

LGBT and Pancasila, Between the Essence of Human Rights Protection and the Existence of Pancasila Values and Islamic Law

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Abstract

Speaking of rights, of course we are talking about rights which are fundamentally inherent in human beings. Be it the right of life, the right of welfare, the right to justice, and the right of social security as embodied in the 1945 constitution. LGBT communities want the same thing, get the same rights, with principles of freedom and principles of equality. Not only does the LGBT community want legal protection against its freedom but also the legality of its existence in Indonesia. This article aims to learn the essence of human rights protection against LGBT (*lesbian, gay, bisexual, and transgender*) and its conversion to the existence of pancasila values and Islamic law, which is intended to find common points in both, is qualitative in the use of literature study methods (*library research*). As for the results of this study, LGBT basically has a right to cure abuses, not the claims of freedom to campaign, and to preserve existence in Indonesia. Certainly, one of its restriction reviews or ladsmets is a consideration of religious morality that has always held a high regard for human dignity and dignity. There is also a value to maintain, there is a value embodied in the pancasila that gives the message, that every citizen must maintain a value and be irreparable.

Keywords: Ham; Human Rights Protection Islamic Law; LGBT; Pancasila; Religious Values; Pancasila Values



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INTRODUCTION

In recent years the phenomenon of Lesbian, Gay, Bisexual, and Transgender (LGBT) continues to be discussed. The discussion boils down to several things that principally discuss the existence of LGBT. LGBT in its actualizing dimension is a deviant sexual act, which is essentially nothing new in Islamic history. Sexual deviant behavior occurred several thousand years ago, precisely during the time of the Prophet Luth. Where one of the challenges at that time was to convey Islamic da'wah to the people in an area called Sadum, or what we usually know as the Sodomites, an area in the Jordan Region. The Sodomites have mentioned much in the Qur'an as found in Q.S Al A'raf/7:81 and Q.S An-Naml/27:55.

إِنَّكُمْ لَتَأْتُونَ الرِّجَالَ شَهْوَةً مِّنْ دُونِ النِّسَاءِ بَلْ أَنْتُمْ قَوْمٌ مُّسْرِفُونَ

Meaning: “We have come to men to release your lust, not to women, but you are a people who cross the line.”

أَيُّكُمْ لَتَأْتُونَ الرِّجَالَ شَهْوَةً مِّنْ دُونِ النِّسَاءِ بَلْ أَنْتُمْ قَوْمٌ تَجْهَلُونَ

Meaning: “Why do you go to men to (fulfill) (your) lusts, not (go to) women? You are a people who do not know (the consequences of your actions)”

The above two verses use the word نِيَانَا (al-Ityân) to describe the sexuality of the Sodomites. In the previous description of sexuality in the Qur'an, it has been explained that the word describes sexual behavior (sexual behavior), not sexual orientation (sexual orientation). Therefore, the above verse does not speak of homosexual orientation but of deviant (abnormal) sexual behavior. In the past description, it has been explained that there is a fundamental difference between sexual orientation and sexual behavior. Sexual orientation is just an emotional tendency that is not applied to behavior, whereas sexual behavior is the way a person expresses his sexuality. (Aletmi et al., 2019, p. 65)

In another sentence, it is mentioned in Q.S Asy-Syu'ara/26:165-166.

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

Meaning: Why do you go to the kind of men among men (165) and you leave the wives made by your Lord for you, even you are transgressors (166)

The word ازواج (azwâj) according to Nasaruddin Umar is sexual identity on a status title related to gender. This shows that the Sodomites were heterosexual people because they had wives, but also homosexuals because of their inclination towards men. In other words, the Sodomites had two sexual orientations, heterosexual and homosexual. The combination of these two orientations in sexual psychology is called bisexual. (Aletmi et al., 2019, p. 73)

The LGBT community, on a broader scale, has often promoted campaigns to show its existence. The purpose is of course for the recognition of its existence. They do a massive LGBT campaign, and one of the containers is social media. In addition, a forum that actively campaigns for the existence of LGBT is the Football Competition, at certain times in Football Competitions in European Countries, LGBT campaigns are carried out massively, one of which is the use of a rainbow-colored Armband Captain that reads OneLove, as a representation of LGBT campaigns.

In Indonesia, LGBT people do not explicitly declare themselves part of the community. The reason is that there is still a lot of rejection in society against behavior that is considered deviant, so not infrequently LGBT perpetrators get discrimination treatment which leads to criminalization. There are many pros and cons in this LGBT community, many parties reject such deviant sexual behavior and not a few are willing to accept. The debate between the two is increasingly heated and widespread with arguments from a human rights perspective and arguments from a religious perspective. (Dhamayanti, 2022a, p. 212)

Let's examine several Journal literatures with the same substance of discussion, in essence. All have the same principle, that everyone is free to express himself, based on equal human rights. As stated by Yansyah R and Rahayu R in their Journal entitled Globalization of Lesbian, Gay, Bisexual, and Transgender (LGBT): Human Rights and Religious Perspectives in the Scope of Law in Indonesia, it is explained that the existence of LGBT in Indonesia is based on the Universal Declaration of Law Rights in 1948, as well as political reform and democratization which are often misunderstood as a process of liberalization and freedom of

expression.(Yansyah & Rahayu, 2018) Of course, what is also important to know is how the essence of Islamic Law views problems. In the research that we will examine, we not only raise one point of view based on human rights principles, but even we use three types of points of view, namely human rights principles, Islamic Law, and how Pancasila is the basis of the State, views the existence of LGBT in Indonesia.

Not without reason, from the analysis, it is very important to know the limits of the scope of human rights protection based on the principle of equal rights, as they wish. Or, the protection of human rights that the LGBT community means, has a certain scale that only protects a few things. Another thing that needs to be examined with in-depth study. Of course, it is also necessary to see the dimension of Religious Morality as one of the stumbling blocks to the existence of LGBT in Indonesia. The question arises, If LGBT is strictly prohibited from being in religious communities as a representation of Islamic Law, then is it possible that LGBT is also contrary to the moral values of Pancasila? And what about LGBT rights, whether all needs must be met amid the demands of existence and actualization of human rights? and how does Islamic Law view this problem? In the end, this research leads to one important goal, namely clarifying the existence of human rights protection for LGBT and clarifying the Essence of Pancasila Moral Values and Religious Values in the dimension of Islamic Law, about the existence of LGBT.

RESEARCH METHODS

This research is qualitative (Fadli, 2021, p. 35) using the library research method which is studied based on a comparative approach. The comparative approach according to William E. Paden is the study of two or more objects in the sense of the same factor, a common factor in which it is related either to the similarity or difference between explicit and implicit objects (Muhajir, 2013, p. 42) The factors in question are based on several points of view, namely; human rights point of view, Islamic Law point of view, and Pancasila point of view where these three points of view certainly have a rationale for the object of study to be studied, namely about LGBT. The review of this research comes from literature in the form of books, journal articles, Qur'anic verses, and several other literatures related to LGBT. The type of study used is descriptive where the discussion is collected from various data taken from the results of observations of previous assessment findings. The source of the data is then processed, analyzed, then drawn into a conclusion.

RESULTS AND DISCUSSION

Human Rights Protection of LGBT People

Human rights, if defined are rights that are inherent in us, without discriminating the type of nationality, type of calamine, ethnicity, ethnicity, skin color, religion, language, or where we live. That every human being has the right to guarantee human rights without discrimination. Where one right with another right is continuous and related.

The human rights dimension in the Universal Declaration of Human Rights (UDHR) has a broader understanding. UDHR defines human rights as natural rights possessed by every human being given by God so that they cannot be separated from their essence as humans. Therefore, every human being has the right to a decent life, to have freedom, to have salvation, and to have personal happiness according to the way he wants. In addition, in the preamble of

the UDHR, it is also stated that human rights must be protected by laws or laws so that humans do not choose the path of rebellion as their last resort in resisting tyranny and colonization themselves. (Asiah & Asfiyak, 2021, p. 145)

The State of the Republic of Indonesia recognizes and upholds human rights and basic human freedoms as rights that are inherently inherent and not separate from humans that must be protected, respected, and upheld. for the promotion of human dignity, welfare, happiness, intelligence, and justice. (SANTOSO, 2016, p. 227) Proof that Indonesia recognizes and upholds human rights, is the many legal instruments containing human rights applied in Indonesia. Including The 1945 Constitution, Human Rights Law No. 39 of 1999, and Manpower Law No. 13 of 2003. not to mention other laws from ratification, one of which is the International Covenant and Civil Political Rights (ICCPR), as well as contained in the Universal Declaration of Human Rights (UDHR). (Asiah & Asfiyak, 2021, p. 145) A series of good Legal Instruments that we made, that we ratified, and External Legal Instruments that we complied with, prove that Indonesia guarantees and upholds human rights.

In particular, the content of human rights guarantees in Indonesia is contained in Chapter XA of the 1945 Constitution which is hierarchically the highest legislation. Because of its position as the highest law, the law becomes a reference to the law under it, so no regulation in Indonesia does not recognize the existence of human rights. Even if there are rules that are contradictory, it is indifferent to the legal principle of "*Lex superior derogat legi inferior*" that the higher law overrides the lower law.

Reviewed theoretically, human rights have two important principles that become the main concern or concern in efforts to guarantee every human right to every human being, namely the principle of freedom and the principle of equality as mentioned earlier in the Introduction. The principle of greatest liberty includes freedom of participation in politics, freedom of speech and opinion, freedom of the press, freedom of religion, freedom to be oneself, freedom from arbitrary arrest and detention, and the right to defend private property. (Princess, 2022, p. 94)

The second principle is the difference principle. The essence of this principle is that socioeconomic differences must be regulated to provide great benefits for those who are less profitable. The last principle is the principle of fair equality of opportunity. The essence of this principle is that economic inequality should be regulated in such a way as to open office and social standing to all under conditions of equal opportunity. (Princess, 2022, p. 95)

Based on this description, we can draw a common thread that human rights do not look at the economic position or social and cultural differences and do not see the position of everyone in the fulfillment of their political rights. All have the same right to freedom and equality, as guaranteed in human rights. From this basis comes the question, of whether a Lesbian, Gay, Bisexual, and Transgender (LGBT) (Ramadhanti & Azeharie, 2020, p. 302) has the same rights to the principle of equality and freedom. Even if there are constitutional guarantees and protections for an LGBT person, does the guarantee of protection of that right cover all the remedies that an LGBT person wants? or just certain things? If you look at the many posts scattered on social media from LGBT groups or activists, they not only want equal rights but also want legality, and recognition of existence, which should be suspected that the goal is to normalize LGBT behavior in Indonesia. (Juliani, 2019)

In a discussion forum on LGBT in Indonesia, Hartoyo and Yuli Ristinawati (Indonesian LGBT Community Activists) explained that there are at least six points of movements or activities carried out by the LGBT community, especially in Indonesia, namely: (a) Educating the public that LGBT is not a disease, so it does not need to be treated. (b) Encourage the government to eliminate violence experienced by the LGBT community because of its identity as LGBT, which includes five violence, namely: sexual violence, physical violence, economic violence, cultural violence, and psychological violence. (c) Encourage the state to be fair and civilized to every citizen and eliminate discrimination against LGBT people. (d) Demand that the government fulfil their basic rights as LGBT because they are citizens whose rights must be fulfilled and must not be discriminated against. (e) To fellow LGBT communities, their movement is oriented as a place of mutual learning and group support or mutual support facing all the problems they face. (f) Create an LGBT community website, aimed at educating the public about what LGBT is, stopping violence against LGBT people, and not sexually harassing anyone. (Putri, 2022, p. 95) From the description of the activities and movements of the LGBT community, it can be said that it is not only the fulfillment of the principles of equality and freedom that the LGBT community wants but also the legality and recognition of their existence.

The actual form of meeting human rights needs should not discriminate based on ethnicity, or religion, including minorities and vulnerable people such as LGBT. Why is it a minority? According to data released by the Ministry of Health in 2014, it is estimated that approximately 1 million LGBT people are living in Indonesia. Other sources say if using the prevalence of the population, LGBT people can reach 3 million people. Even though the data released is still an estimate, it can be said that LGBT in Indonesia is categorized as a minority even though the development of the LGBT population is very significant.

The fulfillment of rights that must be guaranteed to LGBT people (Mukhid, 2019) specifically from the point of view of human rights is the protection of their human rights in the form of health guarantees as an effort to cure the allegedly "deviant" disease as stated in article 25 paragraph (1) of the UDHR, that; Everyone has the right to a level of living adequate for the health and well-being of himself and his family, including the right to food, clothing, housing, and necessary health care and social services, and to security in case of unemployment, illness, disability, widowhood, old age or other circumstances resulting in lack of livelihood, which are beyond his control.

From the formulation of the article, a conclusion can be drawn, it has become a basic right for LGBT groups to get their human rights in the form of guaranteed treatment or treatment of LGBT diseases. although LGBT people claim that LGBT is not a disease, it does not need to be cured. So, it can be said that what is guaranteed is not human rights in terms of recognition and denunciation of LGBT behavior, but what is guaranteed is still trying to heal from this deviant behavior. The state has the right to guarantee and even aid in the form of rehabilitation facilities to anyone, including an LGBT person, to be healthy again and become a better person. (Dr. Yudianto M.Si., 2016)

It should also be noted, in addition to human rights being legitimacy to strengthen LGBT status, there are also Human Obligations (KAM) that must be obeyed by everyone—including LGBT—as stated in Article 29, paragraphs (1 and 2) of the UDHR, namely: (a) Everyone has

obligations to the only place society in which he can develop his personality freely and fully. (b) In exercising his or her rights and freedoms, everyone shall be subject only to restrictions established by law whose sole purpose is to ensure proper recognition and respect for the rights and freedoms of others and to meet just conditions of decency, order, and the general welfare in a democratic society. Moreover, regarding human rights, it not only guarantees the rights of certain individuals but guarantees everyone without differentiating their status. The solution is mutual respect for the human rights of everyone, considering every limitation. Human rights are not complicated, if there is respect for each other, as long as it considers that the freedom guaranteed has certain limits. Then, of course, there will be the peace that is expected.

LGBT in the View of Islamic Law

Islam is a universal religion because its laws govern all aspects of human life. The existence of Islamic law is a form of structuring human life so that it is always on the right path and away from all heresies because in the formation of Islamic law the most important thing and priority is benefit. Therefore, the position of LGBT in Islamic law is haram. However, whether transgender is punished haram or not depends on the condition in which a transgender person is born, and conditions caused by environmental factors where transgender behavior occurs due to fabrication. (Asiah & Asfiyak, 2021, p. 141)

In the realm of Islamic Law, we must first understand that Islam has an Islamic Nomocracy or a kind of hierarchical system that is used as a source in every aspect of social life. So, whatever the form of antivitivty, whether it concerns personal matters to matters concerning the right to life of many people, the foundation is the Qur'an as the highest guideline. Islam regulates the best human biological relations lawfully and legally. Islam requires the establishment of biological relationships that are appropriate to what has been commanded by Allah Almighty. As found in QS Al-fatir/:11.

وَاللَّهُ خَلَقَكُمْ مِنْ تُرَابٍ ثُمَّ مِنْ نُطْفَةٍ ثُمَّ جَعَلَكُمْ أَزْوَاجًا وَمَا تَحْمِلُ مِنْ أُنْثَىٰ وَلَا تَضَعُ إِلَّا بِعِلْمِهِ وَمَا يُعَمِّرُ مِنْ مَعْمَرٍ وَلَا يَنْقُصُ مِنْ عُمرِهِ إِلَّا فِي كِتَابٍ إِنَّ ذَلِكَ عَلَى اللَّهِ يَسِيرٌ

Meaning: “And God created you from the ground than from semen, and He made you in pairs (male and female). And no woman conceived and did not give birth but with His knowledge. And once in a while, the life of a long-lived man is not extended nor is his life reduced, but (it has been established) in the Book (Lauh Mahfuzh). Indeed, such a thing is easy for God.”

These two verses have shown that people in this world are of only two kinds, male and female, and no other kind. But we find that a person has no clear status, neither male nor female. (Ermayani, 2017, p. 153)

If we look deeply at this verse, the Qur'an as the basis of Islamic Law does not recognize the term homosexual (Papilaya, 2016) because everything created by Allah has its partner, Allah expressly says that pairs are between the opposite sex, not the same sex. Muslims certainly know very clearly the story of Prophet Luth (as). and the Shodoms narrated by Allah Almighty in several verses in several surahs found in the holy book of the Quran. Shodoms became the first people to engage in sexually deviant activities, namely homosexuality to sodomy. In the past, gay (men who like men) was known as *liwath*. Liwath is a very bad and heinous behavior because it is contrary to the nature that has been given by Allah SWT. Allah

calls the Shodomite *musrifin* (transgressors) because they go against their human nature. As stated in QS al A'raf:81.

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Meaning: Indeed, you approach men with desire, instead of women. Rather, you are a transgressing people."

When compared to the bad deeds, the implication of punishment by Allah SWT to the Homosexuals is more severe than that of other people who are afflicted by doom. Like the punishment that befell Fir'aun and his followers was drowned only, then the Ad' people were destroyed by the wind and the people of Tsamud who were destroyed with a loud shout, while the Shodoms were destroyed with the back of their land, and drowned and bombarded with stones.

Lesbian comes from the word Lesbos. An island in the middle of the Sea of Eigs, a place that in ancient times was inhabited by women and they had sex there. A lesbian is a woman who loves women, be it physically, sexually, emotionally (Mughtar, 2021, p. 17) or spiritually in Arabic known as *sihaq* which is used in Arabic to designate the meaning of lesbian / lesbianism is also not justified in Islamic teachings Sihaq the law is haram. The Word of God as in QS. Al-Mu'minun: 5-7 which explains that homosexual behavior is not at all justified for whatever reason. In addition to haram, *sihaq* perpetrators are also categorized as *musrifin*, namely people who transgress limits, because in it there are elements of opening aurat without haqq, touching limbs with *shahwat* without *haqq*, and stimulating to do *fahisyah* deeds. The sanctions/punishments given to *sihaq* perpetrators are different from *liwath* perpetrators. The perpetrator of *sihaq* cannot be punished as hadd because it only contains elements of *mubasyaroh dunal farji* (making out not to have intercourse) not the element of *ilaj* (inserting genitals). So, this behavior is punished with a form of *ta'zir* only.(Asiah & Asfiyak, 2021, p. 142)

Bisexuality is the same as *liwath* (Rosmiati, 2017, p. 54) dan *sihaq*, Bisexuality is the same as *liwath* (Rosmiati, 2017, p. 54) and *sihaq*, because as explained attraction or liking is halal in Islam is channeled to the opposite sex. While bisexuals have an attraction to both sexes at once, it can cause *liwath* and *sihaq* behavior at the same time. Transgender can be classified as heterosexual, homosexual, or bisexual because transgender is the inequality of gender identity with the sex assigned to him at birth. This means that a transsexual man tends to act like a woman, and vice versa a transsexual woman tends to behave like a man. But what needs to be understood is that transgender people have other factors that need to be considered. Because there is also a transgender that arises due to an association and environment so that he behaves artificially to resemble a man/woman, then this is punished as wicked and sinful. The words of the Holy Prophet(sa) contained in one of Abu Daud's narrations more or less explain that the Holy Prophet(sa) decreed men who dress like women and women who dress like men.

Overall, Islam does not allow LGBT, because there are many negative possibilities. Not only towards himself but also towards others. Let alone the environment. Islam always looks at it from the side of benefit, which certainly considers many things for the sake of the good. Many aspects of life have been affected by the legalization campaign efforts against LGBT. When talking about health problems, then of course there is much ugliness. Starting from nerve

damage, psychological disorders, brain damage, and neurasthenia, to the emergence of venereal diseases that can arise from LGBT sexual deviations. Likewise in the social sphere, if left unchecked, there will be a lot of damage to morality because of the many adulteries due to the legalization of sexual perversion. More specifically, if given legality related to marriage, it would prevent the continuity of human offspring. What is feared could be that men will like men and women will like women only.

LGBT and Pancasila Values

Each country has its values, which they maintain as a characteristic of their country. Values are philosophically important foundations of a nation, and every nation should have the right to defend their values. The United States, with its Liberalism, has no right to impose its values to be believed or applied to other nations. In general, each country should not impose values that they believe to be applied in other countries. The imposition of value is increasingly massive, even to the point of entering the realm of football. Just take the most recent example that happened at the 2022 World Cup during the group stage match between Portugal vs Ukraine. A man walked into the square waving an LGBT flag as a symbol of the LGBT campaign. Implicitly, this action is a form of allusion to the host, namely Qatar because it does not allow several countries to carry out LGBT campaigns, ranging from raising the LGBT flag to the use of the Captain Armband is also prohibited during the 2022 World Cup in Qatar. That sparked protests by several countries legalizing LGBT behavior. Germany in the match against Japan, showed a gesture of hush during a photo session before the match, which implied to offend hosts Qatar for restricting their freedom to conduct LGBT campaigns.

Qatar as the host has reminded every country participating in the World Cup, to respect the rules set by the country. that in their country there is culture, there is pride that must be maintained, and there are values that they maintain. There are rules based on religion that must be enforced. Therefore, every country should respect the Rules as a representation of the Values that it maintains and believes in. Then what about Indonesia, does our country have different values from other nations? That's right, of course we have. The value is called Pancasila.

Etymologically, Pancasila comes from Sanskrit, namely Panca and Sila. Panca means five and Sila means stone, joint, base, or base, so Pancasila means rocky five joints or has five bases. Pancasila as the basis of the state is the basis for state administration and the implementation of a government system that has a high position, the source for all sources of law in Indonesia. The values of Pancasila are used as a view of life for the Indonesian nation. Therefore, all existing rules must be based on Pancasila.(Fitriani & Dewi, 2021)

Philosophically, Pancasila contains ethical and moral foundations that need to be realized.(Atmawarni & Kesuma, 2021, p. 232) Pancasila is not separate from one precept from another, but the precepts together with their relationship which are part of the whole. Pancasila provides understanding and guidance that unity and unity is a process that should not be missed, because here lies the values of harmony among citizens to establish a common life to achieve an advanced and dignified Indonesia. In line with Sihabudin's assertion, "The diversity of colors among created things in the universe is a manifestation of God's omnipotence, and not an excuse to benefit one being to the detriment of another". Citizens must maintain unity and unity to create an orderly and conscientious life through deep contemplation to act appropriately in society. (Adha & Susanto, 2020, p. 126)

In line with Sihabudin's assertion, "The diversity of colors among created things in the universe is a manifestation of God's omnipotence, and not an excuse to benefit one being to the detriment of another". Citizens must maintain unity and unity to create an orderly and conscientious life through deep contemplation to act appropriately in society. (Lasiyo et al., 2019)

It can be understood that the identity of the Indonesian nation comes from the values of Pancasila which is the result of the thoughts and ideas of the Indonesian people about a well-considered life that gives the character, pattern, and characteristics of the Indonesian people themselves. The patterns and characters in question include the attitude of a religious nation, respect for other nations and humans, an attitude of love for unity, mutual assistance, deliberation, and social justice. Therefore, the Indonesian nation should be able to harmonize the values of Pancasila as the nation's identity.

Pancasila as the identity of the nation includes four aspects, namely Pancasila as the personality of the Indonesian nation, Pancasila as the identity of the Indonesian nation, and Pancasila as the uniqueness of the Indonesian nation. Pancasila as a personality needs to be instilled in the Indonesian nation. The values of Pancasila need to be involved in the character of every Indonesian society so that the existence of Pancasila as a state identity can be reflected. (Winarno, 2020)

But what is character? The character comes from the Greek word *charassein* which means carving. In this case, the character in a person must be carved, shaped, and developed. In large dictionaries, character Indonesian is defined as habits, traits, psychology, morals, or ethics that distinguish a person from others. A character can be interpreted as a person's character, disposition, morals, or personality that is formed from the results of internalization that are believed and used as a way of thinking and behaving that characterizes everyone to live and work together both within the scope of family, society, nation, and state. Individuals with good character are individuals who can make decisions and are ready to take responsibility for the consequences of the decisions they make. (Suyatno, 2009:1) These different characters, then crystallize into values and characteristics that are different from other nations.

In principle, in terms of values, religion, the ideology of Pancasila, LGBT is very contradictory and forbidden. However, this is still a social norm, not yet a legal norm. These social norms are very likely to be misinterpreted because they lack clear institutions and instructions. There is another possibility that these social norms need to be transformed into formal normals as a form of reinforcement and recognition of these normals. However, this depends on the will and ability of the legislative political process. (Manik et al., 2021, p. 88)

Awareness related to values should be understood and implemented by every social stratum, as well as state instruments. Society in conducting social relations must be based on the value of Pancasila because, in globalization that enters Indonesia, of the several positive things obtained, the negative things are no less numerous. One of them is the LGBT issue. Likewise, the Government must understand very well that our country Indonesia has characteristics, has noble values that must be maintained. So, the government must uphold the values and maintain Marwah Pancasila as a value and characteristic that should be maintained and maintained. One of the efforts that can be made is in addition to conducting continuous socialization of the community to get to know more deeply the essence of Pancasila. No less

important is the implementation process to activate this value. To create peace, peace between citizens.

Challenges and Negative impacts on human rights protection for LGBT people in Indonesia

A person's human rights are inherent and universal. Race, religion, gender, citizenship, and social standing are irrelevant to determining a person's human rights. The universal nature of human rights shows that human rights are international rights and are included in the objects of international attention and action that are considered legitimate. Human rights are attached to a person automatically. In this case, it can be concluded that the recognition of "ownership" of human rights and the application of human rights do not depend on a legal system that exists in a country or an indigenous culture. In practice, this is not effective when it has not been implemented according to the law. However, this right still exists as a standard of argument and criticism independent of the application of the law. Human rights are considered important norms. There are times when human rights are not absolute and have certain limits. However, the position of human rights is strong enough to be used as a normative consideration when there is a conflict with national norms and can be used to justify international action taken for human rights. Human rights create obligations for other individuals and governments because one is obliged not to violate the rights of others and the government is obliged to protect and enforce these rights. (Halim & Sitabuana, 2021)

The problem and challenge of this issue lies in the dilemma between the protection of the human rights of LGBT people and respect for Islamic teachings, both of which are guaranteed by the existence of national and international law in force in Indonesia. We know that LGBT people are also human beings who deserve what others also get as human beings, but it should be noted that human rights protection for them also has limits as determined. In Indonesia, the treatment of LGBT people can still be said to be "softer" compared to other countries that also reject LGBT. Indonesia has not explicitly stated that LGBT behavior is a criminal act punishable by crime, unlike Iran, for example, where LGBT perpetrators can be sentenced to death. Human rights protection for LGBT people must be upheld in case they experience discrimination, bullying, violence, and all other forms of human rights violations. As reported by Komnas HAM in 2015, the LGBT community has difficulty fulfilling the rights to health, the right to work, the right to fair legal treatment, and the right to freedom of expression. (Dhamayanti, 2022)

The protection of LGBT people's human rights does not mean obeying all their wishes and demands, the government must be observant in sorting out that not all their demands are purely based on human rights, from several factors some demands want to realize their will without thinking about the human rights of the people around them. Legally, human rights are recognized, respected, and protected in Indonesia. But that does not mean that every will can be exercised freely. There are restrictions set by law, moral teachings, community ethics, and religious values that affirm that every human being in addition to having human rights to be fulfilled, also have a human obligation to respect the human rights of others and the surrounding community in which they are. (Dhamayanti, 2022)

CONCLUSION

In general, every citizen must fulfill his basic rights, as the state upholds the human rights of every citizen. LGBT without exception, rights must also be fulfilled, especially the fulfillment of mental and psychological healing efforts experienced by an LGBT person, as mandated in the Universal Declaration of Human Rights (UDHR) article 25 paragraph (1) based on the principle of equality and freedom. In addition, LGBT must also be guaranteed freedom of expression, but this freedom must first be known specifically what kind of freedom is desired. Because this freedom does not mean being without limitations. As stated in the UDHR article 29 paragraphs (1 and 2) Freedom basically must be understood that freedom does not intersect with the freedom of others and does not intersect with the norms of other rules. Especially if you look at the increasingly significant development of LGBT groups, which is believed to be not only the insip of equality that they echo but also efforts to legalize and accept LGBT groups which ultimately try to normalize these behaviors. And that's what you should be wary of.

Regarding the point of view of Islamic Law, LGBT is certainly a haram act, because there are many negative effects caused by this behavior. Starting from health affairs to marriage matters. Islam has always looked at the problems of the ummah, the benefit of many people. So of course, to avoid something negative on a large scale, the behavior must be avoided.

In the Perspective of Pancasila Values, LGBT is certainly very contrary to the values contained in Pancasila. Such as moral values, culture, and customary values are very contrary to the value of Pancasila. Textually, we have been very firm against anything that contradicts the values of Pancasila. It's just how in terms of implementation we try to maintain the character or value that has crystallized, to be maintained.

REFERENCES

- Adha, M. M., & Susanto, E. (2020). Kekuatan Nilai-nilai Pancasila dalam Membangun Kepribadian Masyarakat Indonesia. *Al-Adabiya: Jurnal Kebudayaan Dan Keagamaan*, 15 (01). <https://doi.org/10.37680/adabiya.v15i01.319>
- Aletmi, A., Rofiah, N., & Yani, A. (2019). Seksualitas Kaum Sodom dalam Perspektif Al-Qur'an. *Islamika : Jurnal Ilmu-Ilmu Keislaman*, 19(02). <https://doi.org/10.32939/islamika.v19i02.481>
- Asiah, N., & Asfiyak, K. (2021). Studi Tentang Lgbt Perspektif Hukum Islam, Psikologi, Dan Ham. *Jurnal Ilmiah Hukum Keluarga Islam*, 3.
- Atmawarni, & Kesuma, S. (2021). *Penerapan Nilai-Nilai Pancasila Terhadap Pembinaan Moral Remaja*. Genta Mulia, XII(1).
- Dhamayanti, F. S. (2022a). Pro-Kontra Terhadap Pandangan Mengenai LGBT Berdasarkan Perspektif HAM, Agama, dan Hukum di Indonesia. *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal*, 2(2). <https://doi.org/10.15294/ipmhi.v2i2.53740>
- Yudiyanto., (2016). Fenomena Lesbian, Gay, Biseksual Dan Transgender (Lgbt) Di Indonesia Serta Upaya Pencegahannya. *Nizham*, 5(1).
- Ermayani, T. (2017). Lgbt Dalam Perspektif Islam. *Humanika*, 17(2). <https://doi.org/10.21831/hum.v17i1.18569>

- Fitriani, R., & Dewi, D. A. (2021). Membangun Karakter Generasi Muda Melalui Implementasi Nilai-Nilai Pancasila Di Tengah Arus Globalisasi. *Edukatif: Jurnal Ilmu Pendidikan*, 3(2). <https://doi.org/10.31004/edukatif.v3i2.367>
- Halim, D., & Sitabuana, T. H. (2021). Perlindungan Hukum Terhadap Narapidana Lgbt Di Lembaga Pemasyarakatan Menurut Konsepsi Hak Asasi Manusia. *Prosiding SENAPENMAS*, 1385. <https://doi.org/10.24912/psenapenmas.v0i0.15209>
- Lasiyo, Soeprapto, S., & Wikandaru, R. (2019). *Ruang Lingkup Pendidikan Pancasila. Universitas Terbuka*.
- Manik, T. S., Riyanti, D., Murdiono, M., & Prasetyo, D. (2021). Eksistensi LGBT Di Indonesia dalam Kajian Perspektif HAM, Agama, dan Pancasila. *Jurnal Kewarganegaraan*, 18(2). <https://doi.org/10.24114/jk.v18i2.23639>
- Muchtar, H. A. R. (2021). *Orientasi Seksual (Lgbt) Lesbian, Gay, Biseksual, Transgender Dalam Al-Qur'an Pendekatan Al-Maqāṣidī*. In Repository.Uinjkt.Ac.Id.
- Muhajir. (2013). Pendekatan komparatif dalam studi islam. *Jurnal Al-Munqidz*, 2(2).
- Mukhid, A. (2019). Kajian Teoritis Tentang Perilaku Lesbian, Gay, Biseksual, Transgender (Lgbt) Dalam Perspektif Psikologis Dan Teologis. *Sophist : Jurnal Sosial Politik, Kajian Islam dan Tafsir*, 1(1). <https://doi.org/10.20414/sophist.v1i1.756>
- Papilaya, J. O. (2016). Lesbian, Gay, Biseksual, Transgender (LGBT) dan Keadilan Sosial. *Jurnal Humaniora Yayasan Bina Darma*, 3(1).
- Putri, D. W. D. (2022). LGBT dalam Kajian Hak Asasi Manusia di Indonesia. *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal*, 2(1). <https://doi.org/10.15294/ipmhi.v2i1.53739>
- Rosmiati. (2017). Pandangan Islam Terhadap LGBT. *Jurnal Ilmiah Umum (JIUM)*, I(1).
- Winarno. (2020). *Paradigma baru pendidikan kewarganegaraan: panduan kuliah di perguruan tinggi*. Edisi Keempat.
- Yansyah, R., & Rahayu, R. (2018). Globalisasi Lesbian, Gay, Biseksual, Dan Transgender (Lgbt): Perspektif Ham Dan Agama Dalam Lingkup Hukum Di Indonesia. *Law Reform*, 14(1), 132. <https://doi.org/10.14710/lr.v14i1.20242>