

The Sociology of Law Study On the Impact of LGBT People In Social Life

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Abstract: *The current research was carried out to determine the impact of Lesbian, Gay, Bisexual and Transgender (LGBT) phenomena in social life on the consequences. Conducted through qualitative method, such systematic approach was chosen because it was in line with the concept and scope of the problems related to issues, data or information on particular facts and events. The results of this study demonstrated that any behavior that was contrary with the expectations of society or did not conform to social norms and values were called as deviant behaviors. Currently, LGBT phenomena in Indonesia are still considered deviant and do not follow dominant norms in society. Phenomenon focuses its intervention on the process of interaction among well-beings and their environment, using theories of behavioral deviance in use, as tools or ways to govern the behaviors of community members to meet the norms and values in society. The findings of the present study revealed that LGBT has impacts on health, social, education, and also the security in society. Moreover, LGBT seen from the sociology of structural functionalism is kind of deviation because it is contrary to socially human nature and also contrary to the dominant values and norms in society.*

Keywords: *LGBT; Impact; Deviant Behavior.*

INTRODUCTION

Recently, in the public sphere, the presence of lesbians, gays, bisexual and transgender (LGBT) civil society groups in Indonesia has steadily been increasingly problematic. Not only in the mass media and social networks,

discussions about civil communities are also conducted and discussed in dialogue forums seriously by various social organizations, religions, religious assemblies, states, campuses, and legislative commissions. All of them draw attention to place LGBT issues in

their real post. LGBT behavior and phenomena have long been occurring in Indonesia and in other parts of the country. In contrast, LGBT has recently become a crucial issue and central topic of discussion involving countries and international institutions.

The LGBT phenomenon has drawn broad attention and become a central topic of world of law in Indonesia, whether Indonesia is better at governing rules or even Indonesia is legalizing LGBT through the establishment of legal instruments. The Criminal Code literally does not regulate LGBT issues especially Article 284, 286, 292 of the Criminal Code, thus it cannot criminalize LGBT. The widespread impact of LGBT is undeniable that Indonesia as a religious country with the largest population of Islam in the world prohibits sexual relations that damage the next generation. LGBT is a deviation from both unchangeably human nature and nature. Humans are actually created in two dimensions, male and female.¹ In turns, it does not stop right over, that all religions

¹ Henslin James M. (2007). *Sosiologi Dengan Penekatan Membumi*. Jakarta: Erlangga, p. 132.

recognized and adhered by the Indonesian population figure out LGBT as a deviant sexual behavior under perceptions of their respective religious teachings as well as customary law communities.

Sociologically, homosexual is someone who tends to prioritize people of the same sex as sexual partners.² In this obvious case, it is explained that having a homosexual relationship does not imply that someone becomes a homosexual. Hence once more sociologically important aspect is the disclosure of homosexual identity. Through such identity, someone conceptualizes himself as homosexual.³ LGBT does not recognize the limits of age, gender, social status or employment or even religion. Nobody agrees with the terms LGBT or GLBT. Not to mention, some argue that transgender and transsexual movements are not the same as lesbian, gay, and bisexual (LGB). This argument rests on the idea that transgender and transsexuality are related to gender

² Soerjono Soekanto. (2004). *Sosiologi: Suatu Pengantar*. Jakarta: PT. RajaGrafindo Persada, p. 381.

³ Jokie M.S. Siahaan. (2009). *Perilaku Menyimpang: Pendekatan dengan Sosiologis*, Jakarta: PT. Indeks, p. 43.

independent identity of sexual orientation. The obvious issue of LGB is highlighted as a problem of sexual orientation or stimulation. Such formulated separation was carried out in political actions aimed at making LGB considered different from transgender and transsexual, such as ratification of same-sex marriages and human rights struggles that did not involve transgender and intersex people. Some intersex want to be included in LGBT groups and prefer the term “LGBTI”, while others believe that they are not part of the LGBT community and prefer not to be included in that term. Like couples between sexes, social classes have a significant influence, and orientation to life varies based on education, employment, and income. Sociologists Philip Blumstein and Pepper Schwartz interviewed same-sex couples and found out that their main disputes were about household assignments, money, careers, problems with relatives, and sexual adjustment, a problem that heterosexual couples also faced. In other words same-sex couples tend not to last long, and one reason for the legalization of gay marriage is

that these relationships become more stable.⁴

On the sidelines of various controversial matters in the community, the mass media also took part in voicing various perspective from the point of view of pros and cons, Every LGBT community has continued to struggle to develop their respective identities, such as what and how to fellowship with other communities, the ongoing conflict continues up to currently.

The magnitude response given by various components of the citizens, because of the increasing campaign, advocacy and propaganda carried out by the perpetrators and follower of these people. This group openly urges the state to recognize their presence as part of the community that exists in society. In the end, LGBT people and their followers obtained legality from the state to conduct same-sex marriages.

This certainly raises the pros and cons in various circles, among politicians, institutions or the community. For Indonesian people who are still trustworthy to religious norms and traditions, it is natural to

⁴ Henslin James M. (2007). *Loc. Cit.*

oppose it. Moreover, the reasons are not only religious norms, but also fear that it will affect the growth of adolescents who are still in the process of seeking self-identity, and therefore it might be subjected to have implications for lifestyles that are considered to violate adat and social appropriateness. Therefore inevitably the emergence of good pros and cons that discuss the psychological side of science, analysis of theology, and public policy that shall be subjected by the government.

Based on the above formulated analysis, the objects of study in this paper are designed as follows: First, What is the Impact of LGBT on the community environment? Second, What is the Impact of LGBT on the community seen from the legal sociology study?

METHOD

This study uses a qualitative approach. This method was chosen because it was in accordance with the concept and scope of the problems related to the obvious issues, either data or information on facts and events. The existence of this method

is expected to be the principal and scope of the research problems can be explored and understood in depth. The various data used are similar literature reviews and academic references (books, journals, and reports of scientific works such as theses and dissertations) and documents considered relevant with discussion material and other written sources such as news and opinion articles in the mass media, and so forth will be collected using document analysis techniques.

DISCUSSION

LGBT Impacts in the Community

LGBT (Lesbian, Gay, Bisexual, and Transgender) is an acronym with the aim of emphasizing diversity in the context of sexuality. If one by one the phrases are interpreted to lead to different understandings. Lesbians are like same-sex attraction women. In this case, the word lesbian is also used for women in relation to their sexual identity or sexual behavior regardless of sexual orientation. Lesbian can also be interpreted as an act of swiping or touching a genitals, not ejaculation. Gay or Homosexual sex is romantic attraction, sexual attraction or sexual behavior between

members of the same sex or gender (men with men). Bisexuality is a diverse sexual orientation as having a sense of sex attraction with both the opposite sex and same-sex. Transgender people have a gender identity or gender expression that differs from their assigned sex. Transgenders are not a sexual orientation but they can identify themselves as a heterosexual, homosexual, bisexual or asexual. Homosexuality is not purely due to genetics, environmental factors play a role, because there is no single gene in power that causes a person to become gay.⁵ According to Sinyo, sexual behavior is defined as behavior that describes the expression with the presence of eroticism. Erotism is the conscious ability to experience the desire for sex drive, orgasm, or maybe other pleasant things related to sex.⁶

With regard to this issue, an Infectious Gynecologist and AIDS Specialist at the World Islamic

Medical Association (FIMA) explains the effects of LGBT as follows:⁷

1. Health impact

The health impacts include 78% of homosexual offenders infected with sexually transmitted diseases. The average age of gay is 42 years old and decreases to 39 years old if AIDS victims from the gay group are included. While the average age of married and normal men is 75 years old. The average age of lesbians is 45 years old while the average married women and normal is 79 years old.

2. Social Impact

Several formulated social impacts caused by LGBT are as follows: A research stated “a gay person has a partner between 20-106 people per year. While someone’s adultery partner is no more than 8 people in their lifetime.” 43% of the gay group who are successfully recorded and studied stated that during their lives, they have sex with more than 500 people and 28% do it with more than 1000 people. 79% of them said that the homo partners are from people they did not recognize at all. 70% of them are only a couple one night or a few minutes. This clearly violates the social values of the community.

3. Education Impact

The impact of education includes students who consider themselves as gay

⁵ Wawan Setiawan, Yudehiyahah dyah Sukmadewi, *Peran Pancasila Pada Era Globalisasi Kajian terhadap Pancasila dan Fenomena LGBT*. Jurnal Dinamika Sosial Budaya: Volume 19 No 1 June 2017. p.140.

⁶ Sinyo. (2014) *Anakku Bertanya Tentang LGBT*, Jakarta: Elex Media Kumpotindo. p. 2.

⁷ Abdul Hamid El-Qudah. (2015). *Kaum Luth Masa Kini*. Jakarta: Yayasan Islah Bina Umat. p. 65-71

facing the problem of dropping out of school 5 times greater than normal students because they feel insecurity, and 28% of them are forced to leave school.

4. Security Impact

The resulting security impact is even more astounding: homosexual people cause 33% of sexual abuse towards children in the United States; whereas the population is only 2% of the total American population.

This has drawn broad attention that 1 in 20 homosexual people cases is sexual harassment towards children, while of 490 cases of adultery 1 of them is sexual abuse of children. Although current research stated that the actual percentage of homosexuals is sexual between 1-2% of the American population, they claim that their population is 10% with the aim that people assume that their numbers are large and influence the politics and legislation of society. Considering there has been many impacts caused by LGBT deviant behavior, it is therefore necessary to anticipate the right way, to be safe from the dangers of LGBT, conducted through the following:⁸

⁸ Aldian Husaini, Abdul Hamid. (2015). *LGBT di Indonesia: Perkembangan dan Solusinya*, Jakarta: Insists, p. 117-120.

1. In short term, it is necessary to review laws and regulations that give freedom to practice sexual relations. For example, it is necessary to provide an improvement in article 292 of the Criminal Code, thus the article also covers acts of sexual relations with adults. The Government and Parliament are necessary to immediately agree to prevent the transmission of LGBT legalization from the US and other countries, by tightening the laws and regulations. It could also be a part of the citizens of the Indonesian community that aware and care to file a lawsuit for judicial review of the articles of the Criminal Code which provide a way for the occurrence of crimes in the sexual field.
2. In short term, there should also be universities that formally establish LGBT research and Management Center. This study center is comprehensive and integrative and cross-field of study. Its activities are conducting research and psychological and medical consultations for people with LGBT.
3. In short term, it is better if the houses of worship are complete with infrastructure facilities to open LGBT clinics, which provide guidance and religious counseling to LGBT victims, both

directly and through online media, and even treatments for LGBT patients. A modern therapy might be used with several forms of treatment such as cupping in Islam, *ruqyah syar'iyah*, and so forth.

4. The government and the community are necessary to immediately carry out a massive campaign to provide information on the dangers of LGBT, including limiting black campaigns of liberals who provide support for the legalization of LGBT.

LGBT Impact Prevention

Deviations are normatively defined as deviations from the norm, where deviations are prohibited if known and sanctioned. The number and type of deviations in society are relative depending on the magnitude of the difference. Deviation is relatively the norm of a group or society, because norms change thus deviations also change.⁹ Therefore, it is necessary to anticipate it to survive the danger of LGBT, including:

Establishing the Individual Awareness of LGBT Offenders

It is undeniable that Satan is an eternal enemy of man who will continue to mislead and plunge humans into the valley of destruction. Allah SWT said: *“And do not turn away from Satan; indeed, Satan is a real enemy to you.”* (Q.S. Az-Zukhruf: 62). Satan’s way of misleading people is by polishing up immoral and evil deeds so that they look beautiful in the human perspective. *“Satan said: O Rabbi, because You have decided that I am a heretic, then surely I will make them look good (sinful deeds) on the face of the earth, and surely I will mislead them all.”* (Q.S. Al-Hijr: 39)

Furthermore, Allah SWT said: *“And if Satan troubles you with a temptation, then ask Allah for protection. Indeed, He is the Hearer, Knower.”* (Q.S. Fussilat: 36). *One of the human endeavors is to take refuge in Allah SWT in order to avoid the evil of Satan, as Allah SWT said: “Say,” I take refuge in the Lord of mankind, King of mankind, from mankind, from evil (whispering) satan hiding, whispering) into the human breast, from (class) genie and human.”* (QS An-Nas: 1-6).

⁹https://www.academia.edu/8497370/Pelaku_Menyimpang_Pelajar_dalam_Perspektif_Sosiologi_Oleh_Faisal_Hidayat_acamedia_edu. [Accessed on 24 December 2018].

Then after getting to know, it is necessary to show regret the action and tried to return to Allah SWT by increasing istighfar (the act of seeking forgiveness from Allah) and begging forgiveness for all the mistakes and sins committed and immediately doing Taubatan Nashuha. The process of purification of heart in Islam is known as Tazkiyatun Nafs which is by way of worship to draw closer to Allah SWT through dzikir, praise Name of Allah, positive thinking (Husnuzhan) not only to fellow humans but also to ourselves and Allah SWT and increase prayer to Him.

Applying Proposals to Overcome LGBT Outbreaks in Indonesia

Completion of LGBT problems in a wider scope as happened in the community, can be conducted in the following ways:¹⁰

- a. In the short term, it is necessary to review laws and regulations that give freedom to practice sexual relationships. There needs to be an improvement in article 292 of the Criminal Code, for example, thus the article also covers acts of sexual relations

¹⁰ Aldian Husaini, Abdul Hamid. *Loc. Cit.*

with people who are both adults. The Government and Parliament are necessary to immediately agree to prevent the transmission of LGBT legalization from the US and other countries, by tightening the laws and regulations. It could also be a part of the citizens of the Indonesian community who are aware and caring to file a lawsuit for judicial review of the articles of the Criminal Code which provide a way for the occurrence of crimes in the sexual field.

- b. The government and the community are also necessary to immediately carry out a massive campaign to provide information on the dangers of LGBT, including limiting black campaigns of liberals who provide support for the legalization of LGBT.
- c. Religious people need to provide an integral approach in viewing LGBT position in the community. However LGBT is a part of humanity whose rights must be given in accordance with humanitarian principles, while continuing to be made aware of the mistakes of their actions.

In this case, special education needs to be performed immediately to print staff from LGBT fields. It is better if this program is integrated in a study program in Higher Education in the form of "Study Program Concentration".

- d. Both leaders and religious leaders are necessary to approach many leaders in the

mass media, especially television media, in order to prevent the use of mass media as a venue for campaigns to freely spread LGBT ideas and practices.

- e. Individually, every Muslim shall actively speak out the truth, do amar ma'ruf and nahi munkar (ordering right and prohibiting wrong). To anyone who is indicated to have participated in spreading the idea of legalizing LGBT. Like the guidance of the Al-Qur'an (the central religious text of Islam), da'wah (an Arabic word which means to invite, call or summon someone) needs to be conducted with wisdom, mauidhatil hasanah and debating in a good way.
- f. Donors and religious institutions need to provide scholarships specifically for doctoral candidates who are willing to write dissertations and earnestly pursue and engage in the arena of special preaching awareness of LGBT people.
- g. Mass media are necessary to present as much as possible the story of the conversion of LGBT people and invite them to actively voice their opinions, so that people are increasingly optimistic that LGBT disease can be cured.
- h. People who are aware of LGBT are necessary to be supported by adequate facilities and infrastructure, especially by the government thus they can meet and deceive themselves in carrying out daily life activities and

carry out awareness activities for LGBT people who are not aware of their mistakes.¹¹

LGBT Viewed From the Sociology of Law Study

In the legal sociology study towards LGBT it can be seen that in this case, according to Donald Black's term in reviewing law as Government Social Control, legal sociology is carried out to examine law as a special set of rules that are applicable and needed to enforce order in social life. Or in other words sociology is the study of social structures, social processes including social changes and social problems.¹² Law is seen as a reference that will be used by the government in terms of controlling the behavior of citizens.

The issue of social control by legal sociology is examined in relation to socialization, the process of forming society. As social beings who realize existence as a social principle that exists in their society, which includes moral, religious, and other social rules. Such social control

¹¹ Ihsan Dacholfany & Khoirurrijal. (2016) *Dampak LGBT Dan Antisipasinya Di Masyarakat*. Nizham: Vol. 5 No. 01 January-Juni 216. p. 113-114.

¹² Rianto Adi (2012). *Sosiologi Hukum*. Jakarta: Yayasan Pustaka Obor Indonesia. p.21.

is also a normative aspect of social life or a definition of deviant behavior and responses to it.¹³ Thus LGBT seen from sociology studies is an aspect of social control in this case deviant behavior.

In the concept of structural functionalism described by Talcott Parsons, society as a group of people with common territory, interaction, and culture, is seen as a matter that consists of systems and elements in the system (sub-systems) that might determine how social life in a society can run well. According to structural functionalism theory, then when one system or sub-system in a society is not operating properly it can cause the creation of a deviation in an individual associated with the system or sub-system. Sexual deviant behavior that arises either in gay or lesbian is caused by the socialization of the system or sub-system in the community that runs improperly. Some elements of society that can be considered as systems that shape society include the family and social environment.

¹³ Achmad Ali. (2009). *Menguak Teori Hukum dan Teori Peradilan*, Jakarta: Kencana Prenamedia Grup. p. 156.

In a sociological point of view, deviation is possible because someone applies social roles that show deviant behavior. In Kamus Besar Bahasa Indonesia [Indonesian dictionary or known as KBBI] deviant behavior is defined as an action or behavior that violates social norms, including a formally enacted rule as well as informal violations of social norms.¹⁴ How a person can play a deviant social role is very much related to the socialization that he gets in the community system in which he is located. As explained above, family and social environment will greatly influence the formation of an individual's social role, this is because family and social environment is one of the community support systems where an individual has a high intensity of interaction with them. In its context as a form of social deviation a homosexual initially receives socialization to become a homosexual from the environment and his family.¹⁵

¹⁴ Suharso dan Ana Retnoningsih. (2014). *Kamus Besar Bahasa Indonesia Lex*. Semarang: Widya Karya.

¹⁵ Cited from website : <http://ebooksociologyliterature.blogspot.com/2016/02/bagaimana-sosiologi-menjelaskan.html>. [Accessed on 2 November 2018].

CONCLUSION

By way of conclusion, the researchers would simply like to draw the attention once more to the fact that LGBT influences in society are very dangerous for the environment and future generations. This will cause complete moral breakdown known as a phenomenon in which a major degradation or complete loss of moral values. Such unhealthy symptoms may affect the actions and behavior of the community both children, adolescents, and adults and result in their lives being disrupted due to scorn and insults from the public who view these symptoms as non-civilized and cultured. Such symptoms are demanded to be stopped and eradicated by every level of society so as not to damage the young generation that is the hope of the country. Therefore, the government shall take this case seriously thus future generations will not be damaged by the symptoms of LGBT, which in turn will damage the state's education status due to their failure in the lesson. LGBT in the community also caused them to become angry quickly because their actions were blocked by those around

them. Therefore, LGBT people do not heed the advice given by the closest people in their lives. This group should be given counseling by experts and therefore they can control falling into these symptoms because the prohibition on LGBT has also been emphasized in religion, especially in Islam. It is therefore argued that, LGBT influences within the community are necessary to emphasize and provide broad attention hence young people are not fooled and trapped on symptoms that do not bring benefits and undermine their moral values and self-identity.

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