant subject in scientific literature, especially in the religious community which has absolutely stated that LGBT is haram. The reason is simple, LGBT is a form of oddity and an effort to go against God's destiny. As reported by Republika media, it is stated that LGBT in Indonesia has existed since at least the 1960s. Some call it the 1920s.<sup>3</sup>

LGBT behaviour in the form of same-sex sexual relations is prohibited according to Islamic law. In the holy book of the Qur'an, it is clearly explained

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<sup>3</sup> Natalia Santi, "Kekerasan Pada Kaum LGBT Amerika Naik 86 Persen Di Era Trump," *Cnnindonesia*, last modified January 12, 2018, accessed July 26, 2023, <https://www.cnnindonesia.com/internasional/20180125145459-134-271562/kekerasan-pada-kaum-lgbt-amerika-naik-86-persen-di-era-trump>.

about the prohibition of sexual deviation, and even mentioned repeatedly in a number of verses..

LGBT behaviour in the form of same-sex sexual relations is prohibited according to Islamic law. In the holy book of the Qur'an, it is clearly explained about the prohibition of sexual deviation, and even mentioned repeatedly in a number of verses.

About three percent of respondents stated unequivocally that they were homosexual, be it gay or lesbian. A total of four percent claim to be bisexual, while one percent claim to be pansexual or omnisexual.

Being homosexual is considered a crime in about 71 countries around the world. Most of the countries are located in the Middle East, Africa, and Asia. There is a possibility of applying the death penalty in 11 countries for same-sex sexual activity.<sup>4</sup>

The meeting entitled ASEAN Queer Advocacy Week will later be held outside Indonesia. "The organisers have monitored the situation very closely, including the anti-LGBT wave on social media. The decisions made ensure the safety and security of the participants and the committee," said the committee in a release officially quoted Thursday. In addition, this event is planned to discuss a number of issues concerning threats to the existence of life and dignity faced by the LGBTQIA+ group. Responding to this news, Deputy Chairperson

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<sup>4</sup> Reiny Dwinanda Shelbi Asrianti, "Survei: Komunitas LGBT Terus Berkembang Di Skala Nasional Maupun Global," *Republika*, last modified 2023, <https://ameera.republika.co.id/berita/rv5kwp414/survei-komunitas-lgbt-terus-berkembang-di-skala-nasional-maupun-global-part1>.

of the Indonesian Ulema Council (MUI) Anwar Abbas asked the government not to give permission for the agenda for the meeting of sodom and supporters.

"MUI reminds and urges the government not to allow and give permission for this event to be held," said Anwar in his statement, Tuesday. Regarding the meeting, the organizers emphasized that the purpose of the activity was dialogue with marginalized groups, including those who are discriminated against based on sexual orientation, gender identity, gender expression, and various sexual characteristics.

Anwar also reminded the government not to allow the event. Because, it is tantamount to violating the provisions stipulated by the constitution. As article 29 paragraph 1 of the 1945 Constitution which states that the state of Indonesia is based on Belief in the One and Only God. Thus, it is claimed that LGBT is contrary to the values of religious teachings, especially the six recognized religions in Indonesia, namely Islam, Christianity, Catholicism, Hinduism, Buddhism and Confucianism. "None of these religions tolerate LGBT practices," said Anwar. Apart from the MUI, Secretary I of the DKI Jakarta DPRD PKS Fraction Muhammad Taufik Zoelkifli (MTZ) asked the DKI Jakarta Provincial Government to reject the meeting of the Lesbian Gay, Bisexual and Transgender (LGBT) community. Asean which is reported to be held in the capital city. Because, according to MTZ, this is contrary to religious norms and the Pancasila state of Indonesia.<sup>5</sup>

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<sup>5</sup> huyugo simbolon, "Kronologi Batalnya Pertemuan LGBT Se-ASEAN Di Jakarta," <https://www.liputan6.com/regional/read/5343330/kronologi-batalnya-pertemuan-lgbt-se-asean-di-jakarta> (2023): 1–3.

However, most opinions say that this LGBT phenomenon has started around the decade of the 60s. Then, it developed in the 80s, 90s, and exploded in the 2000s millennium era until now. So, chronologically, the development of LGBT has actually started since the 1960s. LGBT arises as a result of continuous interaction between humans (either as individuals or as a group) and society which is expressed socially through various social actions. The process of forming LGBT actions as a social reality is very interesting to study, because it involves social aspects that are dialectically related to social interactions between individuals and society. In general, LGBT groups under the umbrella of "Human Rights" ask society and the State to acknowledge the existence of this community. Same-sex marriage will never work.<sup>6</sup>

The behavior of LGBT that was carried out by a number of people sparked controversy (pros and cons) as well as polemics among the wider community, both internationally and nationally. Those who support (pro) LGBT argue for human rights (HAM), while those who do not support (contra) argue for religious and moral rules. generations and threaten the extinction of the human generation. Same-sex marriage is only to satisfy animal lust. LGBT In the view of Islam, homosexuality is a disgraceful act and a serious violation of human dignity as the highest creation of Allah, as required by Allah SWT and Allah's Apostle in the Al-Qur'an and Hadith.

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<sup>6</sup> Rizky Rahajeng et al., *Proceeng of Conference on Law and Social Studies LGBT Dalam Perspektif Hukum, Agama Islam Dan HAMdi*, n.d., <http://prosiding.unipma.ac.id/index.php/COLaS>.

In line with the pros and cons of LGBT in society in Indonesia, LGBT groups continue to unite and try to fight for their rights, by building communities and then becoming an organization, one of which is the People Like Us-one Heart community in Yogyakarta. This community started as a community concentrating on studying LGBT issues called Pelangi Jogja on 15 July 2002. But then Pelangi Jogja was not active because the community members were busy with their own personal activities. Although several gay communities in Jogjakarta conducted several informal discussion activities discussing LGBT themes. From this discussion they got inspiration to continue the Pelangi Jogja program which had not been completed and changed its name to PLUSH (People Like Us Satu Hati). People Like Us Satu Hati was finally formed on December 10, 2006. And officially received a notarial deed on December 31, 2008. Discrimination and violence against the LGBT community is still rife in Indonesia. Some people think that the LGBT community is a threat to the nation's values and morals. Others believe that the LGBT community must be accepted and protected based on human rights principles. Discrimination that is carried out is very diverse, up to criminalization carried out by certain persons. This discrimination has taken away the rights of LGBT as Indonesian citizens. The People Like Us-Satu Hati Yogyakarta community, especially those in Yogyakarta, along with other communities, are trying to advocate for issues of discrimination. Through their advocacy, sympathy and solidarity for LGBT people in Yogyakarta is increasing. The advocacy strategy used by the People Like Us-Satu Hati Yogyakarta Community includes persuasion, negotiation and

litigation, with the aim of fighting for LGBT rights in Yogyakarta. conducted by LGBT organizations and group social interactions.<sup>7</sup>

The second LGBT entity is LGBT as a community, or group, or it can also be called an organization, which has a vision, mission, and certain activities or movements. It is at this secondentity level that there is currently a lively debate in Indonesian society, whether the movement ofthe LGBT group can be legalized or not. Therefore the writer is interested in researching the People Like Us-Satu Hati LGBT organization in Yogyakarta, especially the advocacy strategy for the People Like Us-Satu Hati Yogyakarta organization.

## **B. Problem Formulation**

Based on context study, the problem formulation of this research are:

1. Strategy Analysis of Advocacy of People Like Us-Satu Hati Yogyakarta?
2. How to review Islamic law against the goals and actions of advocacy of the PLUSH community?

## **C. Objective of Research**

1. To explain the advocacy strategy used by People Like Us Satu Hati Jogjakarta.
2. To explain how to review Islamic law against the goals and actions of advocacy of advocacy of the People Like Us Satu Hati Yogyakarta.

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<sup>7</sup> Ambar Widaningrum, Monica Arlisa Kusuma Tiara, “Strategi Advokasi Komunitas People Like Us-Satu Hati Dalam Advokasi Hak LGBT Di Yogyakarta” (Universitas Gajah Mada).

## **D. Benefits Of Research**

### 1. Academic Benefits

- a. **Contribution to Scientific Research:** This thesis can be an important contribution in the development of academic knowledge in the field of Islamic Law and LGBT issues. This can help deepen the understanding of the perspective of Islamic law related to LGBT issues.
- b. **Theory Development:** This research can help in the development of relevant theories to understand how Islamic law and LGBT issues interact with each other. This can help develop theories of Islamic law that are more inclusive and in line with contemporary social realities.
- c. **Deeper Understanding:** This thesis can help students, researchers, and teachers understand more deeply the issues of Islamic law related to LGBT. This can help in providing a stronger foundation for advanced studies in this field.

### 2. Practical Benefits

- a. **Better Understanding for Advocates:** This thesis can provide a more comprehensive view to LGBT advocates and activists operating in countries with a Muslim majority population. They can understand Islamic law better and develop more effective advocacy strategies.
- b. **Community Awareness Development:** This thesis can be used to build public awareness related to LGBT issues and Islamic law. By disseminating the results of this research, people can better understand

the perspective of Islamic law and the issues faced by the LGBT community.

- c. Dialogue and Reconciliation Efforts: The results of this thesis can be used as a tool to initiate dialogue and reconciliation between the LGBT community and religious leaders in the Muslim world. With a deeper understanding, reconciliation and conflict resolution efforts can become more effective.
- d. Increased Protection of Human Rights: This thesis can help fight for the protection of the human rights of the LGBT community within the framework of Islamic law. This can contribute to efforts to end the discrimination and violence often faced by LGBT individuals.

With the academic and practical benefits mentioned above, the thesis on the advocacy strategy of the LGBT community in the point of view of Islamic law can have a significant impact in the academic field and society more broadly.

#### **E. Discussion Systematics**

Discussion systematics consists of the logical argument that exposes the urgency of each chapter and subchapter from this thesis and the relation between one and another (logical sequences). Systematic represents the thesis as a unity that is integral and urgent.

Discussion systematic is an explanation and exposure that is done descriptively regarding the things that are written generally for ease in understanding the full description of this thesis, such as:



The first chapter is formed from the introduction; This chapter discusses background of the problem, research questions, research objectives, research benefits, and systematic discussion. To be able to find out the background behind the problem of this thesis, a summary of the problem, objectives and benefits of the research.

The second chapter consists of a literature review and conceptual framework; The discussion in this chapter is about previous research and new research used by researchers to compile this research, then an appropriate literature review is carried out and relevant to this research.

The third study discusses research methodology. In this chapter, the researcher explains and explains the type of method chosen in carrying out this research. There is also an explanation of the type of approach, research location, informants, informant selection techniques, data collection techniques, and analyze data.

The fourth chapter contains the results and discussion that explains research results from observations and interviews. Then there is a discussion regarding analysis obtained from data and reality.

The fifth chapter is the conclusion, it is the last chapter which contains conclusions and suggestions or recommendations. The conclusion shows a summary of all the research steps and then the recommendations will outline several policy proposals stakeholders in the future to deal with this phenomenon.

## CHAPTER II

### LITERATURE REVIEW AND THEORETICAL FRAMEWORK

#### A. Literature Riview

The book entitled "*Allah, Liberty, and Love: Suatu Keberanian Moral Mendamaikan Iman dan Kebebasan*", the first book made by Irshad Manji, has successfully attracted good responses from readers from Muslims and non-Muslims. The responses varied, some supported and some pushed down both Muslims and non-Muslims. The book created by Manji was designed as a basis for belief and the self-courage that is found in Muslim Refusenik to become a person of integrity guided by faith, rather than an identity produced by diseased dogmas. With awakened courage, Manji invites us to question our identity. This is because identity is vulnerable buildings constructed to compartmentalize us in a community that is scary to us. The community can religion, culture and other communities. Which one is that the community (especially culture) is a social construction and not a gift from God. So we have to make a choice as individuality that upholds integrity and grows within society freely without the need to be bound by the community. Next, Manji invites us to uphold integrity as a completely unbreakable construction mastered. In contrast to an identity that is filled with emotion explosive and filled with anger, integrity actually contains calm and self-reflection. Integrity is a personal belief which prioritizes the individual's relationship with his God.<sup>8</sup>

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<sup>8</sup> Irshad Manji, *Suatu Keberanian Mendamaikan Iman Dan Kebebasan*, 2012.

Another book from Irshad Manji, a public intellectual, bestselling author, and Emmy-nominated documentary filmmaker whose latest book, "Don't Label Me," seeks to educate readers on how to have conversations about politically sensitive subjects without waging culture wars that are often seen as opportunities to judge one another in the court of public opinion. If we accept that a pluralistic democratic society is the best way to protect the values and freedoms that have allowed us to realize our individual identities, then how can we be told that in order to protect those identities we must limit the freedoms that place entails.

Diversity has become something of a rallying cry for its proponents exclusively in terms of race, gender and sexual orientation. When it comes to opinions, values and beliefs, tolerance for dissent is nowhere to be found. However, a pluralistic society demands that its citizens be given the freedom to express themselves and their beliefs without fear or reprisal or punishment. Therefore, those who try to silence us are not freedom fighters. They are tyrants masquerading as victims who want to exercise power over those they perceive as oppressors. The book compiled by the Directorate of Family Education Development entitled "*Saat Aku dan Kamu Berbeda*" this book is very interesting because This book provides information to you about issues related to sexual identity, why some people have different sexual orientations, how norms, culture and religion should be, what you can do if you encounter cases like people who claim to be different like LGBT. Book edited by Dr. Fikri, S.Ag., M.HI, Budiman, M.HI, Hj. Sunuwati, Lc., MH is no less interesting. This

book is entitled " *Islamic Law and Human Rights.*" Perceptions about the issue of expanding the meaning of immoral criminal offenses in the Criminal Code Bill.<sup>9</sup>

Daud, Fathonah K Islamic Family Law , Sharia Study Program , Faculty Al Hikmah Tuban, Iai Kadir Riyadi , Abdul Surabaya Muhammad Irfan Helmy, Uin Salatiga Ending Solehuddin , Uin Bojonegoro etc. in the Al Hakam journal entitled " *The Indonesian Journal of Islamic FamilyLaw and Gender Issues* " has articles that have many themes. This article discusses several contents related to LGBT and its impact on family development in Indonesia. Some of the content discussed is the controversy that occurred in Indonesia related to LGBT, including the struggle for LGBT rights and the public's reaction to it. The negative impact of LGBT on family development This article reveals that LGBT behavior is considered to violate rules and human nature, as well as having a negative impact on the development of families and the nation in general. These negative impacts include health, education, security, and social. This article discusses the perspective of Islamic law and human rights related to LGBT. Although some human rights activists support LGBT rights, this article states that LGBT behavior is against religious and humanitarian law.<sup>10</sup>

The thesis that was completed by Nur Asiah entitled " *Studi Tentang LGBT Prsefektif Hukum Islam Dan HAM.*" This thesis examines the status and impact of LGBT from three perspectives, namely the perspective of Islamic law,

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<sup>9</sup> Kementerian Pendidikan and Dan Kebudayaan, *Saat Aku Dan Kamu Berbeda*, 2019.

<sup>10</sup> Fathonah K Daud et al., "Editorial Team Editor in Chief Managing Editor Editors Layout Editor Al Hakam: The Indonesian Journal of Islamic Family Law and Gender Issues" 3, no. 1 (2023).

psychology, and human rights. Therefore, the formulation of the problem of this thesis is to describe the position and impact of LGBT deviant behavior in terms of Islamic law, psychology and human rights. Furthermore, it is hoped that research on the position and impact of LGBT behavior in terms of psychology will continue to be raised as a research theme. With regard to the Indonesian government, it is hoped that the formation of laws and regulations related to the position of LGBT people in positive law will be immediately discussed and enacted to minimize the occurrence of violations of the human rights of LGBT people.<sup>11</sup>

Journal made by Reza Dipta Prayitna entitled "*Analisis Yuridis Terhadap Keberadaan Lesbian, Gay, Biseksual Dan Transgender (LGBT) Di Indonesia Dalam Perspektif Hukum Positif*" which discusses the existence of Lesbian, Gay, Bisexual and Transgender (LGBT) individuals in Indonesia and legal perspective related to their existence. The argument that the legalization of the existence of LGBT cannot be justified is based on the ideals of the Indonesian nation. Indonesia's perspective as a Pancasila Law State sees Pancasila as the source of all sources of law.<sup>12</sup> Next, an equally interesting article entitled "*Hukum Yang Hidup Dalam Masyarakat Untuk Mengkualifikasikan Lesbian, Gay, Biseks, Dan Transgender Sebagai Tindak Pidana* " analyzes and defines the nature of this behavior, whether LGBT behavior can be qualified as a crime or not. By using a conceptual and comparative problem approach, the author

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<sup>11</sup> Nur Asiah, "Studi Tentang LGBT Perspektif Hukum Islam Dan HAM," 2021.

<sup>12</sup> Reza Dipta Prayitna, *Analisis Yuridis Terhadap Keberadaan Lesbian, Gay, Biseksual Dan Transgender (LGBT) Di Indonesia Dalam Perspektif Hukum Positif*, 2019, <http://www.republika.co.id/berita/jurnalisme->.

tries to find relevant legal theories, concepts and doctrines to build arguments and find valid and concrete answers. From the results of the study it can be concluded that LGBT behavior can be qualified as a crime with the type of criminal extra ordinaria/mala in se, an act that is considered evil and harmful by society even though it is not regulated in law, this is because this behavior is contrary to the law live in a society that is full of the noble values of the Indonesian nation which are religious, just and civilized.<sup>13</sup>

Journal that discusses phenomena that are very popular in public. With the rapid development of technology, various types of access to social networks have appeared, providing convenient communication with each other. Social media is part of digital media. It can take the form of social networks such as Facebook, blogs such as Wikipedia, podcasts, forums, content-based media such as Youtube, and microblogging such as Twitter. Social media is about interaction, communication, sharing with the help of the internet. Social media is not only used as a means of communication and interaction, but also as a means of self-expression. The hope of the authors in this journal is to be able to analyze how the use of social media as a symbol in supporting same-sex relationships (LGBT). The journal work by Edward Charitoun Sarmawando Gawadan Valentya Te'dang entitled " *Penggunaan Media Sosial Sebagai*

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<sup>13</sup> Bahrul Ulum, "Hukum Yang Hidup Dalam Masyarakat Untuk Mengkualifikasikan Lesbian, Gay, Biseks, Dan Transgender Sebagai Tindak Pidana," *Al-Insyiroh: Jurnal Studi Keislaman* 5, no. 1 (2019): 106–117.

*Simbol dalam Mendukung Hubungan LGBT "* is no less interesting to add to our knowledge.<sup>14</sup>

Journal articles that discuss their views in cases where social reality has differences, one of which is in terms of sexuality in LGBT minority groups that are often threatened by society, because they are influenced by many biased thoughts and views that cause understanding. There are many factors behind someone becoming LGBT, including environmental factors, sexual freedom, genetics, hormones, rational justification and also life principles so that it can be understood that LGBT is not necessarily formed without the involvement of others in it. The counseling process is one of the important points that can be used as a treatment for this problem, with a behavioral approach is expected to be able to change the behavior of LGBT in order to adapt well to their living conditions. The journal made by Surianti and Burhanuddin entitled "*Agama dan Kelompok Minoritas: Kasus LGBT "* is no less interesting, there are many things you can learn.<sup>15</sup>

The article entitled "*LGBT Dalam Prespektif HAM Di Indonesia "* was written by Viska Anindya Apta Artanti, Tri Anggis Hastari, Muhammad Rifky. Wiga Adhi Kusuma, Bintang Ulya Kharisma. Freedom of human rights in Indonesia has limitations. First, freedom may not violate the human rights of others. Second, freedom is limited by moral values. Then limited by religious

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<sup>14</sup> Edward Charitoun Sarmawando Gawa et al., "Penggunaan Media Sosial Sebagai Simbol Dalam Mendukung Hubungan LGBT," *Journal on Education* 05, no. 04 (2023).

<sup>15</sup> Surianti and Burhanuddin, "Agama Dan Kelompok Minoritas: Kasus LGBT," *jurnal Media Intelektual Muslim dan Bimbingan Rohani* 7, no. 2 (2021): 2021, <http://journal.iaimsinjai.ac.id/indeks.php/mimbarDOI:https://doi.org/10.47435/mimbar.v7i2>.

values. The State of Indonesia has state legal standards. This legal standard refers to the 1945 Constitution and Pancasila. So whatever contrary to the State must be rejected of course LGBT very deviate. However, what is the view of human rights towards LGBT in Indonesia? How are LGBT fighting for their freedom, even though it is clear that this violates norms, ethics, or religion.<sup>16</sup>

The article entitled "*Tinjauan Fiqhul Hadhoroh Terhadap Pencegahan LGBT (Studi Kritis Terhadap Fenomena Upaya Kampanye LGBT di Media Sosial)*" was made by Choirur Rois and Ahmad Zainuri, which discussed in the article how the jurisprudential review of Islamic law on the existence of LGBT is seen as a violation of the nature of human creation and the foundation of social civilization. In addition, the ideas of human rights activists in fighting for the existence of LGBT are assessed contrary to the progressive law in the future and does not have a vision and mission of civilization. In this context, the construction of fiqh law through the fiqhul hadhoroh approach (fiqh of civilization) offers a solution in responding to the phenomenon of LGBT campaigns on social media by put forward the concept of universal benefit and in order to maintain world order. Fiqhul hadhoroh with a style of jurisprudence approach has *masalik al-'illah* or theory development which is believed to be able to create products of progressive legal thought in realizing civilizations that can integrate the purity of Islamic teachings and civilizational modernity.<sup>17</sup>

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<sup>16</sup> Viska Anindya et al., *LGBT Dalam Prespektif HAM Di Indonesia*, 2022, <http://prosiding.unipma.ac.id/index.php/COLaS>.

<sup>17</sup> Tinjauan Fiqhul Hadhoroh Choirur Rois, Ahmad Zainuri, and Choirur Rois, *Tinjauan Fiqhul Hadhoroh Terhadap Pencegahan LGBT (Studi Kritis Terhadap Fenomena Upaya Kampanye LGBT Di Media Sosial)*, *Jurnal Hukum Keluarga Islam*, vol. 1, 2023.



Study previously conducted by Diyala Glarina in his research entitled “*Group Forms and Organizational Social Interaction Processes of people like us satu hati yogyakarta (PLUSH)*” This research is a field research using qualitative methods. This research was also revealed through the process of interview methods, observation and documentation techniques. Data collection techniques are divided into two, primary and secondary data, primary data is a raw object from "first hand information" actors such as the founder, management and members of PLU Satu Hati. Charles Horton Cooley and the social interaction process theory initiated by Gillin and Gillin.<sup>18</sup>

Equality study previously with study This is as following :

1. The object under study is *you 're welcome People Like Organization \_ Us One Yogyakarta (PLUSH)*
2. Types and methods approach research used You're welcome use method descriptive qualitative .

Whereas difference study previously with study This is as following :

1. Focus in study previously is the form and process of the interaction is the community of people like us with one heart in Yogyakarta, while in the research This focus his research is the strategy and advocacy of the community and its review in Islamic law.

Result research conducted by the author after do interview with one PLUSH founder, staff PLUSH management, and fourth member organizations

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<sup>18</sup> Diyala Gelarina, “Bentuk Kelompok Dan Proses Interaksi Sosial Organisasi People Like Us (PLU) Satu Hati,” 2014.

representing lesbians, gays, bisexuals and transgenders. Can writer conclude if process formation USH PL group is a process of formation that is based on goals together Can seen of reciprocity and close relationships between member as well as structured, systemic and process.

1. Forming process group in the PLUSH organization is results from anxiety together member. Then form a common goal in group PLUSH organization.
2. Form group PLUSH organization can writer knot right form loading group primary and secondary elements at once. The existing primary elements in PLUSH organization that is, members volunteer enter into the group, have objective together, are permanent and inclusive. Whereas element existing secondary in PLU SH organization that is, many members and also attitude exclusive For those who refuse they like clan fundamentalist.
3. From the results the author 's research do, form group the PLUSH organization has more primary elements strong compared to secondary. So make organization this is more strong Because own objective together .

Departing from previous research, the author researched more deeply on issues about the LGBT community, especially the People Like Us One-Hati Jogjakarta community, the community's advocacy strategy and its views on Islamic law. This research is different from the previous research because this research examines the community in Jogjakarta, the advocacy strategy that exists in the LGBT PLUSH organisation. This research uses field and observational research data collection techniques to look at group forms and social interactions of LGBT PLUSH organisations in Yogyakarta.

## **B. Theoretical Framework**

### **1. Advocacy Strategy Community People Like Us-Satu Hati Yogyakarta**

The existence of LGBT activists and organisations provides new developments in the LGBT issue in the country. Climate reform and The democratisation that occurred in Indonesia made the LGBT issue more widespread. This is manifested from the proliferation of LGBT organisations that are growing and starting to show their identity to the public. Discussions on sexuality and gender and advocacy strategies have also begun to be seriously discussed by several LGBT organisation organisations.

The people like us community, one heart of Jogjakarta, is a community that is active in organising discussions and advocacy strategies. Advocacy strategy the LGBT community is efforts made by LGBT groups to fight for rights them. this strategy covers various type tactic, like campaign public relations, fundraising, and advocacy policy. Objective of this strategy is For increase awareness public about LGBT rights and fight for them protection law for them . There are two kinds of advocacy used by PLUSH organizations. First, casuistic advocacy is an effort to investigate violence that departs from sexual orientation for the LGBT community. Can be sued legally or not. Second, public regulation advocacy is a legal effort that is used by PLUSH for society or the government that discriminates

against LGBT, records and makes documentation of human rights injustice that departs from sexual orientation and is brought to the legal process.<sup>19</sup>

## 2. Review of Islamic Law Maqasid Syariah

Man have a natural liking against type or trend heterosexual as One characteristic identity creature normal biology. Man as creature normal biological means characterized with instinct sexual against the opponent type as decree given by Allah SWT, with thereby abnormal human characteristics identity opposite sex with heterosexual. Humans who are not own identity heterosexual means can called do deviation caused matter the outside of reasonableness that has been ordained by Allah SWT. deviation behavior sexual This categorized as into 3 types, viz like fellow kind (homosexual), likes second type sex at once (bisexual), and appearance outside gender (transgender). deviation sexual This called with LGBT (lesbian, gay, bisexual, transgender).<sup>20</sup>

LGBT in the context of Islamic law , LGBT couples in the form of liwath are included in serious crimes (grave sins), because they include heinous acts that damage personality, morals and religion.

The verses that have been mentioned explain that the actions of Prophet Lut's people who only had sexual relations with fellow men released their lust only to fellow men and were not interested in women as

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<sup>19</sup> MONICA ARLISA KUSUMA TIARA, "Strategi Advokasi Komunitas People Like Us-Satu Hati Dalam Avokasi Hak LGBT Di Yogyakarta," *Strategi Advokasi Komunitas People Like Us-Satu Hati Dalam Advokasi Hak Lgbt Di Yogyakarta* (2017): 1–2.

<sup>20</sup> Dody Riswanto Rahmiwati Marsinun, "Penyimpangan Perilaku LGBT Ditinjau Dari Aspek Hukum Islam Dan Konseling REBT," *Jurnal Ilmu Hukum, Sosial, dan Pendidikan* 1 (2022): 1.

offered by Prophet Lut, but they still carried out homosexual acts, finally Allah punished them and turned their country upside down, so that the people of Sodom, including the lesbian wife of Prophet Lut, were entrenched along with the country's upside down. Only the Prophet Lut and his followers who were pious and kept away from homosexual acts were not punished.<sup>21</sup>

The negative impact of homosexual behavior is the emergence of a disease caused by a virus that attacks the human immune system, this virus is known as HIV and the disease caused by it is AIDS. In maqashid sharia, the term hifdz al-nafs is known, namely principle protection of the soul is the maintenance and protection of rights live honorably and keep the soul from action torture, murder, mutilation of limbs or acts injuring and included in the category of maintaining the soul is nurturing glory or human dignity by preventing accusations adultery, insulting and killing the fetus in the womb. Even prevention of actions that can cause harm to other human beings even one of them homosexual behavior can be one of the inner ware the principle of protection of human souls in general. Fulfillment of sexual desires through marriage between men and women women are a human nature that is guarded in the Shari'ah, so they can giving birth to good for individuals, society and generations future. As an effort to maintain biological nature and is based on Shari'a rules through legal marriage, so that the birth of happiness and peace as the word of Allah SWT. in the Qur'an:

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<sup>21</sup> Huzaemah Tahido Yanggo, "Penyimpangan Seksual (LGBT) Dalam Pandangan Hukum Islam," *MISYKAT: Jurnal Ilmu-ilmu Al-Quran, Hadist, Syari'ah dan Tarbiyah* 3, no. 2 (2019): 1.

*"And among the signs of His power is that He created for you wives of your own kind, so that you are inclined to and feel at ease with him, and created love and affection between you." (QS. al-Rum: 21)*

There needs to be law enforcement to close all doors harm (sad al-dzari'ah), although some homosexual actors argue that the benefit felt by deviant sex offenders is natural. Law enforcement for homosexual behavior is a part of preventive action so that there is a deterrent effect and lessons can be learned for other homosexual perpetrators. As the rules of fiqh:

دزء املفاسد مقدم جلب املصالح

Rejecting mafsadat is prioritized over presenting mashlahat. Law enforcement in an effort to satisfy society's sense of justice in general, is for the sake of maintaining the principle of protection of honor (hifdz al-irdh), the principle of protection of offspring (hifdz al-nasab) and the principle of protection of the soul (hifdz al-nafz), namely the soul in terms of physical and spiritual health. Fulfillment of sexual desires of the opposite sex in a legal marriage bond is part of the dharuriyat needs so that it needs to be maintained to achieve mashlahat, as is Ash-Syathibi's view that God's purpose in making shari'a is benefit, and benefit will only be realized by maintaining the needs that are dharuriyat, hajiyat and tahsiniyat for humans themselves.<sup>22</sup>

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<sup>22</sup> Siska Lis Sulistiani, "Hukum Homoseksual Perspektif Maqashid Syariah," *Al-Istinbath : Jurnal Hukum Islam* 4, no. 2 (2019): 267.

In addition, it also has a big impact on society. Homosexuality does not only pose a danger to individuals or individuals who carry out such a life practice, but also in health terms it can cause and transmit dangerous viruses to anyone. In addition to health impacts, homosexuality also has an impact on social, political, economic, sociological, psychologically and even religiously. A society in which there are homosexual actors, will cause a loss of blessings and a sense of security, due to the spread of damage in society. Based on the message of the Qur'an, that an act of sin will bring calamity and doom to the culprit in a country. If that has happened then the doom will not only befall the people who sinned but also on those who believe. There is also a concern that disease outbreaks due to deviant sexual behavior are widespread in society, these diseases can infect anyone, even someone who is not involved at all with these deviant acts.

As for transgender people, In Islamic law, there are only two genders, namely men and women. The term transgender or transgender is not known, which is a forced attempt against the nature of God's creation to change gender from male to female or change appearance such as walking, speaking, dressing habits, wearing jewelry and make-up that resemble women. Transgender or transgender acts transvestites in Islam are known as mukhannats, the law is haram. In a hadith narrated by Bukhari, the Prophet cursed men who imitated women and women who resembled men.<sup>23</sup>

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<sup>23</sup> Bustamam Usman , "Islam Haramkan Transgender, Ini Dalilnya.," *SerambiNews.Com*, 2018, <https://aceh.tribunnews.com/2018/01/19/islam-haramkan-transgender-ini-dalilnya>.

### **3. Human Rights Views on LGBT Rights**

In human rights, there are two important principles underlying the concept of human rights itself, namely the principles of freedom and equality, both of which are the basis of justice. John Rawls, argues that there are three things that are the solution to the main problem of justice, namely;

- a. This principle includes the freedom to participate in political life, freedom of speech, freedom of the press, freedom of religion, freedom to be oneself, freedom from arbitrary arrest and detention, and the right to maintain private property.
- b. The difference principle principles. The essence of this principle is socioeconomic differences must be regulated in order to provide benefits great for those who are less benefited.
- c. The principle of fair equality above opportunity (the principle of fair equality of opportunity). The essence of this principle is that socioeconomic inequality should be arranged in such a way that opening posts and positions social for everyone below equal opportunity conditions.

Based on the above principles can be seen that these three principles are the main things in human rights, where HAM does not look at the economic position, social and cultural person, and not see how it ranks as civilians and their positions in terms of politics, everyone has freedom and also have the same position. In Indonesia in general concluded, human rights can divided into the following:



- a. Personal rights includes freedom of expression opinion, freedom of religion, and freedom of movement.
- b. Economic rights (property rights).includes the right to own something rights to buy and sell as well take advantage of it.
- c. Political rights, namely rights to participate in government suffrage (elected and voted in elections) and the right to establish political parties.
- d. The right to receive treatment the same in law and government.
- e. Social and cultural rights (social and cultural rights). For example the right to choose education and the right to develop culture.
- f. Human rights to get treatment of judicial procedures and protection (procedural rights).For example, the rules on p detention, arrest,search and trial.

For the Indonesian people, legal instruments must guarantee the protection and fulfillment of human rights. Law cannot be separated from the values of civilization and is always in accordance with common sense and human nature. Law is there to protect human dignity.<sup>24</sup>

In Preamble to the Universal Declaration of Human Rights (UDHR) stated that human rights need to be protected by regulations law, so that people will not be forced to choose a path.

Rebellion as a last resort against tyranny and colonialism.In the legal system in Indonesia, as contained in The 1945 Constitution states "the right

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<sup>24</sup> Oleh : Meilanny and Budiarti Santoso, "LGBT dalam Persepektif Hak Asasi Manusia," *Sosial Work Journal* 6( 2 ): 227–228.

to life, the right not to be tortured, the right to for freedom of thought and conscience, the right to religion, the right to not enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on the basis of retroactive law is a human right that cannot be reduced under any circumstances also”, this is in accordance with the provisions in the UDHR Articles 2, 7 and 22.

Komnas HAM, Natalius Pigai, said that the state has an obligation to protect Indonesian citizens regardless of gender, tribe, religion, race, tribe, or minority and vulnerable groups (meaning vulnerable to violence). The state has an obligation to fulfill the human rights needs of all Indonesian citizens without distinction of ethnicity, religion, including minority groups and vulnerable groups, including LGBT. The protection that must be guaranteed and provided in the LGBT context from a human rights perspective is the protection of their human rights in the form of health insurance to be able to recover from disease, as regulated in Article 25 of the UDHR. Thus, it can be understood that it has become mandatory for LGBT groups to obtain human rights (HAM) in the form of guaranteed care or treatment for LGBT diseases. It is not a human right to recognize or legalize deviant sexual orientation.<sup>25</sup>

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<sup>25</sup> Gustia Ananda Hafizah, “LGBT Dalam Pandangan Hukum Islam Dan Hak Asasi Manusia,” 2020.

#### **4. Advocacy Community People Like Us-Satu Hati Yogyakarta in a Review of Islamic Law**

Shari'at (Islamic law) is universal, governing whole aspect life human, fine in relationship with God, nor fellow humans and nature. In the practice Islamic Shari'at always notice benefit human, with invite every followers For obey orders and prohibitions. In Al-Qur'an incident homosexual This become important attention, This proven with exists a number of speaking verse about matter this, such as QS al -A'raf : 80, QS An- Naml : 54, QS Asyu'ara : 165, and QS Hud: 77-82. Allah SWT say in Surah Al -A'raf 80 which means :

*"And (we also sent) Lut when he said to them: "why do you do abominable deeds, which have never been done by anyone (in this world)". Indeed, you come to men to release your lust (tothem), not to women, in fact you are a people who transgress limits "*

According to Imam al-Shirazi, verse 80 of the letter al-A'rāf above, Allah mentions *liwāṭ* with the word "fāḥishah" (abominable act), this becomes the argument for the prohibition of "liwāṭ". Whoever does it, he is among those who are subject to "hadd" adultery, then the punishment of hadd adultery is obligatory for him. Apart from the arguments originating from the Qur'an, there are also many hadiths which explain the prohibition of homosexuality, both for same-sex men (gay) and women (lesbi). Giving vent to same-sex sexual desires includes adultery, as explained in a hadith from Abū Mūsā, Rasulullah said: "If a man has sex with a man, then both of

them commit adultery, and if a woman has intercourse with a woman, then both of them commit adultery." (Narrated by al-Bayhaqi). Likewise in the hadith sourced from Wāthilah ibn al-Asqa'.<sup>26</sup>

In line with these verses, it is also mentioned in QS al-Syu'ara' (26): verses 165 and 166 which means as follows:

*"Luth said to his people : Why did you come to (having sex with men) among humans" (QS.Al-Syuara: 165) .*

In the tafsir al-Manar, it is explained that Prophet Lut was sent by God to increase the faith and morals of his people who lived in the lands of Sadum, Adma', Sabubim and Bala' on the shores of the Dead Sea. Prophet Luth settled in the largest of the five cities, namely Sadum. Sadum experienced a moral collapse, men preferred to have sexual relations with their younger colleagues and not to have sexual relations with women. In QS An-Nam verses 54-55 Prophet Muhammad SAW was reminded by the behavior of the people of Prophet Lut that are you not wise or are you not ashamed to do fahisyah deeds, namely attitudes that are very bad in view of human reason and customs. You see humans and even animals giving vent to their lust for the opposite sex, men with women and men with women. The resulting impact of this action is a disease for which no cure has been found.<sup>27</sup>

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<sup>26</sup> Ceceng Kholilulloh, "Studi Kritik Sanad Hadis Fatwa MUI Tentang Lesbian, Gay, Sodomi, Dan Pencabulan," *Angewandte Chemie International Edition*, 6(11), 951–952. (2018): 10–27.

<sup>27</sup> Tafsir al-Misbah: M. Quraish Shihab, *Pesan, Kesan, Dan Keserasian Al-Qur'an* (jakarta: lentera hati).

Advocacy for the LGBT community in the view of Islamic law is an effort made by LGBT groups to fight for their rights in the context of Islamic law which has clearly been opposed. this strategy covers various type tactic , like campaign public relations , fundraising , and advocacy policy . Objective of this strategy is For increase awareness public about LGBT rights in context Islamic law and fight for protection law for them.

It should be noted that any activity that helps the continuation of legal disobedience is illegitimate. Sheikh Zakariya Al-Ansari explained

That is, *"Likewise, any activity that results in disobedience, such as selling dates to people who want to make them nabidz (liquor), selling chickens or sheep to people who will complain about these animals, all of that is unlawful, because it can lead to disobedience."* According to Imam Syamsuddin Ar-Ramli, this prohibition is based on a hadith narrated by Abu Dawud:

لَعَنَ اللَّهُ الْخَمْرَ، وَشَارِبَهَا، وَسَاقِيَهَا، وَبَائِعَهَا، وَمُبْتَاعَهَا، وَعَاصِرَهَا، وَمُعْتَصِرَهَا، وَحَامِلَهَا  
وَالْمَحْمُولَةَ إِلَيْهِ. رواه أبو داود

Meaning: *"Allah has cursed khamr, the drinker, the pourer, the seller, the buyer, the maker, the carrier, and the orderer."* (Reported by Abu Dawud).

From the hadith above, it can be understood that those who are subject to the illegitimate law are not only khamr drinkers. But anyone who takes part in the immoral practice of drinking liquor, starting from drinkers, buyers, sellers, manufacturers and carriers of khamr, is also subject to the

unlawful law. Practices like this in the Salaf fiqh literature are known as *i'annah 'alal ma'shiyah*, assisting in disobedience which is forbidden. Even though *i'annah 'alal ma'shiyah* is haram, the scholars have explained in detail when a person's actions can be classified as helping disobedience. Al-Qadhi Taqi Al-Ustmani explained the definition of *i'annah 'alal ma'shiyah* as an action that is the only cause of disobedience, if there is no such action, immorality will not occur.<sup>28</sup>

Referring to the above review, in terms of Islamic law supporting and funding the movement of the LGBT community is not permissible and includes *i'annah 'alal ma'shiyah*, helping disobedience. Allah SWT has prohibited all deviant behavior, deviant behavior if examined again some of the wisdom of the prohibition God who when contemplated very much benefit for man. This act of LGBT is a prohibited act by *syara'* and is a finger that is more heinous than adultery. LGBT is an act that is contrary to morals and human nature and dangerous for humans who do it, and its illegal.

## 5. Social and Cultural Implications

Advocacy within the LGBT community review Islamic law has implication socially and culturally significant. Implications This covers change in view public about LGBT, change in practice religion and change in public policy .

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<sup>28</sup> M INTIHAUL FUDOLA TOHA, "Hukum Bekerja Di Perusahaan Yang Mendukung LGBTQ+," *NUonline*, last modified 2023, accessed July 26, 2023, <https://islam.nu.or.id/bahtsul-masail/hukum-bekerja-di-perusahaan-yang-mendukung-lgbtq-Yre5y>.

In general, LGBT people still experience a lot of violence and discrimination in terms employment and housing opportunities, education, health and welfare. It is difficult for LGBT people to get jobs, especially jobs in the formal sector, because many employers are homophobic and the environment is hostile to LGBT groups. Meanwhile, those who succeed in getting jobs also often experience discriminatory treatment such as being insulted, shunned, threatened, and even physically abused.

In the world of work, LGBT people whose status is still closed in certain situations can still enter the world of work without significant discrimination, while openly LGBT people mostly develop themselves in work situations that are not so bound by norms, such as becoming independent entrepreneurs. Meanwhile, the transgender group (waria) is the group that receives the most discrimination because of their different appearance. So this group develops itself in the informal sector such as salons, creative industries, entertainment and some enter the world of prostitution. LGBT groups in general expect more balanced and fair treatment from the Government, they want sexual orientation and sexual behavior not to be a barrier for them to socialize, work, achieve and contribute to development. Society itself still has a stigma associated with LGBT, mainly due to excessive media exposure and the actions of the LGBT group itself which raises concerns, such as cases of HIV AIDS, and cases of sexual crimes against children, coupled with religious-based thinking. Among LGBT groups, in Indonesia the Transgender (Waria)

group existed earlier than the other three groups. The existence of LGBT groups is more hidden in daily life, but they have a wide network through social media. Recently, they have been active in holding national and regional meetings to fight for their rights as citizens against discriminatory treatment received from society.<sup>29</sup>

In a relatively modern cultural environment, the existence of homosexuals is still rejected by the majority of society so that their existence develops clandestinely. Gadpaille stated that nowadays modern society tends to have a negative attitude towards erotic activity between the sexes. It is this negative view of homosexuality that causes homosexuality to tend to be rejected by society, vulnerable to discrimination, ridicule and other social sanctions. Some objections to homosexual behavior is largely religious in nature. Lenhne coined the term homophobia<sup>4</sup> to describe the irrational power and intolerance of homosexuals. Someone who is known to be homosexual or gay is at risk of experiencing discrimination in their work and social life. Society's rejection and discrimination against homosexuals in the form of demands to be heterosexual in all aspects of life is the background for the decision of some homosexuals to hide their sexual orientation from society so that people who have a homosexual orientation choose to hide their sexual orientation. both socially, customarily and legally.

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<sup>29</sup> Regina Solihatul Afyah Program Studi Tasawuf dan Psikoterapi, Fakultas Ushuluddin, and Uin Sunan Gunung Djati Bandung, "Fenomena LGBT Beserta Dampaknya Di Indonesia," *Gunung Djati Conference Series* 23 (2023).



As previously explained, Indonesia is a country that still has strong religious, moral and ethical teachings that have grown and taken root in all levels of society. The "deviant" behavior of LGBT groups cannot be taken lightly, because there are always fundamental reasons for society to reject perpetrators and sexual deviant behavior, whether based on religious or cultural teachings. Although not all people reject it, "discrimination" carried out by LGBT groups is considered a violation of human rights. As LGBT people live in almost all parts of the world, they are members of certain communities, ethnicities and religions. They are also human beings whose rights should be respected, yet in some countries (including Indonesia) they are discriminated against because of their sexual identity and orientation: "in almost all regions, there are people who experience violence and discrimination because of their sexual orientation or gender identity. Human rights violations include - but are not limited to - murder, rape and physical assault, torture, arbitrary detention, denial of the rights to assembly, expression and information, and discrimination in employment, health and education".<sup>30</sup>

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<sup>30</sup> 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 (February 24, 2022): 210–231.

## **CHAPTER III**

### **RESEARCH METHOD**

This research is a field research using qualitative methods. As well as the problems that will be discussed in this research and in order to provide useful results, this research is carried out using normative research. The normative research method is library law research which is carried out by examining literature materials or mere secondary data . This research was also revealed through the process of interview methods, observation and documentation techniques. Data collection techniques are divided into two, primary and secondary data, primary data is a raw object from "first hand information" actors such as founders, administrators and members of PLUSH. While the secondary data covers various related references. This study uses the theory of group forms initiated by Charles Horton Cooley and the theory of social interaction processes initiated by Gillin and Gillin.

#### **A. Type of Research and Approach**

This research includes field research, which is research that is carried out systematically by collecting data in the field. This type of research is field research, which is to go directly to the field to explore the problems to be studied. Researchers immediately went down to the research site and conducted interviews with informants and direct observations. The nature of this research is qualitative descriptive research, which is research conducted based on views, strategies and application of models by describing problems based on findings. Describe the results of interviews and observations so as to obtain the desired

data and analyse it. The location of this research was carried out in one of the LGBT communities in Jogjakarta, especially the People Like Us-Satu Hati Yogyakarta community.

This research combines 2 (two) approaches Namely the juridical approach, and the sociological approach. The juridical approach is legal research that Done by researching library materials or data Secondary as a basic material to be researched by Conduct a search of the regulations and Literatures related to problems that Researched.

While photographing reality uses an approach Sociological. Soerjono Soekarno interpreted sociology as A science that limits itself to judgement. Sociology does not determine which direction something should go Develop in the sense of giving instructions that Concerns the societal wisdom of the process That life together. In this science it is also discussed About social processes, given that knowledge Even though the structure of society is not enough to obtain A real picture of the life together from human.

## **B. Analysis Method**

This research is a field research using qualitative methods. As well as the problems that will be discussed in this research and in order to provide useful results, this research is carriedout using normative research. The normative research method is library lawresearch which is carried out by examining literature materials or mere secondary data . This research was also revealed through the process of interview methods, observation and documentation techniques. Data collection techniques are divided into two, primary and

secondary data, primary data is a raw object from "first hand information" actors such as founders, administrators and members of PLUSH. While the secondary data covers various related references. This study uses the theory of group forms initiated by Charles Horton Cooley and the theory of social interaction processes initiated by Gillin and Gillin.

### C. Data Source

Data collection techniques researchers divide data sources into two parts.

1. Primary data, namely an object or original document, raw material from actors called "first-hand information" includes all information, results of interviews and documentation, material relating to the People Like Us-Satu Hati Yogyakarta organization.
2. Secondary data which includes various references, as well as literature related to the identity of LGBT organizations, for example, books related to LGBT, papers, journals and others. One of the books, "Giving a voice to the mute", Dede Oetomo. 'Sexuality: theory and reality, Irwan' M. Hidayana. "Exposing stigma, violence and discrimination against LGBT in Indonesia," Indana Laazulva. Articles such as, " Power-Knowledge as a Discourse Regime of the History of Sexuality: History of Discourse of Sex & Power", Hartyatmoko. Journals such as, "Beware of the 'Virus' LGBT", Hasan Sidapbutar. " LGBTIN INDONESIA: The Perspective of Islamic Law, Human Rights, Psychology and the Maşlahah Approach" Harahap R. National Seminar and Call For Paper: "Community Psychology" A

Psychological Contribution Towards an Empowered and Prosperous Society with the article title "The Phenomenon of Gay and Lesbian Life in the City of Yogyakarta (Psychological, Religious and Cultural Perspectives)" Ellya Rakhmawati.

#### **D. Data Collection Technique**

Data collection techniques used in this study

1. Observation, namely the systematic observation and recording of the phenomena investigated. In this study, the observation technique is participant observation, which is a process of internal observation carried out by the observer by taking part in the lives of the people who will be observed. This technique involves the researcher himself or work directly in the People Like Us-Hati Yogyakarta organization.
2. Interview, which is a data collection technique that includes the method used by a person for the purpose of a particular task, trying to obtain verbal information from a respondent in a face-to-face conversation. This technique is a way to obtain data or information about PLUSH organizational groups. With direct question and answer with PLUSH chairman, members, and the surrounding community. In this study, the writer anticipates that there will be a respondent who lacks reading and writing knowledge, so in this case the writer uses guided free interviews, namely with certain guidelines that are prepared in advance while the delivery is delivered freely.

3. Documentation techniques are data collection techniques by finding data about things or variables in the form of notes, transcripts, books, newspapers, magazines and so on.
4. Determination of the respondent, namely the respondent is the founder, board and four PLUSH members representing lesbian, gay, transgender and bisexual. The names of the respondents are partly real names but some use nicknames.
5. Data analysis technique The analysis technique that the compiler uses in this study is the deductive method, which is to draw conclusions after researching the data that has been collected.

## CHAPTER IV

### RESULT AND DISCUSSION

#### A. Result and Discussion

##### 1. General Description of The People Like Us Satu Hati Yogyakarta (PLUSH) Community

###### a. Definition of LGBT

LGBT or GLBT is an acronym for "lesbian, gay, bisexual, and Transgender". The term has been used since the 1990s and replaces The phrase "gay community" because this term more represents groups that Has been mentioned. This acronym was created with the aim of emphasising diversity "A culture based on sexuality and gender identity". Sometimes The term LGBT is used for all people who are not heterosexual, not Only homosexual, bisexual, or transgender. Therefore, often the letter Q Added so that queers and people who still question identity Their sexual is also represented (e.g. "LGBTQ" or "GLBTQ", recorded Since 1996).<sup>31</sup>

The abbreviation LGBT evolves over time as definitions of sexual orientation and gender identity are also constantly updated. This is in accordance with the development of social science and science. Not only lesbian, gay, bisexual, and transgender, there are various sex orientations and gender expressions in LGBT.

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<sup>31</sup> Trisuci Aprilia Yuna and D Purnamasari, "Lesbian-Gay-Bisexual-Dan- Transgender-Lgbt-Jalan-Lain-Memahami-Hak-MinoritasSS," *fakultas kedokteran UII* (2: 64–77).

Launching the meaning of the LGBTQIA Resource Centre, the following are some of the terms covered in LGBT or LGBTQ+.

1) Lesbian

This sexual orientation in LGBT describes women who have an interest in individuals with the female sex or people who identify themselves with the female gender. That is, a trans woman can also be said to be a lesbian when attracted to other trans women or individuals with a female gender. A trans woman is someone who is male, but defines himself as a woman.

2) Gay

This term is often used to refer to male individuals who have mutual interest in each other, even though lesbians are also included in gays. Likewise with individuals with male gender, regardless of biological conditions, those who are attracted to individuals with male sex can be called gay. Informally, a bisexual and pansexual also often refer to themselves as gay when they are attracted to other individuals who have the same sexual orientation. Simply put, the term gay in LGBT refers to someone who has an interest in other individuals who have the same sexual orientation or gender.

3) Biseksual

Often bisexuality is only interpreted as attraction to individuals with the female and male sexes, even though this definition is not correct.



Bisexuals describe attraction to any gender, not only female or male, but also transgender, binary gender, nonbinary, and others.

4) Transgender

The term transgender refers to any person who has a gender expression (manly and feminine traits) that is different from the gender related to his or her genetic code at birth. A person can define himself as transgender regardless of whether he has had sex change surgery or hormone therapy. Likewise with individuals who have made a formal identity change, regarding name and gender.

5) Queer

The term queer is in LGBTQIA or LGBTQ+ which indicates a specific identity in individuals who do not fall into the category of cisgender or heterosexual. Although it can refer to various sexual or gender orientations, this queer cannot replace the more specific terms sex and gender orientation. The term should only be used by heterosexual and cisgender groups to refer to individuals who clearly express themselves as queer.

6) +(plus)

The + (plus) sign on the LGBTQ+ abbreviation summarises sexual orientation and gender identity that was not included in the previous five letters, as mentioned below.

a) Nonbiner: someone who does not refer exclusively to male or female gender.

- b) Aseksual: individuals who have no or little sexual attraction to others even though they can experience romantic attraction.
- c) Interseks: the term intersex refers to individuals born with varying biological characteristics (hormones, genetic code, and gender). This causes his body cannot be classified into a female or male body.
- d) Panseksual: sexual, romantic, or emotional attraction to other individuals with certain personalities, regardless of gender or sexual orientation.<sup>32</sup>

#### **b. History of LGBT in Indonesia**

One of the controversial issues in Indonesia today is the emergence of the lesbian, gay, bisexual and transgender (LGBT) community. The struggle so that the LGBT community in Indonesia has the same rights as other communities in all aspects of society has been included in the discussion space both among practitioners and academics. Various actions have also been held in an effort to fulfil the rights of the LGBT community as citizens. Looking back, the LGBT movement has a long history that we should appreciate together.

In 1969, the first waria organisation was established in Indonesia under the name HIWAD (Himpunan Wadam DiJakarta). This establishment was facilitated by the Governor of DKI Jakarta at that

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<sup>32</sup> Mikhael Yosia, "Memahami LGBT, Istilah Yang Mencakup Berbagai Orientasi Seksual Dan Gender," *Hellosehat*, last modified 2022, <https://hellosehat.com/seks/tips-seks/apa-itu-lgbt/>.

time, Ali Sadikin. Unfortunately, there is no exact record regarding the date and month of its establishment. The Indonesian LGBTIQ Movement (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer) can really be considered to be born on March 1, 1982 with the establishment of "Lambda Indonesia". Lambda Indonesia is an open gay organisation in Indonesia and Asia, with a secretariat in Solo. The establishment of Lambda Indonesia can be considered as a milestone in the Indonesian LGBTIQ movement. At least, this organisation was born from the womb of the awareness of gay activists to be present as a movement that organises itself and demands its rights.

Soon after other branches were formed in Jogjakarta, Surabaya, Jakarta, and other places, gay organisations also began to grow after the establishment of Lambda Indonesia. One of them is the Jogjakarta Gay Brotherhood (PGY) which was established in 1985. This PGY then agreed to change to IGS (Indonesian Gay Society) in 1988.

On March 1, 2000, the IGS declared March 1 as the National day of gay and lesbian solidarity. This date refers to the establishment of Lambda Indonesia as the first open gay organisation in Indonesia and Asia, a historical achievement that deserves to be remembered, respected, commemorated, and continued passion. The declaration celebration, which took place at the French Indonesia Institute, Jogjakarta, was attended by around 100 gay, lesbian and sympathisers from various circles. The name of the memorial day deliberately contains the word "Solidarity" because IGS views the struggle for the

emancipation of gay and lesbians opens the widest opportunity for sympathetic friends to join. The Indonesian-French institution was chosen because the 1999 Gay Period celebration was held at the French Cultural Centre Surabaya. Hopefully the French side sees the struggle for the liberation of gays, lesbians, transvestites and bisexuals as a continuation of the French Revolution with the motto "Freedom of Equality and Brotherhood". Over time, the synergy of the struggles of gay, lesbian, bisexual, and transgender friends is considered necessary to be used in one major theme in order to fulfil rights in society, therefore the National Gay and Lesbian Solidarity Day was renamed National LGBTIQ Solidarity Day.

The Indonesian LGBTIQ movement must finally realise that this movement not only stops at the kumpul-kumpul ritual, but more than that is to jointly voice a demand. This movement wants to demand that they be recognised and treated equally as human beings and legal citizens. As a human being, the LGBTIQ community has basic rights that must be respected and fulfilled. Violation of such rights is a violation of humanity itself. As citizens, the LGBT community is also entitled to the same treatment without discrimination as other citizens. The rights as a citizen must be fully fulfilled as the fulfilment of the rights of other citizens.<sup>33</sup>

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<sup>33</sup> Gelarina, "Bentuk Kelompok Dan Proses Interaksi Sosial Organisasi People Like Us (PLU) Satu Hati."

### c. History of People Like Us Community Satu Hati Yogyakarta

The process of forming the PLU Satu Hati organisation was originally founded by a gay community called Pelangi Jogja. However, Pelangi Jogja's community activities stopped due to personal busyness and psychological and physical violence that occurred in Kaliurang during the Kelap Kelip Warna Kedaton (KKWK) event, which was held by Pelangi Jogja and also invited other communities in Jogjakarta, Solo and Semarang. Events such as reported in the pembebasan.com newspaper:

*When dozens of student elements held a major demonstration during President Habibie's visit in Solo in September 1999, members of the Islamic Defence Front (FPI) Surakarta threatened to kill gay activists who were planning the JLGI (Indonesian Lesbian and Gay Network) national work meeting. A year later, the Kerlap Kerlip Warna Kedaton (KKWK) event also experienced the same thing, because considering that the democratic space had been opened, the press was invited to the event. But in the middle of the event 150 men, in traditional Muslim clothes, entered and attacked from the back row, forcing everyone to run away from the event.*

After the incident, the Pelang Jogja community stopped for several years, due to personal busyness and trauma. Responding to that, the head of the community, Mak Uki, reunited the members of Pelangi Jogja in 2007. They discussed the continuation of their community,

because they didn't feel like staying silent and doing nothing. Finally they decided to create an organisation that could be an advocate for the LGBT community, because so far LGBT movements, especially in Jogjakarta, are engaged in the field of reproductive health such as PKBI.

After the idea emerged, there were many obstacles faced by the Pelangi Jogja community. Their main obstacle is the difficulty of finding a notary who is pro against them. After getting the right notary, they find it difficult to pay for the services of the notary due to the high cost, besides that the problem experienced is the difficulty of finding an office due to financial difficulties. As revealed by Joseph Ryan Kobbarri, one of the founders of PLUSH, Joseph stated: "at that time we were clumsy there was no base camp, the difficulty of finding donors and the hardest thing was to find a notary to make a notary note for this organisation."

Finally, in 2008 the PLUSH organisation officially received a notarial deed, and in 2008 they did the first MUSANG (Musyawarah Member) to form the structure and vision and mission.

Learning from Pelangi Jogja's experience, all PLUSH members agree that the PLUSH organisation will only concentrate in the field of advocacy and defending human rights (Human Rights). Their reason is because the community and the government still do not accept the LGBT community in the midst of society. So that until now there are still many human rights violations against the LGBT community, especially in Indonesia, coupled with efforts from certain groups to

criminalise or discriminate against the LGBT community through certain bills and regulations. It is very important that there are efforts to educate people to be aware of diversity and prioritise social issues, including LGBT, because LGBT is also part of the social diversity that exists in Indonesia.<sup>34</sup>

## **2. Advocacy Strategy People Like Us Satu Hati Yogyakarta (PLUSH)**

### **a. Organisation profile People Like Us Satu Hati Jogjakarta (PLUSH)**

People Like Us Satu Hati is a Community Based on Organisation (CBO) focussed on advocacy and Human Rights (HAM) related to LGBT (Lesbian, gay, Bisexual and Transgender). This organisation defends the rights of minorities who get discrimination and violence in the midst of society. The main office of PLU Satu Hati is located on Jl. Kyai Mojo RT IV/333, Jogjakarta. PLU Satu Hati has a vision that is "Realising a community order that is based on equality values". With the first mission, to foster critical awareness to build agreement on equality values through advocacy. second, to develop education, training and research based on gender and sexuality and the last is to develop basic services and assistance for victims of conflict situations, crises, human rights-based disasters.

The One Heart PLU Organisation has 5 divisions with their respective work programs, namely:

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<sup>34</sup> Ibid.

1) Advocacy Division.

There are two kinds of advocacy used by the PLU One Heart organisation, First, casuistic advocacy is an effort to investigate violence that departs from sexual orientation for the LGBT community whether it can be prosecuted or not. Second, public regulation. Advocacy is a legal effort used by PLU Satu Hati for the public or government that discriminates against LGBT, records and documentation against human rights injustices that depart from sexual orientation and are brought to the legal process.

2) Division of publications, media and campaigns.

The efforts of the PLU One Heart organisation to be accepted in the midst of society. And try to show their existence to the community that this organisation exists and has the same rights as humans.

3) Education, training, and counselling division.

a) Internal

Education is the most important support for the LGBT community to fight and fight for their rights, its activities include training, discussion with the following themes: LGBT, gender, sexuality, law and human rights, advocacy, investigation, counselling, organisational management, and others.

b) Eksternal

Education is the most important support for the LGBT community to fight and fight for their rights, its activities include



training, discussion with the following themes: LGBT, gender, sexuality, law and human rights, advocacy, investigation, counselling, organisational management, and others.

c) Research and development division

Independent research, collaborative research, literature studies and SOGI and Human Rights advocacy material data base.

d) Base reinforcement division

The PLUSH Organisation is an organisation based on CBO (Community Based on Organisation) which means that this organisation moves on behalf of LGBT communities in Jogjakarta. Therefore, strengthening the basis for LGBT communities, especially those in Jogjakarta, is very important, to achieve their common goals for equality in the LGBT community. PLUSH organisational efforts to strengthen the base are as follows: LGBT community mapping, creation of LGBT community database data, monthly meetings, Outdoor activities.

e) Queershop or Fundraising Division

Queershop is an independent business owned by PLU Satu Hati which is packaged in the form of an online shop. Currently queershop has produced t-shirts, mugs and pins. In the future the variety of goods provided will be more diverse such as tote bags, canvas shoes and so on. This online shop is also one of the media for PLU Satu Hati to convey a message of diversity, especially

the diversity of sexual orientation to the whole world. Of the five divisions that have been described, only three are running optimally and the other two divisions are still under development.

**b. Community People Like Us Work Program-Satu Hati Yogyakarta**

There are several work programs that have been carried out by the PLU Satu Hati Jogjakarta organisation, including:

1) Campaign, Media and Publication

In the division of campaigns, media and publications, People like us Satu Hati Jogjakarta has carried out many activities including: a. Community media; Pelangi newsletter in July 2002; b. Community media; Pelangi newsletter in October 2002; c. Pink in drag, celebrating valentine's day in February 2003; d. Rainbow in love, celebrating valentine's day in February 2004; e. The human rights campaign theatre entitled, "dual children dare to be different" on May 25, 2004; f. Charity activities; at Ngandong Beach, Gunung Kidul, Jogjakarta in 2004; g. Charity activities; Ghifari orphanage, refugees victims of Merapi in 2005; h. Charity activities; Ghifari orphanage, refugee victims of Merapi in 2006; i. Charity activities; victims of the Jogjakarta earthquake, Imogiri in 2007; j. Charity activities; Sundak Beach area, Gunung Kidul, Jogjakarta in 2008; k. Sahur on the road, in collaboration with carrying labourers in

Ramadan 2008. Malaria weekly activities mengoborol santuy about gender and sexuality 2023.

## 2) Education, Training and Counselling

In the education, training and counselling division, PLU Satu Hati holds many activities such as seminars, training and others. Examples of activities include:

- a) Seminar with the theme, "Recognising healthy relationships and Sexual Violence in the Digital platform", in November 2020;
- b) National seminar with the theme, "Queer experience in the World of Work", on June 17, 2023;
- c) Human rights training and community movement, on May 23, 2020;
- d) IDAHO in 2020
- e) Muslim costs for waria, in Ramadan 2021.
- f) Malaria Minggurita weekend 2023

## 3) Advocacy

Kegiatan devisi advokasi People Like Us Satu Hati, Yogyakarta, diantaranya:

- a) Peace act toward, media publikasi, Tentang “kontrak politik 5 kandidat presiden”, Pada 23 Juni 2006;
- b) Pernyataan dari Pelangi Group dan rekan-rekan, tentang “kontrak politik 5 kandidat presiden, pada juni 2006;
- c) Investigasi tragedi di Kaliurang pada Desember 2007;

- d) Investigasi kasus Hana (kasus transgender yang mendapat diskriminasi dan kekerasan dari petugas keamanan di salah satu klub malam Yogyakarta) pada Februari-Maret 2008;
- e) Investigasi dari kasus lesbian ada 3 kasus pada 2021;
- f) Peace act towards, media publikasi, pernyataan tentang kasus Ryan pada Agustus 2008.

#### 4) Base reinforcement

People Like Us Satu Hati Yogyakarta, is a community-based organisation, therefore strengthening the community base is very important for the PLU Satu Hati organisation, Jogjakarta. The basic strengthening activities that have been carried out, include:

- a) Forum votes to reject the regional prostitution of Bantul, Jogjakarta; human rights movement in February 2008;
- b) Community voice forum supports Reperda HIV/AIDS; Human rights and access to HIV/AIDS in 2008;
- c) Yogyakarta women's network; women, sexuality and gender; d. Jogjakarta LGBT Network; LGBT;
- d) Coalition of united people; social movement;
- e) Yogyakarta for diversity; multiculturalism and diversity;

#### 5) Membership

People like Us Satu Hati Yogyakarta members registered in 2011 totalled 150 members consisting of lesbian, gay, transvestites/transgender, bisexual, even heterosexual, PLU One Heart members

also consist of various circles and professions. The requirements to become a member of PLU Satu Hati are as follows: At least 18 years old, fill out the form that has been provided by PLU Satu Hati and pay annual contributions.<sup>21</sup> PLU Satu Hati is a non-government organisation (NGO) or commonly called an NGO (non governmental organisation) so that it does not get fees from the government. Source of funds for the PLU One Heart organisation from member annual contributions, independent businesses (queershops) and non-permanent donations.<sup>35</sup>

### **3. Human Rights Views on LGBT Rights**

Basically, Human Rights (HAM) are the basic rights that every human being has from conception, birth to death and these rights cannot be revoked for any reason, except by God Almighty as the Creator. Human Rights are the crystallization of various value systems and philosophies regarding humans and all aspects of their lives. The main focus of human rights is human life and dignity.

There are two views regarding human rights, namely human rights as universal rights and human rights as relative rights or special rights. Human rights as universally applicable law are contained in the 1948 Declaration of Human Rights, while human rights are positive laws that

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<sup>35</sup> Wawancara Dengan Renate, Sekretaris PLU Satu Hati, Yogyakarta Tanggal 14 Oktober 2023.

apply in Indonesia, in addition to human rights contained in international documents, which take into account the values that exist in society. .

Based on Article 1 paragraph (1) of Law Number 39 of 1999 concerning Human Rights, Human Rights (HAM) are defined as a set of rights that are inherent in the nature and existence of humans as creatures of God Almighty and are a gift worth having. fulfilled. respected, respected and protected by the state, law, government and everyone for the sake of honor and protection of human dignity. From this definition it can be concluded that human rights adhered to in Indonesia are particularistic because human rights are interpreted as a gift from God. which prioritizes social values in relative social life.

Pancasila is the basis of the Unitary State of the Republic of Indonesia so that all regulations in Indonesia are guided by Pancasila. Apart from that, Indonesia is also guided by the 1945 Constitution. Thus, human rights implemented in Indonesia must not conflict with the values of Pancasila and the 1945 Constitution. Currently, human rights as particularism have been replaced by universal human rights because "in concept modern human rights, the influence of liberalism looks passive. Civil rights are individual freedoms from state interference."

LGBT does not fit the image of Indonesian society so its presence is controversial and causes controversy. Many LGBT people are starting to openly show themselves. The phenomenon of lesbian, gay, bisexual and transgender (LGBT) has become an issue that is widely discussed in

Indonesian society with the rise of LGBT promotions or advertisements on social media. LGBT recruitment propaganda has spread on various social media, even LGBT groups have also spread to campuses, schools and other public places".

In the 1945 Constitution (UUD 1945), freedom is regulated in Amendment II of the 1945 Constitution, namely Article 28 Paragraph E (2) which states that everyone has the right to freedom of belief, expression of thought and behavior in accordance with their conscience. This regulation is one of the factors that supports Indonesian citizens becoming lesbian, gay, bisexual and transgender.

However, this view is erroneous because although a person is given the right to be free, this freedom is regulated by law and its contents must not conflict with the values of Pancasila and religion.

Human Rights and Human Rights are two things that cannot be separated. Human rights do not look at a person's race, ethnicity, religion and gender, so even if someone is gay, lesbian, bisexual or transgender, they still have the same rights as other people. The rights contained in the law also apply to transgender people. For example, Article 28 A of the 1945 Constitution states that every person has the right to live and has the right to defend his life so that even if the person is LGBT, the right to life must still be protected. Apart from that, Article 28 J Paragraph (1) of the 1945 Constitution states that humans have the right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to be

recognized as a person in public. law. , and the right not to be prosecuted under the law.

One of the contents of the Final Helsinki Law of 1975 is equal rights and the right to self-determination. Then, in the Yogyakarta Principles it is stated that "sexual orientation refers to a person's ability to present emotional, sexual and feelings of attraction to other people, as well as intimate and sexual relationships with other people of the same gender or more than one person. one type. gender".<sup>8</sup> In the French Constitution it was later added and expanded in 1793 and 1848 as well as in the constitutions of 1793 and 1795. This revolution was initiated by great thinkers, such as J.J. Rousseau, Voltaire, and Montesquieu. The human rights contained in the declaration include other:

- a. Humans are born independent and remain independent.
- b. Humans have the same rights.
- c. Humans are free to do things without harming others.
- d. Humans are free to determine their religion and beliefs.
- e. Humans are free to express their views.

These international documents became the basis for LGBT development in Europe, which ultimately became the basis for LGBT development in Indonesia. As a relatively particularist country in the field of human rights, Indonesia opposes LGBT, but there are no regulations governing LGBT so LGBT cannot be legally prohibited. The development of lesbian, gay, bisexual and transgender has reaped pros and cons from



various groups in Indonesia. Many of them consider this to be something that deviates from the personality of the Indonesian nation.

As legal citizens, lesbians, gays, bisexuals and transgenders have rights that must be recognized by the government. However, what they want does not match what they get. LGBT groups often experience sexual discrimination and are considered unfit to live in society by some people who claim to be anti-LGBT because they do not conform to moral and religious values.

This rejection makes LGBT groups feel that their basic rights are being disturbed and hampered. Regulations made by certain agencies that reject LGBT workers and community leaders who protest against the existence of LGBT groups as well as regulations from society make LGBT groups feel threatened by their position in their own country. They should have the right to be free from torture or cruel, inhuman and degrading treatment.

In the name of human rights, LGBT perpetrators, adherents and victims demand that the government eliminate sexual discrimination against gender identity and fulfill their basic rights. Looking at the existing reality, LGBT groups are often treated differently from other groups, for example in the fields of education and employment, because there are certain requirements that LGBT groups cannot fulfill. This is what LGBT groups are demanding from the government regarding their basic rights as citizens. In western countries such as Mexico, Portugal, England and others, LGBT

is commonplace because it is legal. However, this is different from Indonesia, where LGBT is considered a taboo.<sup>36</sup>

Based on the discussion, it can be concluded that human rights are basically human rights that every human being has from conception, birth until death and these rights cannot be revoked for any reason, except by God Almighty as the Creator. The rights adhered to in Indonesia are particularistic because human rights are inherent as a gift from God which prioritizes social values in the relative life of society. Human rights in Indonesia apply universally to all citizens, regardless of socio-economic status and gender. Currently, LGBT cases in Indonesia are facing opposition from the public. LGBT groups get inappropriate treatment and even some of their rights must be deprived. In addition, there are also various forms of discrimination that make it difficult for LGBT groups to live their lives. When viewed from the point of view of human rights which are relatively-particularistic, it is clear that Indonesia strictly prohibits LGBT because it is not in accordance with Pancasila and is contrary to human rights. with Indonesian cultural values. Whereas in the context of the human rights law, LGBT should get the same rights as other citizens. Human Rights Law in Indonesia protects all the rights of citizens without exception, especially their civil rights.

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<sup>36</sup> Desvia Winandra, "Human Rights Implementation in The Means of Social Control on Lesbian Gay Bisexual Transgender (LGBT) In Indonesia," *UNIFIKASI : Jurnal Ilmu Hukum* 5, no. 2 (2018): 112.

For the Indonesian people, with the existence of legal instruments, they must guarantee the protection and fulfillment of human rights. Law cannot be separated from the values of civilization and is always in accordance with common sense and human nature. Laws exist to protect human dignity and value.

In the Preamble to the Universal Declaration of Human Rights (UDHR), it is stated that human rights need to be protected by legislation, so that people are not forced to choose a path for freedom of thought and conscience, the right to religion, the right to not enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on the basis of retroactive law is a human right that cannot be reduced under any circumstances also”, this is in accordance with the provisions in the UDHR Articles 2, 7 and 22.

Komnas HAM Natalius Pigai said the state has an obligation to protect Indonesian citizens regardless of gender, ethnicity, religion, race, tribe, or minority and vulnerable groups (meaning vulnerable to violence). The state has an obligation to fulfill the human rights needs of all Indonesian citizens without distinction of ethnicity, religion, including minority groups and vulnerable groups, including LGBT. The protection that must be guaranteed and provided in the LGBT context from a human rights perspective is the protection of their human rights in the form of health insurance to be able to recover from disease, as regulated in Article 25 of the UDHR. Thus, it can be understood that it has become a necessity for

LGBT groups to obtain human rights (HAM) in the form of guaranteed care or treatment for LGBT diseases. Recognizing or legalizing deviant sexual orientation is not a human right.

#### **4. Advocacy Community People Like Us-Satu Hati Yogyakarta in a Review of Islamic Law**

Indonesia is a state of law, cultured and holds very strong religious values. Cases of religion and minority groups seem to be breakfast consumed by the wider community in the media. Religion often appears as the front line in State affairs, so sometimes it seems that the State is under religion. As a country that adheres to Pancasila and the 1945 Constitution, ensuring social justice for all its people as referred to in the last precept. Minority groups are often easy targets for majority groups both in terms of social interaction and others. So that minority groups do not get rights in the state. Minority groups such as LGBT, for example, seem marginalised or marginalized in society. The heterosexual group that is the majority group in Indonesia is disturbed by the existence of homosexual groups. Many terms that arise among the Indonesian people in looking at LGBT cause a lot of thought bias and views that create misunderstandings.

Indonesia as the country with the most Muslim population in the world, faces challenges in placing LGBT actors in the structure of citizens. Islamic teachings firmly reject LGBT acts, while the State is required to be present in advocating for the rights of LGBT perpetrators for reasons of enforcement of human rights. Meanwhile, LGBT perpetrators still have not

received proper treatment and are vulnerable to discrimination, so the LGBT community does not seem to have the right to return to repentance. Islam as a religion that has human values, on the one hand, opens a wide path for perpetrators of mistakes to return to the path of God and on the other hand, it affirms that LGBT behaviour is forbidden.

#### **a. Review of Islamic Law**

Shari'at (Islamic law) is universal, governing whole aspect life human, fine in relationship with God, nor fellow humans and nature. In the practice Islamic Shari'at always notice benefit human, with invite every followers For obey orders and prohibitions. In Al-Qur'an incident homosexual This become important attention, This proven with exists a number of speaking verse about matter this, such as QS al -A'raf : 80, QS An- Naml : 54, QS Asyu'ara : 165, and QS Hud: 77-82. Allah SWT say in Surah Al -A'raf 80 which means :

*"And (we also sent) Lut when he said to them: "why do you do abominable deeds, which have never been done by anyone (in this world)". Indeed, you come to men to release your lust (to them), not to women, in fact you are a people who transgress limits "*

According to Imam al-Shirazi, verse 80 of the letter al-A'rāf above, Allah mentions *liwāt* with the word "fāḥishah" (abominable act), this becomes the argument for the prohibition of "liwāt".

Whoever does this is one of those who is subject to the hadd of zina, so the law of the hadd of zina is obligatory on him. Apart from the

arguments originating from the Koran, there are also many hadiths which explain the prohibition of homosexuality, both for men (gay) and women (lesbi). Giving vent to same-sex sexual desires is considered adultery, as explained in the hadith of Abū Mūsā, the Prophet SAW said: "If a man has sexual intercourse with a man, then both of them have committed adultery, and if a woman has sexual relations. had sexual intercourse with a woman, then both of them committed adultery, then both of them committed adultery." (HR. al-Bayhaqi). Likewise in the hadith sourced from Wāthilah bin al-Asqa'.<sup>37</sup>

In line with these verses, it is also mentioned in QS al-Syu'ara' (26): verses 165 and 166 which means as follows:

*"Luth said to his people : Why did you come to (having sex with men) among humans" (QS.Al-Syuara: 165) .*

In the interpretation of al-Manar it is explained that the Prophet Lut was sent by Allah to improve the faith and morals of his people living in the lands of Sadum, Adma', Sabubim and Bala'on the shores of the Dead Sea. The Prophet Lut settled in the largest of the five cities, namely Sadum. Sadum experienced a moral breakdown, men preferred to have sexual intercourse with their younger counterparts and did not have sexual intercourse with women. In QS An-Nam verses 54-55 Prophet Muhammad SAW was reminded by the behavior of the people of

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<sup>37</sup> Kholilulloh, "Studi Kritik Sanad Hadis Fatwa MUI Tentang Lesbian, Gay, Sodomi, Dan Pencabulan."

Prophet Lut that are you not wise or are you not ashamed to do fahisyah deeds, namely attitudes that are very bad in view of human reason and customs. You see humans and even animals giving vent to their lust for the opposite sex, men with women and men with women. The resulting impact of this action is a disease for which no cure has been found.<sup>38</sup>

Advocacy for the LGBT community in the view of Islamic law is an effort made by LGBT groups to fight for their rights in the context of Islamic law which has clearly been opposed. This strategy covers various types of tactics, like campaign public relations, fundraising, and advocacy policy. Objective of this strategy is to increase awareness public about LGBT rights in context Islamic law and fight for protection law for them.

It should be noted that any activity that helps the continuation of legal disobedience is illegitimate. Sheikh Zakariya Al-Ansari explained:

ونحو ذلك من كل تصرف يفضي إلى معصية كبيع الرطب ممن يتخذه  
 نبيذا وبيع ديك الهراش وكبش النطاح ممن يعاني ذلك (لأنه تسبب إلى معصية

That is, "*Likewise, any activity that results in disobedience, such as selling dates to people who want to make them nabitdz (liquor), selling*

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<sup>38</sup> Tafsir al-Misbah: M. Quraish Shihab, *Pesan, Kesan, Dan Keserasian Al-Qur'an* (Jakarta: Lentera Hati).

*chickens or sheep to people who will complain about these animals, all of that is unlawful, because it can lead to disobedience.* ”<sup>39</sup>

According to Imam Syamsuddin Ar-Ramli, this prohibition is based on a hadith narrated by Abu Dawud:

لَعَنَ اللَّهُ الْخَمْرَ، وَشَارِبَهَا، وَسَاقِيَهَا، وَبَائِعَهَا، وَمُبْتَاعَهَا، وَعَاصِرَهَا، وَمُعْتَصِرَهَا، وَحَامِلَهَا،  
وَالْمَحْمُولَةَ إِلَيْهِ. رواه أبو داود

*Meaning: "Allah has cursed khamr, the drinker, the pourer, the seller, the buyer, the maker, the carrier, and the orderer." (Reported by Abu Dawud).<sup>40</sup>*

From the hadith above, it can be understood that those who are subject to the illegitimate law are not only khamr drinkers. But anyone who takes part in the immoral practice of drinking liquor, starting from drinkers, buyers, sellers, manufacturers and carriers of khamr, is also subject to the unlawful law. Practices like this in the Salaf fiqh literature are known as i'annah 'alal ma'shiyah, assisting in disobedience which is forbidden. Even though i'annah 'alal ma'shiyah is haram, the scholars have explained in detail when a person's actions can be classified as helping disobedience. Al-Qadhi Taqi Al-Ustmani explained the definition of i'annah 'alal ma'shiyah as an action that is the only cause of disobedience, if there is no such action, immorality will not occur.<sup>41</sup>

<sup>39</sup> "أسنى المطالب في شرح روض الطالب" (Volume 2), n.d.

<sup>40</sup> *Sunan Abi Dawud Drinks (Kitab Al-Ashribah)* - □□□□□□□ □□□□. *Hadith 3674*, n.d.

<sup>41</sup> TOHA, "Hukum Bekerja Di Perusahaan Yang Mendukung LGBTQ+."



Referring to the above review, in terms of Islamic law supporting and funding the movement of the LGBT community is not permissible and includes *i'alah 'alal ma'shiyat*, helping disobedience. Allah SWT has prohibited all deviant behavior, deviant behavior if examined again some of the wisdom of the prohibition God who when contemplated very much benefit for man. This act of LGBT is a prohibited act by *syara'* and is a finger that is more heinous than adultery. LGBT is an act that is contrary to morals and human nature and dangerous for humans who do it, and its illegal.

**b. Review of Islamic Law Maqasid Syariah**

Advocacy strategy the LGBT community is efforts made by LGBT groups to fight for rights them. this strategy covers various type tactic, like campaign public relations, fundraising ,and advocacy policy. Objective of this strategy is For increase awareness public about LGBT rights and fight for them protection law for them . There are two kinds of advocacy used by PLUSH organizations. First, casuistic advocacy is an effort to investigate violence that departs from sexualorientation for the LGBT community. Can be sued legally or not. Second, public regulation advocacy is a legal effort that is used by PLUSH for society or the government that discriminates against LGBT, records and makes documentation of human rights injustice that departs from sexual orientation and is brought to the legal process.

Man have a natural liking against type or trend heterosexual as One characteristic identity creature normal biology. Man as creature normal biological means characterized with instinct sexual against the opponent type as decree given by Allah SWT, with thereby abnormal human characteristics identity opposite sex with heterosexual. Humans who are not own identity heterosexual means can called do deviation caused matter the outside the normal limits of reasonableness that has been ordaine d by Allah SWT. deviation behavior sexual This categorized as into 3 types, viz like fellow kind (homosexual), likes second type sex at once (bisexual), and appearance outside gender (transgender). deviation sexual This called with LGBT (lesbian, gay, bisexual, transgender).<sup>42</sup>

LGBT in the context of Islamic law , LGBT couples in the form of liwath are included in serious crimes (grave sins), because they include heinous acts that damage personality, morals and religion. The verses that have been mentioned explain that the actions of Prophet Lut's people who only had sexual relations with fellow men released their lust only to fellow men and were not interested in women as offered by Prophet Lut, but they still carried out homosexual acts, finally Allah punished them and turned their country upside down, so that the people of Sodom, including the lesbian wife of Prophet Lut, were entrenched

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<sup>42</sup> Rahmiwati Marsinun, "Penyimpangan Perilaku LGBT Ditinjau Dari Aspek Hukum Islam Dan Konseling REBT."

along with the country's upside down. Only the Prophet Lut and his followers who were pious and kept away from homosexual acts were not punished.<sup>43</sup>

The negative impact of homosexual behavior is the emergence of a disease caused by a virus that attacks the human immune system, this virus is known as HIV and the disease caused by it is AIDS. In maqashid sharia, the term hifdz al-nafs is known, namely principle protection of the soul is the maintenance and protection of rights live honorably and keep the soul from action torture, murder, mutilation of limbs or acts injuring and included in the category of maintaining the soul is nurturing glory or human dignity by preventing accusations adultery, insulting and killing the fetus in the womb.

Prevention of actions that can cause harm to other human beings even one of them homosexual behavior can be one of the inner ware the principle of protection of human souls in general. Fulfillment of sexual desires through marriage between men and women women are a human nature that is guarded in the Shari'ah, so they can giving birth to good for individuals, society and generations future. As an effort to maintain biological nature and is based on Shari'a rules through legal marriage, so that the birth of happiness and peace as the word of Allah SWT. in the Qur'an:

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<sup>43</sup> Yanggo, "Penyimpangan Seksual (LGBT) Dalam Pandangan Hukum Islam."

*"And among the signs of His power is that He created for you wives of your own kind, so that you are inclined to and feel at ease with him, and created love and affection between you." (QS. al-Rum: 21)*

There needs to be law enforcement to close all doors harm (sad al-dzari'ah), although some homosexual actors argue that the benefit felt by deviant sex offenders is natural. Law enforcement for homosexual behavior is a part of preventive action so that there is a deterrent effect and lessons can be learned for other homosexual perpetrators. As the rules of fiqh:

دزء املفاسد مقدم جلب املصالح

Rejecting mafsadat is prioritized over presenting mashlahat. Law enforcement in an effort to satisfy society's sense of justice in general, is for the sake of maintaining the principle of protection of honor (hifdz al-irdh), the principle of protection of offspring (hifdz al-nasab) and the principle of protection of the soul (hifdz al-nafz), namely the soul in terms of physical and spiritual health. Fulfillment of sexual desires of the opposite sex in a legal marriage bond is part of the dharuriyat needs so that it needs to be maintained to achieve mashlahat, as is Ash-Syathibi's view that God's purpose in making shari'a is benefit, and benefit will only be realized by maintaining the needs that are dharuriyat, hajiyat and tahsiniyat for humans themselves.<sup>44</sup>

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<sup>44</sup> Siska Lis Sulistiani, "Hukum Homoseksual Perspektif Maqashid Syariah," *Al-Istinbath : Jurnal Hukum Islam* 4, no. 2 (2019): 267.

In addition, it also has a big impact on society. Homosexuality does not only pose a danger to individuals or individuals who carry out such a life practice, but also in health terms it can cause and transmit dangerous viruses to anyone. In addition to health impacts, homosexuality also has an impact on social, political, economic, sociological, psychologically and even religiously. A society in which there are homosexual actors, will cause a loss of blessings and a sense of security, due to the spread of damage in society. Based on the message of the Qur'an, that an act of sin will bring calamity and doom to the culprit in a country. If that has happened then the doom will not only befall the people who sinned but also on those who believe. There is also a concern that disease outbreaks due to deviant sexual behavior are widespread in society, these diseases can infect anyone, even someone who is not involved at all with these deviant acts.

As for transgender people, In Islamic law, there are only two genders, namely men and women. The term transgender or transgender is not known, which is a forced attempt against the nature of God's creation to change gender from male to female or change appearance such as walking, speaking, dressing habits, wearing jewelry and make-up that resemble women. Transgender or transgender acts transvestites in Islam are known as mukhannats, the law is haram. In a hadith narrated

by Bukhari, the Prophet cursed men who imitated women and women who resembled men.<sup>45</sup>

## 5. Social and Cultural Implications

Advocacy within the LGBT community review Islamic law has implication socially and culturally significant. Implications This covers change in view public about LGBT, change in practice religion and change in public policy.

In general, LGBT groups still experience a lot of violence and discrimination in terms of employment opportunities and housing, education, health and welfare. It is difficult for LGBT people to get jobs, especially jobs in the formal sector, because many employers are homophobic and the environment is hostile to LGBT groups. Meanwhile, those who succeed in getting jobs also often experience discriminatory treatment such as being insulted, shunned, threatened, and even physically abused.

In the world of work, LGBT people whose status is still closed in certain situations can still enter the world of work without significant discrimination, while LGBT people who are open mostly develop themselves in work situations that are not so bound by norms, such as becoming independent entrepreneurs. . Meanwhile, the transgender group (waria) is the group that receives the most discrimination because of their

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<sup>45</sup> Bustamam Usman, "Islam Haramkan Transgender, Ini Dalilnya.," *SerambiNews.Com*, 2018, <https://aceh.tribunnews.com/2018/01/19/islam-haramkan-transgender-ini-dalilnya>.

different appearance. So this group develops itself in the informal sector such as salons, creative industries, entertainment and some also enter the world of prostitution. LGBT groups in general expect more balanced and fair treatment from the Government, they want sexual orientation and sexual behavior not to be a barrier for them to socialize, work, achieve and contribute to development. Society itself still has a stigma associated with LGBT, mainly due to excessive media exposure and the actions of the LGBT group itself which raises concerns, such as cases of HIV AIDS, and cases of sexual crimes against children, coupled with religious-based thinking. Among the LGBT groups, in Indonesia the Transgender (Waria) group existed earlier than the other three groups. The existence of LGBT groups is more hidden in daily life, but they have a wide network through social media. Recently, they have been active in holding national and regional meetings to fight for their rights as citizens against discriminatory treatment received from society.<sup>46</sup>

In a relatively modern cultural environment, the existence of homosexuals is still rejected by the majority of society so that their existence develops clandestinely. Gadpaille stated that nowadays modern society tends to have a negative attitude towards erotic activity between the sexes. It is this negative view of homosexuality that causes homosexuality to tend to be rejected by society, vulnerable to discrimination, ridicule and other

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<sup>46</sup> Solihatul Afiyah Program Studi Tasawuf dan Psikoterapi, Ushuluddin, and Sunan Gunung Djati Bandung, "Fenomena LGBT Beserta Dampaknya Di Indonesia."

social sanctions. Some objections to homosexual behavior are largely religious. Lenthne coined the term homophobia<sup>4</sup> to describe the irrational power and intolerance of homosexuals. An individual who is known to be a homosexual or gay man is at risk of experiencing discrimination in his work and social life. Society's rejection and discrimination against homosexuals in the form of demands to be heterosexual in all aspects of life is the background for the decision of some homosexuals to keep their sexual orientation hidden from society so that people who have a homosexual orientation choose to cover up their sexual orientation both socially, custom and legally.<sup>47</sup>

As previously explained, Indonesia is a country that still has strong religious, moral and ethical teachings that grow and take root at all levels of society. The "deviant" behavior of LGBT groups cannot be taken lightly, because there are always fundamental reasons for society to reject perpetrators and sexually deviant behavior, whether based on religious or cultural teachings. Although not all people reject it, this "discrimination" is felt by LGBT groups as a violation of human rights. Because LGBT people live in almost all parts of the world, they are part of certain ethnic, tribal and religious communities. They are also human beings whose rights should be respected, but in several countries (including Indonesia) they experience discrimination because of their sexual identity and orientation: "almost in

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<sup>47</sup> Reza Arunisa, "Pengaruh Modelling Menonton Series Boys Love (BL) Thailand Terhadap Sikap Kepada LGBT," 2023.



all regions, there are people who experience violence and discrimination because of their sexual orientation. or gender identity. Human rights violations include - but are not limited to - murder, rape and physical assault, torture, arbitrary detention, denial of the rights to assembly, expression and information, as well as discrimination in employment, health and education”.<sup>48</sup>

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<sup>48</sup> Dhamayanti, “Pro-Kontra Terhadap Pandangan Mengenai LGBT Berdasarkan Perspektif HAM, Agama, Dan Hukum Di Indonesia.”

## CHAPTER V

### CONCLUSION AND SUGGESTION

#### A. Conclusion

From the above described, the author can conclude that:

1. The LGBT community advocacy strategy is an effort by LGBT groups to fight for their rights. The strategy includes different types of tactics, such as public relations campaigns, fundraising, and policy advocacy. The purpose of this strategy is to raise public awareness about LGBT rights and fight for legal protection for them. There are two types of advocacy used by PLUSH organisations. First, casuistic advocacy is an effort to investigate violence that departs from sexual orientation in the LGBT community. Can be sued legally or not. Second, public regulatory advocacy is a legal effort used by PLUSH against people or governments that discriminate against LGBT, recording and documenting human rights injustices that depart from sexual orientation and are brought to legal proceedings.
2. In the view of the Islamic Law Advocacy carried out by the LGBT community which is an effort made by the LGBT group to fight for their rights in the context of Islamic law which is clearly opposed. similar that has been explained and explained in the Verses of the Al-Qur'an and hadith. Sheikh Zakariya Al-Ansari explained what has been explained by It should be noted that all activities that help the continuation of legal security are

haram. The same thing is if helping the advocacy means supporting the welfare and opposing religious teachings.

## **B. Suggestion**

The author does admit that he has many shortcomings related to less in-depth discussion in some units of analysis. The lack of this research can be an idea for further research. Based on the results of the research, the researcher will provide suggestions related to the analysis produced. Here are some suggestions given by the author related to the research in this study.

1. Suggested for further research needs may be able to conduct Further research can more in-depth examine legal implications, such as legal and regulatory protections that apply to the LGBT community.
2. Subsequent research could involve in-depth interviews with LGBT community activists and support groups to gain deeper insights into their advocacy efforts.
3. Advanced studies can explore how advocacy of the LGBT community in Jogja affects social and cultural transformation in the area.
4. Local governments and non-governmental organisations can work together to develop educational programs and awareness on LGBT issues, Islamic Law, and human rights, which include diverse perspectives.

These suggestions are expected to help researchers and stakeholders to develop a better understanding of issues of equality, human rights, and social inclusion.

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## APPENDIX

### Appendix 1. List of Respondents

#### First session (PLUSH founder)

Name : Joseph Ryan Kobbari  
Age : 26 years old  
Occupation : activist  
Sexual identity : Gay  
Gender identity : male  
Gender expression : androgynous

#### Second session (PLUSH administrator)

Name : Renate Arisugawa  
Position : Program Coordination  
Age : 32 years  
Job : One Heart PLU  
Female gender  
Sexual identity : Bisexual  
Gender identity : female  
Gender expression : non-compromising gender

#### Third session (organization members)

Name : cloud  
Age : 21 years old  
Occupation : Student  
Male gender  
Sexual orientation : Homosexual  
Sexual identity : Gay  
Gender identity : Male  
Gender expression : Feminine



Name : Chaca Ninimranggi  
Age : 28 years  
Occupation : Student  
Gender : Transsexual  
Sexual orientation : Heterosexual  
Sexual identity : female  
Gender identity : Transsexual  
Gender expression : Feminine

Name : Dawn  
Age : 25 years  
Occupation : student  
Male gender  
Sexual orientation : bisexual  
Sexual identity : bisexual  
Gender identity : male  
Gender expression : masculine

## **Appendix 2. Daftar Pertanyaan untuk responden Sesi Pertama dan Kedua**

1. Who is the founding figure of PLUSH?

Answer: PLUSH's originator is Mak Uki, a gay activist.

2. What was the process of establishing PLUSH?

Answer: Starting from a community that concentrates on studying LGBT issues called Pelangi Jogja on July 15 2002. But then Pelangi Jogja was not active because the community members were busy with their own personal activities. Although several gay communities in Jogjakarta carried out several informal discussion activities discussing about LGBT themes. From this discussion they got inspiration to continue the unfinished Pelangi Jogja program and change the name to PLU (People Like Us) Satu Hati. PLU Satu Hati was finally formed on December 10, 2006. And officially received a notary deed on December 31, 2008

3. Reasons for forming the PLUSH organization?

Answer: The reason for forming the PLUSH organization, firstly as a home for LGBT, secondly, to defend LGBT rights in the realm of advocacy.

4. Obstacles in the initial establishment of PLUSH?

Answer: three initial obstacles when establishing PLUSH, firstly, a place for the office, secondly, financial constraints and finally the change of people coming and going in Yogyakarta very quickly.

5. The purpose of forming the PLUSH organization?

Answer: fight for LGBT rights to gain recognition and acceptance in society.

6. What is PLUSH?

Answer: PLUSH is an abbreviation for People Like Us Satu Hati, a community-based organization, this organization focuses on advocacy and human rights (HAM) related to LGBT (Lesbian, Gay, Bisexual, and Transgender/ Transsexual). PLUSH is an organization that defends the rights of minorities who experience discrimination and violence in society.

7. What is the vision and mission of the PLUSH organization?

Answer: VISION

"Creating a social order based on the values of equality"

#### MISSION

Cultivate critical awareness to build agreement on the values of equality through advocacy

8. What is the role of collaboration and involvement of community members in formulating and implementing this advocacy strategy?
9. What divisions are in the PLUSH organization?

Answer:

a. Advocacy division

There are two types of advocacy used by the PLU Satu Hati organization. First, casuistic advocacy is an effort to investigate violence stemming from sexual orientation for the LGBT community. It can be prosecuted legally or not. Second, public regulation advocacy is a legal effort used by PLU Satu Hati for communities or governments that discriminate against LGBT, recording and creating documentation of human rights injustices that stem from sexual orientation and are brought to legal proceedings.

b. Publications division

Media and campaign efforts of the PLU Satu Hati organization to be accepted in society. And trying to show their existence to the community that this organization exists and has the same rights as humans.

c. Education, training and counseling division.

1) Internal

Education is the most important support for the LGBT community to fight and fight for their rights, activities include training, discussions on the following themes: LGBT, gender, sexuality, law and human rights, advocacy, investigation, counseling, organizational management, etc. other.

2) External

The PLU Satu Hati organization's dedication to society and LGBT communities in social life includes holding events such as general discussions, seminars and talk shows with the following themes: LGBT,

gender, sexuality, law and human rights, advocacy, investigation, counseling, organizational management and others.

- d. Research and development division Independent research, collaborative research, literature review and material data base SOGI and human rights advocacy
- e. Strengthening the base of the PLU Satu Hati organization is a CBO (Community Based on Organization) based organization, which means that this organization operates on behalf of LGBT communities in Yogyakarta, therefore strengthening the base of LGBT communities, especially those in Yogyakarta, is very important , to achieve their shared goal of equality in the LGBT community. The PLU Satu Hati organization's efforts to strengthen its base are as follows: mapping the LGBT community, creating an LGBT community data base, monthly meetings, outdoor activities.
- f. The Queershop or Fundraising Queershop division is an independent business owned by PLU Satu Hati which is packaged in the form of an online shop. Currently Queershop has produced t-shirts, mugs and pins. In the future, the variety of goods provided will become more diverse, such as tote bags, canvas shoes and so on. This online shop is also a medium for us to convey messages of diversity, especially diversity of sexual orientation throughout the world.

### **List of Questions for Third Session respondents**

1. How did you get into this organization?

Answer: Initially I found out about PLU from a friend, and I happened to have a course assignment from campus for research. Because I felt comfortable and in line with my goal, namely to fight for LGBT rights, I joined this organization approximately 1 year ago.

2. How long have you been with this organization?

Answer: approximately 1 year.

3. Reason for joining this organization?

Answer: connection and safe space for me.

4. The purpose of joining this organization?

Answer: fighting for LGBT equality and LGBT existence.

5. How did your friends or family respond when they found out you were in this organization?

Answer: family doesn't know yet, some friends have lost contact but their close friends already understand.

6. What is your impression of joining this organization?

Answer: The people here are friendly

7. What social activities have you carried out with the organization?

Answer: never participated.

8. Have you ever experienced physical/psychological violence in the community?

Answer: psychological: losing contact with friends and being treated in public. Never physically.

9. Is there accommodation and assimilation between members of the organization? Answer: even though we are different. We remain friendly to each other.

10. What are your hopes as a member for this organization, society and for you personally?

Answer: I hope PLU becomes a bigger organization. And society can accept LGBT without any more psychological or physical violence