

Views of Islam and Human Rights Regarding LGBT Regarding Punishment in Accordance with Islamic Shari'a

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ABSTRACT

LGBT people are illegal and the law and the government guarantee freedom of religion, expression, association, assembly and the right to privacy. This research was carried out normatively with the aim of the State being able to exercise civil rights directly before a judge, as well as social rights such as housing, social security, health, education, and workers' rights. In Indonesia, LGBT people also receive human rights protection in the form of health insurance to help them recover from illness. Recognition or legalization of deviant LGBT sexual orientation is not a human rights issue.

INTRODUCTION

LGBT moment This more from just A identity, but Also is a *campaign substance and caver* (SSA). LGBT behavior starts with a homosexual preference, then manifests itself in homosexual acts, then finally sticks in form struggle For accepted as behavior normal in forming an institution family. Preference the homosexual present in faith on actuality self, thinking containing justification to preference the, And emergence in in self they about desire Which very encouraging to make it happen. So that homosexual acts have finally manifested in an interpersonal relationship among homosexuals. Indonesia as Wrong One country law, guarantee about freedom of expression arranged in Constitution Base Country Republic Indonesia 1945 which regulates human rights, namely in article 28 E paragraph (2) which states that "Every person entitled on freedom believes trust, state thought And attitude in accordance with heart his conscience", furthermore in paragraph (3) stated "Every person entitled on freedom associate, gather, and express opinions". In addition, the Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights regulates more deeply regarding the Right to Freedom Personal, arranged in chapter 23 paragraph (2), Constitution it states that " Everyone free to have, issue, and distribute opinion in accordance with heart conscience, in a manner oral or writing through media print nor media print electronic with notice values religion, decency, order, interest general And wholeness nation. ³ Presence homosexual has appear in accordance history man along civilization And culture. kindly evolutionary developed hypothesis Which explain that romance kind is part from A action Which deviate. LGBT behavior will in turn encourage the presence of a distorted understanding of sexuality, because LGBT behavior will not unite at all between his wish with principles base life, so this is certainly going to cause disturbance on social functioning.

Every man have freedom each, but If studied more in that freedom Which owned compared straight with limitation Which must fulfilled also, group LGBT solely No think about is it breaking religion, decency, interest general until wholeness nation. In fact, with many hearsay Which talk about group this leads to a conclusion, society Indonesian feels their security and order threatened. In fact, with just one word LGBT can raises rift And destruction wholeness nation This. As stated in the 1945 Constitution of the Republic of Indonesia in a manner firm enter Right on Flavor Safe This in Human Rights Law Article 28A-28I, also regulated in Article 30 that state that, "Each person entitled on flavor safe And peace as well as protection to threat scared to do or not do something". Besides that, the right to feel safe Also arranged in in Chapter 35 Which state that, "Every person has the right to live in a peaceful, safe and secure society and state order Which honor, protect, And fully implement right basic human and obligation base man as arranged in Constitution This".

LITERATURE REVIEW

1. Country Law

A. Understanding Country Law

The rule of law according to FR Bothlingk is " *De obey waarin dewilsvrijheid wan gezagsdraagers is beperkt door grenzen van recht* " (a state where the free will of the power holder is limited by a legal will). It is further stated that in order to realize the limitation of the power holders, this is realized by means of, " *Enerzijds in een binding van rechter administratie aan de wet, anderzijds in een begrenzing van de bevoegdheden van de wetgever* ", (on the one hand the judge and the government are bound to the law, and on the other hand the limitation of authority by the legislator). ¹ A. Hamid S. Attamimi, quoting Burkens, said that a rule of law (rechstaat) is simply a country that places law as the basis of state power and the exercise of that power in all its forms done in lower power law. According to Philip M. Hadjon, the idea of rechstaat tends towards legal positivism which has the consequence that law must be formed consciously by the legislature. ³ In a rule of law everything must be done according to the law or according to the rule of law. The rule of law dictates that the government must obey the law, and not on the contrary the law that must be subject to the government.

B. Draft Country Law

Since Formerly when people has look for meaning country law, including Plato And Aristotle. Plato put forward draft *name* Which can considered as the forerunner of the concept of a rule of law state. Aristotle put forward the idea of a rule of law Which means with meaning which country in formulation is still relevant on " *police* ". For Aristotle, Which Reign in country not human, but thought Which fair, And be decency Which determine good bad something law. Man need educated become inhabitant Which Good decency, Which Finally will incarnate man Which behave fair. When the situation like This done come true, so created something "Country Law". According to theory sovereignty country all something run in every wisdom country, Because country given power Which No limited. para adherents understand this think that law none other than the will of the state itself Which concretized. In development para expert consider that popular sovereignty is completely inconsistent with reality. In the end they turned away to supremacy law Which is holder sovereignty highest. There is two figure Which put forward element country law that is Friedrich Julius Stahl And Albert Venn Dicey.

According to Friedrich Julius Stahl elements of the rule of law that are important for a country There are 4, including:

- a. HAM.
- b. Separation/ power.
- c. Every action government must based on regulation legislation invitation.
- d. There is something Justice administration Which has stand Alone.

Meanwhile, according to Albert Venn Dicey, the elements of the state provide 3 main characteristics as elements of the rule of law, namely:

- a. Supremacy law, in meaning No can There is arbitrariness, so that somebody will punished If proven has violate law.
- b. That everyone is equal before the law, both that person as an individual and in the qualifications of a state official.

C. Types Country Law

- a. State Police (Polizei Staat). Before the birth of a legal state with Kant and Fichte understanding, then what existed at that time was a state police as type country. Genre Which most influential at that time was the flow of *mercantilism* or the flow that wanted something the trade balance positive. The flow of *mercantilism* greatly influenced the way of thinking of entrepreneurs at that time. Then a prosperity needs to be included in the goals of the state and the one who implements it is the state itself.
- b. Formal Law State (Nachwaker Staat). The formal rule of law often mentioned Also with country law liberal or *nachwachker staat* that is country law Which according to Kant and Fichte is country Which also known as the state in a narrow sense. In a liberal law state country No justified For interfere in affairs maintenance of people's interests. This form of the state is very opposite to the form of the state police. It says country formal or country in meaning cramped because country Act as guard Evening, It means country only to maintain security, and only act when there is security and order
- c. State of Material Law (Welfare Staat). This type of rule of law is often referred to as law in a broad sense or a modern rule of law. Not only actively maintaining security, but also participating in social affairs for the sake of people's welfare. In the current welfare state, it is the state's duty to organize interest general become very wide, possibility violate the interests of the people by the state apparatus become very large. To implement With this task, the state administration needs independence, namely the freedom to be able to act on its own initiative, especially in solving urgent issues that arise suddenly and regulations for settlement do not yet exist, which have not been made by state bodies entrusted with the legislative function.

2. Country Islam

A. Draft Country in Islam

Talking about whether Islam obliges its people to form a state, of course the references are the Al-Qur'an and Hadith. Two main sources of Islamic teachings. The Qur'an contains the word of God (the word of God) which was revealed through revelation to Prophet Mohammed Shallallaahu 'Alaihi Wasallam, For made guide for human life. Whereas Hadith is an interpretation of the Qur'an that comes from the Prophet Muhammad Shallallaahu 'Alaihi Wasallam, either in the form of statements, deeds or taqirir. The facts regarding the verses of the Qur'an have disproved the view that the Qur'an contains details about various matter. According to Ahmad Amin, the number of verses concerning social life is only about 200 verses. According to Abdul Wahhab Khallaf in his book *The Science of Usul Fiqh*, there are about 228 verses regarding society. The details are as follows: Concerning family, marriage, divorce, inheritance rights and so on (70 paragraphs), trade, mortgage, economy, buying and selling, leasing, lending and borrowing, companies, contracts, and so on (70 paragraphs), issues crime (30 paragraphs), the rich and the poor (10 paragraphs), and constitutional issues (10 paragraphs).

From this description, there is no argument that obliges Muslims to establish a Muslim state. Even so, the development of life is so complex, the relationships between people are diverse, the system of life in the state is also not simple which occasionally raises tensions, be it between members of society as well as between countries and communities. a number thinker And activist political Islam For make islamic. Cleric hadith on generally argue that Which meant with hadith is all the words, deeds and taqirir and matters relating to the Prophet Muhammad. As base or base for A country. They believes that a country based on Islam will certainly be very capable of overcoming various kinds of things or problems that exist as well as tensions and non-peaceful relations and harmony in social life.

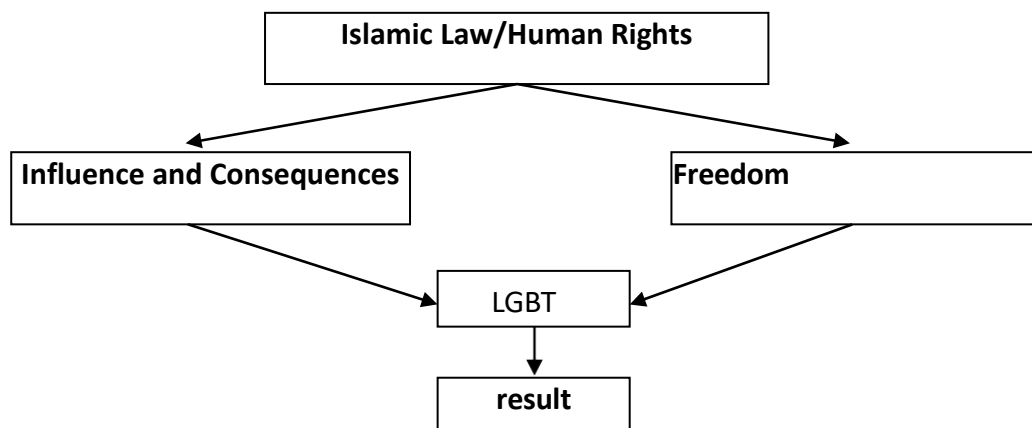
B. Position Islam in Country

Discourses about an Islamic state or a state based on Islam emerged only after the end of the caliphate system in Turkey (1924). A number of Islamic political thinkers are involved in the debate about the relationship between religion (Islam) and the state. In subsequent developments, the discourse gave birth to three styles or schools of thought. *First, the flow which views that Islamic teachings are kaffah (perfect) teachings in which all aspects of human life have been regulated inside it, And including about something rules statehood. Second*, the flow or pattern of thought that argues that Islam is a religion which solely deals with the relationship between man and God and problems life in the afterlife. If pattern first and second each other dealing, then it is different from the *third style*, which holds that Islam

is not a religion that solely regulates human relations with God, but it is also not a complete religion in the sense that its teachings cover all aspects of life in detail. Islam Enough give principles base Which can guided by all humans in managing their lives and lives, both in dealing with God and in relationships with fellow human beings (society).

METHODOLOGY

The framework of thought is a series of patterns implicitly in specifically describe the research. In addition, the framework will provide an initial interpretation, so that readers can indirectly see and understand the purpose of solving the problem in this scientific work.



Picture.1 Chart, I Framework Think

Scheme on show that Law Islam is Wrong One the applicable law in Indonesia, and the 1945 Constitution of the Republic of Indonesia regulates Law Number 39 of 1999 concerning Human Rights, then how does the influence of LGBT have on society. The two laws above will examine their views on LGBT behavior Which happening in Indonesian society, after that the results will be found.

1. Method Study

The research method is basically a systematic, orderly and orderly work procedure that can be accounted for scientifically to solve problems in order to obtain objective authority. The research methods include:

A. Type And Approach Study

1. Type Study

This type of research is Normative Law Research *or* also known as positive law, by Muchtar Kusumaadmadja. According to Soerjono Soekanto, Normative Law research is study Literature Which done with method researching library materials or mere secondary data. Normative legal research is a scientific research procedure to find the truth based on legal scientific logic from a normative perspective. This research aims to find Positive Law Legislation. So the research that will be examined by prospective researchers is classified as normative research because the research conducts a literature review and the opinions of legal experts regarding laws related to LGBT in relation to the protection of human rights.

2. Approach Study

The approach that the researcher uses is a juridical-normative approach that is approach Which done based on books by examining the theories and concepts related to this research. According to Soerjono Soekanto, Normative Law research is library research conducted by examining materials References or data secondary mere. Study Law normative is something procedure study scientific for find truth based on the scientific logic of law from normative side. This study aims to find the arguments of the Al-Qur'an and Hadith as well as Positive Law Legislation.

RESEARCH RESULT AND DISCUSSION

A. LGBT in Perspective Law Islam

Offending in Islamic law it is clear the prohibition of doing deviant acts such. The deviant act has existed since the time of the Prophet Lut. Lesbians and gays did not escape from the history of the Prophet Lut and his people at that time. In addition to their homosexuality, the Prophet Lut's people also robbed and robbed people who passed by carrying trade goods. The people of Sodom did not heed the Prophet Lut's call. Even them threaten will killed Prophet Lut And chase away people Which have faith from their country. Their disobedience was increasing day by day and they challenged the Prophet Lut to bring about the doom that was threatened. Islam recognizes that humans have a desire to have sex, especially to against type. Islam arrange matter This in A bond namely marriage. Through marriage, human nature can be well maintained, because Islam regulates sexual relations between men and women. with a marriage prescribed, so Islam forbid all form connection sex in outside wedding. Because it will have an impact on the chaos of biological relationships and can damage bloodlines and cause hostilities and killings.

on adulterers if the perpetrator is *muhshan* (married), is sentenced to stoning (stoning to death). Meanwhile, *gair muhshan* (not yet married), is sentenced to be whipped and exiled for one year.

- c. According to Imam Malik, homosexual practice is categorized as adultery and the appropriate punishment for the perpetrator is stoning, whether the perpetrator is *muhshan* (married) or *gair muhshan* (not married).
- d. According to Imam Syafi'i, the practice of homosexuality is not categorized as adultery, but there are similarities, namely that both are sexual relations that are prohibited in Islam. The punishment for the perpetrators is if the perpetrators are *muhshan* (married), then they are sentenced to stoning, while if the perpetrators are *gair muhshan* (not married), then they are punished with 100 lashes and exile for one year.
- e. According to Imam Hambali, the practice of homosexuality is categorized as adultery. Regarding the type of punishment imposed on the culprit, he has two narrations (opinions). First, punished the same as adulterers. If the culprit is *muhshan* (married) then he is punished by stoning. If the perpetrator is *muhshan gair* (not married) then be punished with 100 lashes and exile for one year. Second, killed by stoning, be it *muhshan* or *gair muhshan*.

Punishment for perpetrator lesbian in Islamic and Ulama views have agreed that the practice of lesbianism is absolutely forbidden and there is no disagreement between them in this matter. In fact, this act is referred to as adultery Woman (*zaniyyun-nisa'*). Matter This based on from word Prophet Shallallaahu 'Alaihi Wasallam: "The practice of lesbi is adultery among women." Ibn Qudomah in Al-Mughni said, "If two women rub each other (lesbi) then both of them have committed adultery".

Scholars have agreed that the punishment for lesbian perpetrators is *ta'zir*, in which the government has the authority to give the most appropriate punishment so that the punishment can have a deterrent effect on the perpetrators. Punishment for perpetrator bisexual And transgender . Bisexuality and transgender are disgraceful acts and are cursed by Allah Subhaanahu Wata'ala. The desire to appear opposite sex that is owned from birth. Narrated from Ibn Abbas: "Indeed, the Messenger of Allah Shallallaahu 'Alaihi Wasallam cursed men who resembled women and women who resembled men". From the hadith above, it can be concluded that bisexual and transgender people are unlawful, because they violate human nature.

4. Example Case LGBT

The people of the Prophet Lut were people who had homosexual relations, they lived in a place known as the inhabitants of Sodom, one day they come over House Prophet Lu t h with Meaning want do deed vile with the guests of the Prophet Lut. The Prophet Lut tried to forbid them from doing so by offering his daughters to marry them. Prophet Lut said to them that his daughters That is holy for them so that they don't touch the guests. But the people of the Prophet Lut did not care about it, so that Allah was angry with them. God showered the inhabitants of Sodom with a hail of stones from clay that was very Sightingful HAM in World about LGBT.

1. HAM in English

Human rights understanding was born in England in the 17th century. England has a tradition of resistance Which long to all business king For take power absolute. In England there is a charter named *Magna Carta* which was issued on June 15, 1215. This charter was motivated by the arbitrariness of King John Lackland, so that the nobles made a charter which limited the power of the king, in this charter it is actually in the Bill of Rights (1689) provisions appeared to protect individual rights or freedoms. *Magna Carta* is said to be the first agreement recorded in history as a path to constitutional law, and has been considered a milestone in the struggle for the birth of recognition of human rights. Then, in 1679 it produced the *Habeas Corpus statement* , which is a document of historic legal civility which stipulates that a person who is detained must be presented beforehand within three days to a judge and must be informed on what charges he is being detained. This statement also became a basic principle law that person only can detained on order judge.¹⁵ At the moment, LGBT people have the same legal rights as non-LGBT people and the UK provides one of the highest degrees of freedom in the world for the LGBT community. The British state agrees that LGBT must be accepted in society and they also support same-sex or homosexual marriage. A philosopher in the social field named Jeremy Bentham in 1785 has openly defended its existence clan homosexual, matter This done through donation Jeremy's thoughts Bentham against homosexual laws in England. Based on Jeremy Bentham's thoughts, an amendment to the new law was formed which stated that homosexuality was not a crime.

2. HAM in United States

In the American Declaration of Independence (1776) compiled by Thomas Jefferson, ideas about human rights have been expressed in very clear and precise words. The declaration explicitly recognizes human equality and the existence of human rights that cannot be revoked by anyone, namely the right to life, the right to be free and the right to pursue happiness.

It was only in 1791 that the United States adopted *the Bill of Rights* which lists the individual rights it guarantees. This happened through a number of amendments to the constitution. Among the most notable amendments is the First Amendment which protects freedom of religion, freedom of the press, freedom of expression and rights of association. Regarding LGBT rights in America, US President Barack Obama once stated in an interview that "I think same-sex couples should be allowed to marry." US Secretary of State Hillary Clinton offered similar support for LGBT people when she used this theme in her remarks Day Right Fundamental Man World hers which he talk about in Geneva on month December 2011. Even since June 2010, he has declared that, "Gay rights are the human rights of gay people, now and forever." Eventually, A decision important be a moment biggest For LGBT rights in the United States, since the Supreme Court issued a landmark decision. The Supreme Court ruled that sexual orientation as LGBT is included in this Civil Rights so that they should not be discriminated against. this decision taken based on the claim that many people who have a sexual orientation as LGBT are discriminated against from their jobs. This decision was based on the Civil Rights Act 1964, which prohibits employers from discriminating against employees based on gender, race, skin color, national origin and religion.

3. HAM in Dutch

The Dutch constitution sets out the rights of all Dutch citizens, including the prohibition of discrimination, freedom of religion, freedom of speech, freedom of association and assembly and the right to privacy. This is a limitation on the government, where citizens can uphold civil rights directly to judges, besides that there are social rights such as the right to housing, social security, health, education and employment. This is the duty of the government towards its citizens. The Netherlands, which has faced pressure from homosexual groups for years, has legalized it rule Which allow homosexual couple Marry in Notes Civil. Article 30 of the new Dutch Criminal Code reads "*huwelijk tussen personen van gelijk geslacht*" which means "marriage can be carried out by two people with different or the same sexual orientation." This is the fruit of the journey that began with a constitutional amendment that affirmed the prohibition of discrimination on any grounds in 1983, the passage of the Registered Partnership Act which allowed homosexual and heterosexual couples to live like husband and wife without marriage ties in 1998, and a vote in the Lower House of the Netherlands which was eventually won by the pro-sex marriage group with 109 votes in favor

and 33 against on December 21, 2000. The law stepped forward by full caution. part partner homosexual in Dutch, according to Jan Latten from Netherlands Statistics, choosing not to participate, flocked to the Civil Registry and got married. Even though gay couples may adopt children, the strict adoption law in the Netherlands doesn't seem to just give adoption rights to same-sex couples. Even a woman who marries another woman who has biological children will not necessarily have the status of "adoptive mother", because to become a real adoptive mother she must obtain the right to adopt her non-biological child.

4. HAM in Indonesia

Not from Indonesia there are characters who internationally recognized as a pioneer of human rights. But that does not mean that in Indonesia there is no struggle to uphold it HAM. Struggle enforce HAM started since exists colonialism in Indonesia. This struggle was not merely a struggle to expel the invaders, but more than that, it was also basically a struggle to uphold human rights. Human rights are basic rights that are naturally inherent in humans, are universal and lasting, therefore they must be protected, respected, maintained, and may not be ignored, diminished or seized by anyone. In the legal system in Indonesia, as in the 1945 Constitution on Human Rights Article 28I which beeps "The right to life, the right not to be tortured, the right to liberty, thought And heart conscience, right religious, right For No enslaved, the right to be recognized as a person in public, and the right not to be prosecuted under the law apply recede is right basic man Which No can reduced in every situation."

This is in accordance with the Preamble to the Universal Declaration of Human Rights (UDHR) Articles 2, 7 and 22. Article 2 reads: "Everyone has the right to all the rights and freedoms set forth in this Declaration without any exceptions, such as differences in race, color, skin, sex, language, religion, political or other opinion, national or social origin, property, birth or other position." Article 7 reads: "All persons are equal before the law and are entitled to the same legal protection without discrimination. All are entitled to equal protection in all forms discrimination contrary to this Declaration, and against any incitement to such discrimination." Article 22 reads: "Everyone as a member of society has the right to social security and is entitled to the implementation of economic, social and cultural rights which are indispensable for the dignity and growth of independent person, through national endeavors and international co-operation, and according to the regulations and resources of each State."

The protection that must be guaranteed and appropriate to be given to LGBT people from a human rights perspective is a protection of their human rights in the form of health insurance to be able to recover from their illness, this is as stated in Article 25 of the UDHR which reads: "Every person has the right to an adequate standard of living for the health and welfare of himself and his family, including the right to food, clothing, housing and health care as well as necessary social services, are entitled to security when they are unemployed, suffer from illness, disability, become a widow/widower, reach old age or other circumstances that result in a lack of livelihood which are beyond their control."

Thus, it is clear for LGBT people to get their human rights in the form of guarantees for treatment or treatment of diseases. However, it is not human rights in recognizing or legalizing deviant LGBT sexual orientations. As explained in the Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage in Chapter I Article 1 which states that "Marriage is bond born inner between a man with Principles HAM In order for a principle to be categorized as the general principles of international law, two important things are needed, namely acceptance *and* recognition *from* the international community. Several principles have animates human rights. These principles are found in almost all international agreements and are applied to a wider range of rights. The principle of equality, prohibition of discrimination and positive obligations imposed on every country used For protect rights certain. The idea of human rights is built on the principle of equality. This principle emphasizes that human beings are equal in terms of their dignity. Humans have equality in human rights. The various differences that are inherent in humans do not cause the position of humans to be unequal, because even so they are still humans. This is for example reflected in the principle of " *equal pay for equal work* " which is considered in the UDHR as equal rights to equal work. The principle is at once it's also HAM. *first*, equality society is treated Which equivalent, in where on situation The same must treated with The same, And with debate, in which different situations are treated differently. These basic rights are based on equality in all forms of treatment before the law regardless of discrimination, race, skin color, gender, language, religion, or political and other views.²¹ This principle is also known as the principle of non-discrimination. In the " *International Bill of Human Rights* ", namely the UDHR, ICCPR, and ICESCR, this principle has been explicitly stated. Previously, the same thing had also been confirmed in the UN Charter (*United Nations Charter*).

Second, International Human Rights Law expands the reasons for discrimination. The UDHR has mentioned a number of reason discrimination, between other race, color skin, gender, language, religion, political or other opinion, nationalism or nationality, ownership of an object (*property*) and birth or other status . All it is a reason that is not limited and also more and more instruments that expand the reasons for discrimination and also include it about a orientation sexual, age And also Also with organ body. *Third* , the principle of the positive obligation of the state arises as a logical consequence of the existence of provisions according to international human rights law that an individual is a party holding human rights (*right bearer*) while the state has the position of being a *duty bearer* of human rights whose obligation is to protect , guarantee (*ensure*) and fulfill *the* human rights of every individual.

A. Influence And Consequence LGBT in Life Public especially in Religious Life

According to my analysis, LGBT is not something new in society, there are more and more perpetrators of LGBT every day. Of course, the community itself considers that this is not a normal thing and it is certainly worth finding out and questioning why LGBT can happen. LGBT people don't only among ordinary people, but also among Indonesian actresses, one of which is an actress named Dorce Gamalama and Lucinta Luna. There are several entities related to LGBT behavior. *First*, LGBT is a disease disturbance soul, or deviation orientation sexual, attached (owned) a person as an individual. The disease is caused by two factors, namely biological and sociological factors and can be transmitted to other people. *Second*, LGBT is a community or group, or it can also be called an organization that has a vision, mission and certain activities or movements. However until now there is no definite answer in this regard.

B. View public general to clan LGBT

Community views on LGBT issues still vary depending on religious background, media, family, peer relations, gender and interactions with individuals LGBT. Level rejection And reception to LGBT very depending on these factors. LGBT itself in Indonesia is still a taboo subject, especially groups based on religion. *First*, There are people who think that LGBT people should not be tolerated, they reject it on the grounds that LGBT actors are considered to be very disturbing to the community, because they behave inconsistently with their nature as women and men, they view LGBT as something negative, abnormal and error. This group will feel uncomfortable with the existence of LGBT people. Communities living side by side with LGBT people have been decorated by thoughts that have been negative from the start towards LGBT people, whether they feel amusement, disgust, hatred and other thoughts that cannot be expressed in many words. *Second*, there are people who support the existence of LGBT people, they are a group of people who have a group or organization, and

of course this LGBT is also supported by the perpetrators themselves. Usually these LGBT supporters want that LGBT people will increase or develop more and more.

Third, there are also some people who are neutral towards LGBT people, they can understand and accept the existence of LGBT people, they may think that LGBT people are people who different and have a world of their own, they even No object when neighbors or be friends with they. This group accepts the existence of LGBT people and accepts that people LGBT live side by side with them, but they also do not support the actions of LGBT committed by these people. These people are used to interacting with LGBT people so they think that whether or not LGBT people are present in their environment does not affect their lives. This group will look normal and think that LGBT people are the same as society in general. This group invites them to talk, interact, transact and even make friends without any problems.

C. View Public in Life Religious

Communities whose lives are based on religion or in religious life, of course, think that Islam has very clearly prohibited lesbians, gays, bisexuals and transgenders or better known as LGBT. In Indonesia, the majority of the population is Muslim. So it is not surprising that in Indonesia there is much opposition from the community, both from ordinary people and religious leaders. LGBT perpetrators have more or less received hatred and criticism from a large part of society, especially those who are Muslim, they feel disgusted and think that LGBT perpetrators are that sinner very hated and also wrathful by God Subhanaahu Wata'aala. The MUI (Indonesian Ulema Council) has also issued a fatwa on this matter here, where is the MUI has firm And obviously balked practice intercourse and marriage fellow this kind because of deeds This has violate Islamic Shari'ah. God Subhaanahu Wata'aala said Which It means: "*Dan in between signs of his power is He create for you wives from your kind yourself, so that you are inclined to and feel at ease towards him, and made love and affection between you. Indeed, in that there are signs for people who think* " (Surah Ar-Rum/30:21).

The verse above has become clear evidence that Allah has forbidden this act and Allah will give punishment to the perpetrators. This community group hopes that the perpetrators will receive strict sanctions, so that no one else will do it, and the purpose of imposing punishment on the perpetrators is of course with the most important objective of Islamic criminal law, namely rahmatan lil 'aalamiin. The strictness of the punishment ordained by Allah is His love for humans and the natural surroundings, so that life becomes peaceful, just, peaceful and prosperous.

A. Impact LGBT

A. Health Impact

The health impacts caused include 78% of homosexuals contracting sexually transmitted diseases. ²² Average age of gays is 42 years and decreases to 39 years if gay victims of AIDS are included.

B. Impact Social

The resulting social impact is that research states that gay people have partners between 20-106 people per year. While a person's adultery partner is not more than 8 people throughout his life. 43% of gay people who were successfully recorded and researched stated that during their lifetime they had homosexuality with more than 500 people. 28% do it with more than 1000 people. 79% of them said that their homosexual partner was from someone they didn't recognize at all. 70% of them are just one night or few minute dates.

a) Educational Impact

The educational impact is that students who consider themselves gay or lesbian face the problem of dropping out of school 5 times greater than normal students because they feel uncomfortable. And 28% of them have been forced to leave school.

b) Security Impact

The security impact that was created was even more astonishing, namely the clan homosexual cause 33% abuse sexual on children _ in the United States, even though their population is only 2% of the total population of the United States. This means that 1 out of 20 cases of homosexuality is sexual abuse of children, while 1 of 490 cases of adultery is sexual abuse of children children.

Table.1 Province Happening Cases LGBT

No.	Province	Amount	Information
1.	Java West	300,198 people	Guardian City, Oded M. Daniel
2.	Java Middle	218,227 people	Data Estimation Key Population modeling from Department of Health
3.	Sumatra West	18,000 people	Research Counselor Team Result Data Development HIV and AIDS
4.	DKI Jakarta	27,706 people	Commission Broadcasting Information Area (KPID)
5.	Java East	1,500 people	Perwakos data

6.	NAD	300 people	Foundation Gemstone Atjeh Care
7.	Sulawesi South	400 people	Service health
8.	fart Belitung	947 people	Governor, Erzaldi Rosman
9.	Banten	5,450 people	Commission Countermeasures AIDS
10.	Borneo South	2,163 people	Coord. Alliance Muslim Banua, Muh. Pazri

C. Role Government In Handle LGBT

- a. He took it out Perda About Disease Society, Diseases of LGBT in society is which disease very disturbing, because it is immoral behavior. Society's ills must be overcome by strict legal regulations. The government must be wise in handling this matter considering that LGBT is not a commendable behavior and with the existence of strict legal rules, the community environment will be clean and free from immorality.
- b. Formed Commission Countermeasures AIDS, the existence of the formation of this Commission is expected to open wide the eyes of the community so that they are aware of the danger of AIDS disease. This is because it can cause death for the sufferer. What's more, this disease is a disease that can be transmitted to other people. So with the existence of the AIDS Commission it is hoped that people will take better care of themselves and be careful so that LGBT can also be minimized.

Do Socialization in Public And Schools, the role played by the government in achieving something has a strategy in tackling growing problems. Socialization itself is a learning process experienced by a person to gain knowledge about values and norms in order to participate as a member of a community group. The government should do outreach to public And Also in school about LGBT and its relation to AIDS so that they have knowledge about this disease so that there are benefits that can be learned from it. Socialization Which done based on ward or respective districts.

CONCLUSIONS AND RECOMMENDATIONS

Based on the discussion of the thesis that has been described above, the writer can draw the following conclusions:

First, from an Islamic point of view, this act of LGBT is totally against Islamic law and is one of the behaviors that is forbidden by Allah Subhaanahu Wata'aala because LGBT people have violated their nature as God's creatures. Allah will curse men who imitate women, and women who imitate men. In a legal relationship it is only permissible between men and girls only. LGBT perpetrators will certainly receive punishment for their actions.

All countries recognize and uphold human rights and basic human freedoms as rights that are naturally inherent and inseparable from humans which must be protected, respected, upheld for the sake of improvement. human dignity, well-being, happiness, and intelligence and justice. This includes the prohibition of discrimination, freedom of religion, freedom of speech, freedom of association and assembly and the right to privacy. The state can enforce civil rights directly to judges, besides that there are social rights such as the right to housing, social security, health, education and employment.

In Indonesia, LGBT people also receive protection for their human rights in the form of health insurance to be able to recover from their illness. As arranged in Chapter 25 UDAM Which reads: "Every person entitled on life level Which adequate For health And well-being himself And his family, incl right on food, clothes, housing area And maintenance health as well as service social Which necessary, entitled on guarantee on moment unemployed, suffering Sick, disabled, become a widow/widower reach age carry on or circumstances other things that cause him to lack a living that is beyond his control." So No HAM in confession or legalize to orientation LGBT sexual Which deviate. as Which explained in Constitution Republic of Indonesia Number 1 of 1974 concerning Marriage in Chapter I Article 1 which state that "Marriage is bond born inner between a man with a woman as husband wife with objective form a happy and eternal family (household) based on Belief in the One and Only God."

As for suggestion writer from discussion thesis in on is:

1. Preferably, the authorities or the government can take firm action against the perpetrators LGBT because of things This can annoying and unsettling community, moreover it will have an impact on people's lives both in terms of health, social nor education. So expected as much Possible so that the government makes new rules by giving punishments that can really deter the perpetrators so that no other party feels harmed.
2. In order to minimize the existence of LGBT cases in society, it is hoped that the government will help by providing moral education to the community such as by providing books related to the prohibition of LGBT, communicating with LGBT people, explaining the impact, and also explaining what a good environment looks like and maintaining

association with each other. In addition, the government should also socialize to the public regarding the impact of LGBT so that this can be minimized.

ADVANCED RESEARCH

Hopefully this research is useful and can be refined by further research.

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