

## CRIMINALIZATION OF LGBT (LESBIAN, GAY, BISEXUAL, AND TRANSGENDER) CRIMINAL ACT AND ITS LAW ENFORCEMENT EFFORTS IN INDONESIA.

**Ifahda Pratama Hapsari**

Faculty of Law, University of Muhammadiyah Gresik

[Ifa.Zegeeg@gmail.com](mailto:Ifa.Zegeeg@gmail.com)

### Abstrak

*The law enforcement problems in many countries, especially in Indonesia, are central problems. The number of criminal cases is increasing in Indonesia, especially the increasing number of violence commit by LGBT people. Many factors influence LGBT crimes. A set of regulations is not enough to support the strict law enforcement officers. It also needs strict sanctions. In the Criminal Code concerning sanctions, the criminal act imposed on the perpetrators has been highlighted in Indonesia in terms of the process of seeking a sense of justice, which is a link that cannot be separated. It began when the laws and regulations were made, as well as the implementation and application. LGBT stands for Lesbian, Gay, Bisexual, and Transgender. It also refers to one's sexual orientation, whether individuals are attracted to the same or different sexes/genders. LGBT mainly occur in big cities. It occurs due to lifestyle behaviors, a wrong circle of friends, or genetic factors inherited from birth. Trauma due to violence and the label of the wrong sexual orientation make their character dominant to commit violence. The Criminal Code in Indonesia, especially Article 292 of the Criminal Code, which has been used as a reference in giving sanctions to LGBT perpetrators, has not provided justice for the victims. This Article only contains limitations. Obscene acts are not enough to ensnare the perpetrators. The objective of this study was to ensure that LGBT perpetrators who commit violent crimes against victims can be punished according to criminal law in Indonesia.*

**Keywords:** *Criminalization, LGBT, Law Enforcement.*

### A. INTRODUCTION

The Republic of Indonesia has a standards law. This standards law is contained in the 1945 Constitution of the Republic of Indonesia and Pancasila. The idea or concept of the rule of law is generally intended to prevent the State or Government from arbitrary and transgressing actions by its citizens. This is because Government that is not controlled with firm and concrete legal

instruments will be at risk of various forms of deviation and abuse of power. In today's modern era, a country is considered relevant and ideal if all the State activities are based on transparent and firm legal mechanisms.

A country essentially gives individuals the freedom to submit to a constitutional will, made by the system in that country and by the local civil society. Any form of violation against the law is very

contradictory to the purpose of the state and law enforcement in Indonesia. The State has the right to take action or coercion against violations committed by civil society. The existence of coercive power by a state is not enough to prevent a violation from happening. All crimes and violations committed by humans are carried out by psychological impulses possessed by every human being.<sup>1</sup>

The LGBT problems themselves in Indonesia are increasingly growing. The data obtained revealed that for LGBT cases, the lesbian, gay, bisexual, and transgender (LGBT) movement has 'colonized' almost all provinces in Indonesia. Data from the Ministry of Health in 2012 showed that 1.095.970 men had sex with men (MSM) or gay spread across all regions. West Java is the highest number of provinces with MSM. A total of 300.198 people were indicated to be gay. Of these numbers, 4.895 people had HIV/AIDS. Meanwhile, Central Java has 218.227 people who were gay, and as many as 1.951 people are indicated to be suffered from HIV/AIDS. DKI Jakarta, with 27.706 people, was gay, and 5.550 of them are suspected of having HIV/AIDS.

Psychological impulses prompt the LGBT perpetrators, which make people or someone always commit crimes or violations. The existence of desire followed by action makes it possible for crimes to happen. More evil crimes always follow actions. Likewise, displeasure leads to dissatisfaction or impulse from the action.

Laws that were made must be linked and adapted to the reality developed in society, which is entirely regulated by law contained in a deed, recorded in the form of law, and given the threat of punishment or sanctions.<sup>2</sup> In the process of Criminal Law Enforcement itself, the punishment stipulated in the community's life is a series of needs that exist in the community and is adjusted to the principle of the Preamble to the Constitution of the Unitary State of the Republic of Indonesia in the fourth paragraph, which reads: "*protect the whole people of Indonesia and the entire homeland of Indonesia and in order to advance general prosperity, to develop the nation's intellectual life, and to contribute to the implementation of a world order based on freedom, lasting peace and social justice.*"<sup>3</sup>

In line with that, the LGBT (Lesbian, Gay, Bisexual, and Transgender) criminal act is against the values of the Pancasila philosophy, namely the second principle, which reads: Just and civilized humanity, and the fifth principle, which reads: Social Justice for all the people of Indonesia. This statement implies that every human being has the right to be treated fairly according to human dignity. It is also acknowledged that there is no difference considering that every individual has a set of rights, which are gifts from God that automatically give when individuals are born into this world. In line with the embodiment of the principles that have been mentioned before, LGBT is very much against Article 28 I paragraph 1, which reads:

<sup>1</sup> Paul JA. Von Feurbach, 2007, *Fondasi Hukum Pidana dan prinsip Nullum Crimen*, Oxford University Press h. 2-3

<sup>2</sup> Eddy O.S Hiariej, 2020, *Prinsip-Prinsip Hukum Pidana*, Cahaya Atma Pustaka Yogyakarta Cet 5, h

121-122

<sup>3</sup> Sajipto Raharjo, 2009, *Negara Hukum yang Membahagiakan Rakyatnya*, Genta Publishing Yogyakarta h. 19-26

*“The rights to life, to remain free from torture to freedom of thought and conscience, to adhere to a religion, the right not to be enslaved, to be treated as an individual before the law, and the right not to be prosecuted on the basis of retroactive legislation, are fundamental human rights that shall not be curtailed under any circumstance.”*

The Penal Code Article 1 paragraph 1 is related to the principle of legality itself in Indonesia, which reads: “No act shall be punished unless by virtue of a prior statutory penal provision.” From the definition of the Article above, any form of acts explicitly stated by the laws and regulations as crimes or violations can be punished. Furthermore, the law-making process is regulated in Law No. 12 of 2011 on the Establishment of Laws and Regulations. In this regard, the Criminal Code on LGBT is contained in Article 292 of the Criminal Code, which reads: “Any adult who commits any obscene act with it minor of the same sex whose minority he knows or reasonably should presume, shall be punished by a maximum imprisonment of five years.” Article 292 of the Criminal Code does not provide enough to impose strict sanctions to punish LGBT perpetrators who commit crimes. The laws also have not stated the meaning and definition of LGBT and the sanctions. There are many weaknesses in the Criminal Code, especially related to criminalization and law enforcement efforts in Indonesia

## **B. RESULT AND DISCUSSION**

### **Law Enforcement of LGBT Criminal Act**

The polemic of law enforcement

will never stop throughout human life, but the law enforcement process must also be an equally crucial part of the law enforcement process in Indonesia. According to L.M Friedman, the law as a system will play a significant role in society if the instrument is equipped with authorities in the field of law enforcement. Legal Systems consist of legal substances in the form of:

1. Legal Substance
2. Legal Structure
3. Legal Culture <sup>4</sup>

A systematic study of law enforcement and justice is theoretically effective if the five pillars of law are working very well, including legal instruments, law enforcement officials, community members affected by the scope of legal regulations, cultural factors or legal culture, facilities factors, and facilities that can support the execution of the laws. The benchmarks of the law enforcement process in the criminal justice system are:

1. Police: It is responsible for receiving reports and complaints from the public when crimes occur. It is also responsible for carrying out research and investigations into files related to criminal acts and conducting screening of cases related to children to ensure the protection of people and other interested parties during the process.
2. Prosecutors: It is responsible for selecting appropriate cases to be submitted to the court to further assist in prosecuting and implementing the judge’s decision.

<sup>4</sup> Law M. Friedman.2009, Sistem Hukum Dalam

Prespektif Ilmu social Cet 1 Nusa Media Bandung

3. Judiciary: It has the primary responsibility of upholding law and justice and protecting the children's rights who conflict with the law in the juvenile criminal justice process. It is also responsible for carrying out a fair decision process.

4. Penitentiary institutions: Correctional institutions have the primary responsibility of carrying out court decisions that constitute imprisonment and ensuring the protection of the rights of victims of violence commit by LGBT people.

Law enforcement is a series of processes to describe values, ideas, and aspirations that are pretty abstract into concrete legal purposes. The purpose of law or legal ideals contains moral values such as justice and truth. Values must be realized in actual reality.<sup>5</sup> According to Soerjono Soekanto, the primary concept and the meaning of law enforcement lies in harmonizing the relationship of values outlined in solid rules and manifesting attitudes and actions as a series describing the value of the final stage to create, protect, and maintain a social life.<sup>6</sup>

There must be a will in law enforcement. Thus, the law can be enforced, and the values of the instrument can be realized. In reality, the ideals contained in law enforcement are not necessarily genuinely achievable because the law is used as a measure to protect specific persons or groups.

Some problems in law enforcement are:

1. The problem of making laws and regulations.
2. Society is seeking victory, not justice.
3. The involvement of money in law enforcement.
4. Law enforcement as a political commodity and discriminatory law enforcement
5. Poor human resources.
6. Advocates who understand the law versus advocates who have connections.<sup>7</sup>
7. Limited budget.
8. Law enforcement is triggered by the mass media.

Those problems need solutions. The State represented by the Government has issued a policy aimed at improving the performance of legal institutions. Law enforcement officials with sufficient budget are expected to have a good output on citizen protection, such as increasing citizens' satisfaction and wherever possible able to guarantee peace and social welfare for all members of society. In the structure of the modern State, the judicial and bureaucracy components are responsible for carrying out law enforcement. Thus, it is commonly known as law enforcement bureaucracy. The executive and its bureaucracy are part of the links to realize the plans contained in the law (regulations). Judicial freedom is an *essentialia* (essential aspects or basic terms) of a country of law that has been realized where judicial power is independent, free from the influence of the executive, legislative, and judicial elements that determine the national life

<sup>5</sup> Sajipto Raharjo, 2009. Penegakan Hukum Suatu Tinjauan Sosiologis, Cet 2 Genta Publishing Yogyakarta

<sup>6</sup> Soerjono Soekanto, 2002, Faktor-faktor Yang Mempengaruhi Penegakan Hukum Cet 4 Raja

Grafindo Persada, Jakarta h.3

<sup>7</sup> Sanyoto, Penegakan Hukum di Indonesia, Jurnal Dinamika Hukum, Vol 8 No. 3 September 2008 diakses Pada Tanggal Selasa, 13 Juli 2021.h. 199-203

and whether or not the principle of the rule of law is enforced.

In the author's opinion, a fair, transparent, and professional independent Court institution that any party does not influence has not worked as expected. This is not only caused by:

1. The intervention from the Government and the influence of other parties on judicial decisions, but it also because the quality of professionalism, morals, and characters of law enforcement officers are poor. As a result, public trust in the judicial institutions as the last stronghold to obtain justice decreases.

2. Poor law enforcement is also caused by the performance of other law enforcement officers such as judges, police, prosecutors, advocates, and civil servant investigators (PPNS) who have not shown a professional attitude and high moral integrity. The condition of legal facilities and infrastructure that law enforcement officers highly need is also far from adequate. Hence, it greatly affects the implementation of law enforcement to play a significant role and in accordance with the sense of justice in society.

In an effort to increase the empowerment of the judicial institutions and other law enforcement agencies, some steps need to be taken are:

- a. Increasing the quality and capability of law enforcement officers to be more professional, with integrity and personality, and having high morals.

- b. It is necessary to improve the recruitment and promotion system of law enforcement officers, education and training, and a supervisory mechanism that gives greater participation to the community towards the behavior of law enforcement officers. Strive to improve the welfare of law enforcement officers in accordance with the fulfillment of life's needs.<sup>8</sup>

The topic of law enforcement in everyday life appears that the relationship between law enforcement and the structure of society has a strong influence on how the law is enforced in Indonesia as a modern state. It can be seen from its characteristics as follows:

1. The existence of the written Constitution.
2. The law applies to the territory of the State.
3. Law is a tool that is used consciously to realize the political decisions of the people.
4. According to Max Weber, the methods or practices of law enforcement were different now and then, which is, of course, could not be separated from the domination caused by the different circumstances of the people. The circumstances where the life order of the people, according to Hart in Satjipto Rahardjo, was based on Secondary Rules Obligation, where the people are having an open, broad, and complex life as it is today. Therefore, differentiation and institutionalization of legal work exist, as follow:

- a. *Rules of Recognition*.

<sup>8</sup> *Ibid.* h 203

- b. *Rules of Change*
- c. *Rules of Adjudicatio*<sup>9</sup>

Soetandyo Wignjosebroto looking at law as a concept, and there is no single concept of what is known as “law.” Therefore, four legal concepts are proposed:

- a. Law is the principle of morality or the principle of justice that has universal value. It is an inherent part of the laws of nature;
- b. Law, according to the concept, is a positive rule that is generally accepted *in abstracto* at a particular time and in a certain area. It is an explicit product of a certain legitimate source of political power, which is better known as national law or state law;
- c. Laws are decisions made by judges *in concreto* in judicial processes as part of the judge’s efforts to resolve cases, which may also serve as precedents for resolving subsequent cases;
- d. Law is a real and functional social institution in the system of social life, both in the process of restoring order and resolving disputes as well as in the process of directing and forming new patterns of behavior;

Laws are symbolic meanings as manifested and observed in and from the actions and interactions of community members. Law enforcement is heavily influenced by social conditions and interactions that occur in society. It can be included in communities that maintain or develop a rights system based on status, or

a society with a considerable difference between “*the have*” and “*the have not*,” or a society that is in an authoritarian environment will place a law enforcement system that is different from an open and egalitarian society. In other words, the will and participation of community members determine proper and fair law enforcement. It is not solely based on the wishes of law enforcement officials.

### **Criminalization of LGBT Criminal Acts**

Pancasila is a source of Indonesian law where policies made must follow the draft of the new Criminal Code Bill. Concerning the Criminal Law Policy, Barda Nawawi Arief said:

*“Basically, the problem of criminal law policies is not merely a legal technical work carried out in a juridical, normative, and systematic dogmatic manner. In addition to a normative juridical approach, criminal law policies also require an objective juridical approach, which can be in the form of a sociological, historical, and comparative approach. It also requires a comprehensive approach from various other social disciplines and an integral approach to social policy and national development in general.”*

These approaches in criminal law policy can be used to review or follow up on LGBT perpetrators. According to M. Cherif Bassiouni, “... *the policy-oriented approach should be considered as one scientific device which is to be employed as an alternative to the emotionally laden value judgment approach presently followed in most legislative bodies*”. The view of M. Cherif Bassiouni shows that

<sup>9</sup> Faisal, 2010, Menerobos Positivisme Hukum, CET 1 Rangkang Education, h. 72-73

this policy-oriented approach should be considered one of the scientific devices used as an alternative to the emotionally laden value judgment approach, followed mainly by the legislative bodies.<sup>10</sup>

Barda Nawawi Arief said there were many changes or new things in the draft concept of the Penal Code, one of which is concerning the principles of Criminal Liability. Barda Nawawi Arief stated that regarding the principles of Criminal Liability, the draft concept of the Penal Code provides the possibility to apply the principle of “forgiveness/judge to give pardon or forgiveness” (“*rechterlijk pardon*” or “*judicial pardon*”). Therefore, the concept is not rigid and absolute. Nawawi Arief revealed that the judge’s authority to forgive (“*rechterlijk pardon*”) means that the judge does not impose any criminal sanctions for any action. The principles of “forgiveness/judge to give pardon or forgiveness” (“*rechterlijk pardon*” or “*judicial pardon*”) is a highly progressive and responsive breakthrough in realizing justice for the community in the criminalization of the LGBT criminal acts.

The criminal law politics that underlie the preparation of criminal law reform is the criminal law politics in the sense of policies to select or criminalize (criminalization) or decriminalize (decriminalization) of an act. Acts that can be categorized as crimes can then use repressive measures against anyone who violates them. This is one of the important functions of criminal law, which is to provide a basis for legitimacy for State repressive actions against persons

or<sup>11</sup> a group of people who commit an act defined as a crime or offense.

Satjipto Rahardjo stated that legal politics is an activity of choosing and the method to be used to achieve specific social and legal purposes in society. According to Satjipto Rahardjo, several fundamental questions arise in the study of legal politics include:

1. What goals are to be achieved with the existing legal system
2. What methods and which are considered the best to be used to achieve these goals
3. When the law needs to be changed and in what ways it should be done;
4. Can standardized and established patterns are formulated to help decide how to select goals and methods to achieve these goals properly.<sup>12</sup>

Padmo Wahjono, in his book entitled “*Indonesia Negara Berdasarkan atas Hukum*” or “Indonesia, a State Based on the Rule of Law,” defines legal politics as a fundamental policy that determines the direction, form, and content of the law to be established. The definition of legal politics is still abstract. It is supported by an article entitled “*Menyelidik Proses Terbentuknya Perundang-undangan*” or “Investigating the Process of the Establishment of Laws and Regulations,” which states that legal politics is the policy of state administrators regarding what criteria are used to punish something. In this case, the policy can be related to establishing the law, the application of the law, and its own enforcement.<sup>13</sup>

<sup>10</sup> Barda Nawawi Arief, 2017, Bunga Rampai Kebijakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru, Kencana Prenada Media Group, Jakarta h. 30-33

<sup>11</sup> Mahfud Md, 2010, Politik Hukum di Indonesia,

Rajawali Pers h 2-5

<sup>12</sup> Abdurahman, 1980, Aneka Masalah dalam Praktek Penegakan Hukum di Indonesia, alumni Bandung h 125.

<sup>13</sup> Daniel S. Lev, 1990, Hukum dan Politik di

Legal politics is a legal policy that will be or has been implemented nationally by the Indonesian Government, which includes:

- a. Legal development that contains making and updating legal materials. Thus, they can be consistent with the needs.
- b. The implementation of existing legal provisions includes the affirmation of the function of the institution and law enforcement training.<sup>14</sup>

From this understanding, it can be seen that legal politics includes the process of making and implementing laws that can show the nature and direction in which the criminal law will be developed and enforced. The direction of criminal law politics in the future is expected to be able to prevent the actions of LGBT perpetrators with criminal law and be adjusted accordingly.<sup>15</sup> Punishment and the purpose of criminal law in order to become effective and be able to overcome LGBT crimes. LGBT has been considered a crime from the perspective of Pancasila and the values that live in society. Therefore, it is better if LGBT is immediately addressed by directing the criminal law policies.

Many LGBT cases have occurred in Indonesia. However, there is no positive law that has been violated that clearly mentions LGBT crimes. It is only closely related to those actions mentioned in Article 292 of the Criminal Code due to the absence of criminal law policy efforts in tackling these acts. Article 292 of the Criminal Code also mentions same-sex

relationships or same-sex sexual acts but cannot ensnare LGBT perpetrators because these actions must be done against minors. **Article 292 of the Criminal Code**, which reads: “Any adult who commits any obscene act with it minor of the same sex whose minority he knows or reasonably should presume, shall be punished by a maximum imprisonment of five years.” The definition of LGBT itself has not been clearly formulated. As for the latest draft of the Criminal Code Bill, the Article in question is not found. In the draft, obscene acts are only subject to criminal offenses if there is coercion. Article 421 paragraph 1 reads:

1. Any person who commits obscene acts in public shall be punished by a maximum imprisonment of one year and six months or a maximum fine as much as Category III.
2. Any person who uses force or threat of force forces someone to commit or tolerate obscene acts, shall be punished by a maximum imprisonment of nine years.
3. Any person who commits obscene acts which are published as pornographic content, shall be punished by a maximum imprisonment of nine years.

The LGBT criminal act itself is a crime, which is criminalized. This is in line with Article 421, paragraph 2, which reads: “Any person who by using force or threat of force forces someone to commit or tolerate obscene acts, shall be punished by a maximum imprisonment of nine years.”

Indonesia Kesenambungan dan Perubahan. LP3ES

<sup>14</sup> Barda Nawawi Arief, 2007, Masalah Penegakan Hukum dan Kebijakan Hukum Pidana dalam Penanggulangan Kejahatan, Prenamedia Group h. 20-22

<sup>15</sup> Nila Arzaqi, 2018, Kebijakan Hukum Pidana dalam Menanggulangi LGBT Berbasis Pancasila, Jurnal Masalah-masalah Hukum, Vol, 47 Issue 4 h.400-412



However, in line with the existence of the Draft Criminal Code, the Article also does not provide a clear understanding or conception of LGBT crimes. Article 10 paragraph (2) and paragraph (3) of Law No. 44 of 2008 concerning Pornography, which reads: “ Any person is prohibited from exhibiting or performing themselves or others in performances or in public acts that violate decency committed with other people of the same sex, which is contradictory to the value of divinity in Pancasila and the values of decency that live in society” and paragraph (3), which reads “any person is prohibited from exhibiting or performing themselves or others in performances or public, including intercourse, sexual acts, sexual exploitations, or other pornographic content that is carried out with other people of the same sex.”

It is evident that LGBT criminal acts must be formulated with certainty that they contain elements of same-sex acts or same-sex relationships, not only against minors. The LGBT crimes should be formulated in the pornography law and also in the draft of Criminal Code as it has been reconstructed as in Article 10 paragraphs (2) and (3) and Article 484, which reads:

- a. a man in a marital relationship has intercourse with a woman who is not his spouse;
- b. a woman in a marital relationship has intercourse with a man who is not her partner;
- c. a man who is not in a marital relationship has intercourse with a woman who is in a marriage bond;

Supporting the Article in point (d), a man who commits any obscene act with it minor

of the same sex shall be punished to criminal Category V.

(e). a woman who commits any obscene act with a minor of the same sex shall be punished to criminal Category V.

(f). any person who uses coercion or violence that causes severe injury and death to the victim shall be punished with a maximum sentence and maximum fine as much as Category VI.

Based on the sanction mentioned in the Article above, the purpose of sentencing the perpetrators is to repair the damage, both individual and social (individual and social damages) due to criminal acts. It must be oriented towards an integrative perspective consisting of a set of purposes of criminal justice that must be fulfilled, with a note that which goal is the focus of its casuistic nature. Similar to the LGBT case, the purpose of punishment is directed at the crimes committed by the perpetrators and the improvement of the LGBT perpetrators themselves. Based on the draft Criminal Code, the drafting team of the National Criminal Code has agreed that the objectives of punishment are:

1. Preventing the criminal acts in enforcing legal norms for the sake of protecting the community
2. Correcting the perpetrators by providing guidance. Therefore, they become good and useful people
3. Resolving conflicts caused by criminal acts, restoring balance, and bringing a sense of peace to society
4. Redeem the guilt of the convict

### C. CONCLUSION

The problem of law enforcement is a problem that involves many components, especially in terms of legal substance, legal

structure, and legal culture. These are an inseparable unit in law enforcement efforts involving the police, prosecutors, judiciary, correctional institutions, and the bureaucracy. Therefore, such a legal system brings together the good elements of the three value systems. It also puts them in a balanced relationship, including the balance between individualism and collectivism, the balance between *rechtsstaat* and the rule of law, the balance between law as a tool to advance, and law as a mirror of values live in society.

2. The LGBT Crime Policy is a series of formulation stages, starting from the formulation of the law to the stages of the implementation process. In developing the new Criminal Code concept, legal development contains the making and updating of legal materials. Therefore, they are in accordance with the needs of the implementation of existing legal provisions, including affirmation of institutional functions and law enforcement training and adding several essential points in the Article, and adding severe sanctions for LGBT perpetrators.

#### D. REFERENCES

##### Book

- Abdurrahman , 1980, *Aneka Masalah dalam Praktek Penegakan Hukum di Indonesia*, Alumni, Bandung
- Barda Nawawi Arief, 2008. *Bunga Rampai Kebijakan Hukum Pidana, Perkembangan Konsep RUU KUHP Baru*, Kencana Prenadamedia Group, Jakarta.
- Barda Nawawi Arief, 2018, *Masalah Penegakan Hukum, dan Hukum Pidana Penanggulangan Kejahatan*, Prenada Media Group, Jakarta

- Daniel S. Lev, 1990, *Hukum dan Politik di Indonesia Kesenambungan dan Perubahan*. LP3ES
- Eddy O.S Hiariej, 2020, *Prinsip-Prinsip Hukum Pidana*, Cahaya Atma Pustaka Yogyakarta Cet 5, h 121-122
- Faisal, 2010, *Menerobos Positivisme Hukum*, CET 1 Rangkang Education, h. 72-73
- Law M. Friedman.2009, *Sistem Hukum Dalam Prespektif Ilmu social* Cet 1 Nusa Media Bandung
- Mahfud Md, 2010, *Politik Hukum di Indonesia*, Rajawali Pers h 2
- Paul JA. Von Feurbach, 2007, *Fondasi Hukum Pidana dan prinsip Nullum Crimen*, Oxford University Press h. 2-3
- Sajipto Raharjo, 2009. *Penegakan Hukum Suatu Tinjauan Sosiologis*, Cet 2 Genta Publishing Yogyakarta
- Sajipto Raharjo, 2009, *Negara Hukum yang Membahagiakan Rakyatnya*, Genta Publishing Yogyakarta h. 19-26
- Soerjono Soekanto, 2002, *Faktor-faktor Yang Mempengaruhi Penegakan Hukum* Cet 4 Raja Grafindo Persada , Jakarta h.3

##### Journal

- Ega Aldina, 2016, faktor Psikososial Dalam interaksi Masyarakat Dengan dengan Gerakan LGBT di Indonesia, vol 7 No 2 Desember
- Nila arzaqi, 2018, Kebijakan Hukum Pidana dalam Upaya Menanggulangi LGBT Berbasis Pancasila, jurnal Masalah-Masalah Hukum, Vol 47 Issue 4 h. 400-412

Sanyoto, Penegakan Hukum di Indonesia,  
Jurnal Dinamika Hukum, Vol 8  
No. 3 September 2008 diakses  
Pada Tanggal Selasa, 13 Juli  
2021.h. 199-203

Wawan Setiawan, 2017, Peran Pancasila  
Pada era Globalisasi Kajian  
Terhadap Pancasila, dan  
fenomena LGBT, Jurnal  
Dinamika Sosial Budaya Vol 19,  
No 1. Juni