

A vibrant rainbow background with vertical brushstrokes in red, orange, yellow, green, blue, and purple. A white silhouette of the Indonesian archipelago is overlaid on the top half of the image.

Fact Sheet: Escalating violence
based on sexual orientation,
gender identity, and gender
expression (SOGIE)
in Indonesia

INTRODUCTION

THIS FACT sheet provides an overview of the situation faced by LGBT persons in Indonesia amidst increasing violence and hate perpetrated both by government and non-state actors. This is written for civil society organizations and other interested groups who need reliable and summarized information to guide them in developing their advocacy plans.

The increasing violence against LGBT people in Indonesia in recent years is unprecedented and “has left many in the country’s LGBT community fearing for their safety.”¹ A prominent journalist commented that “the few voices defending the rights of LGBTs are being drowned out, or rather bullied, by the growing chorus that has turned the LGBT community into Indonesia’s public enemy No. 1.”²

A survey released in 2018 identified LGBT persons and communists as the most disliked groups in Indonesia.³ The survey noted also that the public sometimes perceives LGBT groups as linked to communism. 87.6% of Indonesians feel threatened by the existence of LGBT people.⁴ Society tends to have negative feelings if a neighbor or family member are LGBT. Despite negative views, Indonesians generally feel that LGBT people has the right to live in Indonesia.

Available research from the past five years paints an increasingly grim picture:⁵

- At least 5 transgender women were murdered in North Sulawesi, West Java and Jakarta.
- Around 83% of LGBT Indonesians have experience various forms of physical, sexual, economic, and psychological violence. Those who reported their cases found their cases abandoned by police.
- Around 27% of transgender women in Jakarta experienced police raids where arbitrary arrests took place.
- Around 31% of LGBT people live below the poverty line, earning less than IDR1,000,000.00 per month.
- LGBT human rights defenders are subjected violence and intimidation, ranging from death threats to attacks on homes and offices, with police blatantly ignoring requests for protection.
- Several reports of forced evictions of LGBT people across Indonesia have been reported.

DISCRIMINATORY POLICIES

THE WAVE of violence in Indonesia is fueled by an increasing chorus of public policies and legislations accompanied by homophobic and transphobic remarks of public officials.

2.1. NATIONAL LAWS

As of this writing, there are no national laws specifically criminalizing LGBT persons. But for many years, existing laws and regulations have been interpreted with the expressed purpose of persecuting and excluding LGBT Indonesians. Specifically, these are:

- The Penal Code of 1982, which among other things penalizes persons “with deliberate intent publicly offends against decency” (§ 281), and prohibits sexual relations outside marriage (§ 419-422) and “vagrancy” (§ 505)⁶
- The Anti-Pornography Law of 2008, which defines pornography as material which “contravenes community morality” (§ 1) and penalizes various forms of “deviant sexual intercourse” (§ 4.1)⁷

The Constitutional Court in Indonesia deliberated a petition to amend Indonesia’s Criminal Code concerning adultery. The proposed amendment, filed by Islamic conservative groups, sought to make it explicit that consensual same-sex acts are prohibited. It intends to criminalize homosexuality, which was seen as a threat to Indonesia’s youth and morality. The Constitutional Court in December 2017 rejected the petition, with one justice explaining that “petitions filed [to the court]

are meant to protect someone’s rights from being limited.”⁸ But despite the court’s decision, the Indonesian House of Representatives is pursuing the amendments to the Criminal Code that seeks to expand the definition of adultery and criminalize consensual same-sex relations and consensual sex between unmarried persons.

Although the Constitutional Court rejected the judicial review of the Indonesian Criminal Code Articles 284 (1 and 5), 285, and 292 to criminalize LGBTI people, some anti-LGBTI groups openly endorse another attempt to criminalize LGBT people through a revision on Criminal Code which will be legislated soon. Politicians and government entities have been using anti-LGBT sentiment to gain popular support.

In recent years, some government agencies have issued public pronouncements reflecting a deeply hostile position towards LGBT people. These include the following:

- Police forces in West Java publicized plans to create an “Anti-LGBT Taskforce”.⁹ A “Special Task Force on Elimination of LGBT” was established by the West Java provincial police on 24 March 2017, with citizens called to take part. The West Java police chief Anton Charlyan later delivered a public ultimatum to LGBT people because his team had identified their locations.¹⁰
- The Ministry of Information and Communication removed LGBT-related emoticons on social media applications and banning of dating applications such as Grindr and Wapa.¹¹

- The Indonesian Broadcasting Commission banned LGBT-related media to “protect children and teenagers” unless such broadcasts aimed at “fixing the abnormality [i.e. LGBT]”.¹²
- The Indonesian Commission for the Protection of Children announced a prohibition on “LGBT propaganda targeting children”, making outreach programs to LGBT youth extremely difficult.¹³
- Regulation No. 8 of 2012 of the Ministry of Social Affairs categorizes LGBT people as persons having a “social functioning disorder”.¹⁴
- *Bela Negara*, a military training program, includes training for defending against “homosexuality”, which the program categorizes as a “proxy war”.¹⁵
- Banda Aceh Deputy Mayor Illiza Sa’aduddin planned the creation of “special team” to address the “threat of LGBT” in the province.¹⁶
- The Indonesian Ulama Council issued a *fatwa* (Islamic ruling) proposing punishments for homosexuality, including caning and the death penalty.¹⁷
- The Association for Clinical Psychologists of the Association of Psychologists Indonesia (IPK-HIMPSI) issued a statement calling on the “healing” of LGBT people.¹⁸
- The Indonesian Psychiatrists Association (PDSKJI) classified being LGBT as a mental disorder, noting that “if left untreated, such sexual tendencies could become a commonly accepted condition in society”.¹⁹

- The Ministry of Health drafted a guidelines classifying LGBT persons as having a mental health problem in consonance with society’s culture, religion and norms.²⁰ The Ministry’s guidelines will bolster the legislature’s move to criminalize LGBT persons.²¹ The said policy seeks to prescribe “rehabilitation” to change LGBT persons.²²

2.3. LOCAL LAWS

Local regulations have been used to persecute LGBT people through the frivolous uses and interpretations of ambiguous provisions. Of the country’s 34 provinces, 11 provinces have areas with documented regulations explicitly directly or indirectly criminalizing LGBT people.²³

These local ordinances seek to punish “immoral conduct” (*mesum*); acts “leading to adulterous sexual intercourse” (*zina*) such as physical proximity between unmarried persons (*khalwat*) and prescriptions on Muslim dress; and anything in conflict with decency, public order, or “customs” (*adat*). Others explicitly mention acts such as anal sex (*liwath*) and lesbian sex (*musahaqah*). Ordinances on prostitution and related “sinful” acts (*maksiat*) are also regularly interpreted to include “homosexuality” and “transgenderism”, and adult consensual same-sex relations have been criminalised using these provisions. (See Table 1.)

Although the Indonesian government can revoke these laws if they contravene the Constitution or international obligations, they have never done so and have allowed the violence and discrimination encouraged by these ordinances to continue with impunity.²⁴

TABLE 1

**List of Indonesian provinces with ordinances affecting LGBT people,
based on various reports²⁵**

Province	Local jurisdictions and regulation number
Jakarta Capital Region	(Regulation No. 8/2007)
Aceh Special Region	(<i>Qanun</i> No. 11/2002, No. 14/2013, and No. 6/2014)
Yogyakarta Special Region	Bantul Regency (Regulation No. 5/2007)
West Java	Indramayu Regency (Regulation No. 4/2001) Tangerang City (Regulation No. 8/2005) Banjar Regency (Regulation No. 10/2007)
Riau Islands	Batam Municipality (Regulation No. 6/2002)
East Kalimantan	Berau Regency (Regulation No. 2/2007) Tarakan City (Regulation No. 21/2000) North Paser Regency (Regulations No. 9/2004, and No. 10/2010)
Lampung	Bandar Lampung City (Regulation No. 15/2002) Way Kanan Regency (Regulation No. 7/2001) West Tulang Barat Regency (No. 11/2012) South Lampung Regency (Regulation No. 4/2004) North Lampung Regency (Regulation No. 7/2006)
North Sumatra	Mandailing Natal Regency (Regulations No. 6/2003, No. 7/2003, and No. 32/2007) Labuhan Batu Regency (Regulation No. 32 /2008) Serdang Bedagai Regency (Regulation No. 25/2007)
South Sumatra	South Sumatra Province (Regulation No. 13/2002) Lahat Regency (Regulation No. 3/2003) Palembang Municipality (Regulation No. 2/2004) Ogan Komering Ulu Regency (Regulation No. 23/2006) Muara Enim Regency (Regulation No. 3/2005)
West Sumatra	Padang Pariaman Regency (Regulation No. 2/2004) Tasikmalaya Municipality (Regulation No. 12/2009) Sijunjung Regency (Regulation No. 19/2006)
South Sulawesi	Bulukumba Regency (Regulation 5/2003) Maros Regency (Regulation No. 16/2005) East Luwu Regency (Regulation No. 9/2004)

2.4. PRONOUNCEMENTS OF GOVERNMENT OFFICIALS

Public pronouncements by government officials and institutions are interpreted as expressions of public policy. If this is the case, then we can see a clear agenda building up over the years in the Indonesian government to persecute LGBT people. Even with President Joko Widodo's previous statement calling for non-discrimination, calls for the persecution of LGBT people have not stopped.²⁶ Individuals from various sectors

of government have openly called for the silencing and eradication of LGBT people, who they see as criminals that endanger the security and morals of society. The Indonesian Airforce for example took on social media that LGBT persons will not be accepted into the armed forces.²⁷ Their statements have actively contributed to the continuing assaults on the lives and livelihoods of LGBT people in the country. (See Table 2.)

TABLE 2

List of Indonesian government officials issuing statements on LGBT people, based on various reports²⁸

Public Official	Statement and Date
Hasanuddin A.F. <i>Fatwa Commission of the Indonesian Ulema Council</i>	"Sodomy, homosexuals, gays and lesbians in Islamic law are forbidden and [it] is a vile act that is punishable by the death penalty. ... It doesn't matter that they love each other. The law still prohibits it. In Islamic law, it's a sexual act that must be heavily punished. It would be bad if the government allows same-sex marriage." (16 March 2015)
Reni Marlinawati <i>Member of House of Representatives</i>	"This practice [homosexuality] in addition to violating religious norms is also contrary to positive law. We unequivocally reject and oppose this practice." (24 January 2016)
Nasir Djamil <i>Politician of Prosperous Justice Party</i>	"The LGBT community is a serious threat to the nation. It should not be allowed to grow or be given room to conduct its activities. Even more serious are those LGBT members who go into universities with scientific studies, or hold discussion groups." (24 January 2016)
Muhammad Nasir <i>Minister of Research, Technology, and Higher Education</i>	Responding to a brochure stating that LGBT individuals should be barred from campuses at the University of Indonesia: "There are standards of values and morals to uphold. A university is a moral safeguard." (24 January 2016)

TABLE 2

List of Indonesian government officials issuing statements on LGBT people, based on various reports

Public Official	Statement and Date
Ridwan Kamil <i>Mayor of Bandung City</i>	“Sexual preferences should be a private matter and cannot be exposed or campaigned about publicly, because there are social behaviors that are not acceptable in Indonesia.” (26 January 2016)
Yuddy Chrisnandi <i>Minister of Administrative and Bureaucratic Reform</i>	“Of course it is inappropriate for civil servants to be [homo sexual]. Having more than one wife for a man is still normal...but LGBT is another issue.” (12 February 2016)
Aboe Bakar Alhabsy <i>Legislator of Prosperous Justice Party</i>	“LGBT community poses problems within society. ... What is Indonesia’s stance on this [issue]? It would be a disgrace to ignore it.” (16 February 2016)
Khofifa Indar Parawansa <i>Minister of Social Affairs</i>	“A month ago I went to Lombok and found that [LGBT groups] targeted the poor middle school kids, they gave the kids gifts, two weeks after the boys have changed, they wore lipstick, [they converted them] in a very short time.” (16 February 2016)
Ryamizad Ryacudu <i>Minister of Defense</i>	“It’s dangerous as we can’t see who our foes are; out of the blue everyone is brainwashed. Now the [LGBT] community is demanding more freedom, it really is a threat. In a proxy war, another state might occupy the minds of the nation without anyone realizing it. In a nuclear war, if a bomb is dropped over Jakarta, Semarang will not be affected; but in a proxy war, everything we know could disappear in an instant—it’s dangerous.” (20 February 2016)
Arief Wismansyah <i>Mayor of Tangerang City</i>	“The role of the parent is very important in order to guide their children away from violating nature. Especially as lately there have been many LGBT issues, which is considered a psychological illness. Adherents of LGBT should be returned to the appropriate nature of gender.” (25 February 2016)
Hidayat Nur Wahid <i>Deputy Speaker of People’s Consultative Assembly</i>	“The LGBT movement cannot be trivialized. The crime is very closely entwined within society, not only in big cities but also small villages.” (27 February 2016)

TABLE 2

List of Indonesian government officials issuing statements on LGBT people, based on various reports

Public Official	Statement and Date
Lukman Hakim Saifuddin <i>Minister of Religious Affairs</i>	“We cannot be hostile nor hate as they are also citizens of the state. This doesn’t mean that we condone or allow for the LGBT movement to shift the religious values and the identity of the nation.” (27 February 2016)
Berliana Kartakusumah <i>Secretary-General of Hanura Party</i>	“LGBT people must be banned just like we banned communism and drug trafficking.” (27 February 2016)
Deding Ishak <i>Member of National Assembly</i>	“[We must make a law that] aims to prevent and protect society from the massive propaganda launched by the LGBT community. Their campaign has reached out on social media. We need a solution to deal with this situation —it is like a warning to us all.” (5 March 2016)
Mahfudz Siddiq <i>Member of House of Representatives</i>	“LGBT issues can damage national security, identity, culture and the faith of Indonesians.” (7 March 2016)
Luhut Pandjaitan <i>Former Coordinating Minister of Political, Legal, Security Affairs</i>	“Whoever they are, wherever they work, they continue to be Indonesian citizens. They have the right to be protected as well. I disagree with evictions, killing or anything like that. I want us to become a civilised country. It [being homosexual] is not what the person wants.” (9 March 2016)
Johan Budi <i>Presidential Spokesperson</i>	“Rights of citizens like going to school and getting an ID card are protected, but there is no room in Indonesia for the proliferation of the LGBT movement.” (11 August 2016)
Eni Budi Sri Haryani <i>Deputy for Creative Youth Enhancement, Ministry of Youth and Sports</i>	““We will not select sick people to become creativity ambassadors. How can we choose those who are LGBT people or who are drug users for the big duty?” (10 October 2016)
Anton Charliyan <i>Police Chief of West Java</i>	“[LGBT people have a] disease of the body and soul. ... I hope there are no followers in West Java, no gay or LGBT lifestyle or tradition. If there’s anyone following it, he will face the law and heavy social sanctions. He will not be accepted in society.” (25 May 2017)

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List of Indonesian government officials issuing statements on LGBT people, based on various reports

Public Official	Statement and Date
Bobby Rizaldi <i>Member of House of Representatives</i>	“LGBT is not criminal, but if it enters the public sphere, if it’s broadcast to the public, then of course it must be regulated.” (16 October 2017)
Hanafi Rais <i>Member of House of Representatives</i>	“LGBT is an abnormality. ... It is destructive for our younger generations. If the content has no educational qualities, and is only for commercial or advertising purposes, then we must reject it.” (16 October 2017)
Ridwan Kamil <i>Mayor of Bandung, West Java</i>	“As a leader and a Muslim, I strongly reject and never support LGBT...” “If you are campaigning LGBT in social media, I will surely fight against it...” ²⁹ (January 15, 2018)
Fadli Zon <i>Vice Chairperson of People’s Representative Council</i>	“I think all religions must reject all kinds of deviations that are forbidden. If there is an act related to morality and obscenity associated with LGBT, it is clear there must be punishment...” ³⁰ (25 January 2018)
Zulkifli Hassan <i>Chairperson of Majelis Permusyawaratan Rakyat (MPR)</i>	“Reject LGBT without exception...” He called for the criminalization of LGBT persons. ³¹ (27 January 2018)
Muslim Ayub <i>Member of People’s Representative Council</i>	“Kami menginginkan hukuman mati dan seumur hidup supaya ada efek jera bagi LGBT itu.” ³² (We want a death sentence and a lifetime sentence to have a deterrent effect on the LGBT.) (6 February 2018)
Bambang Soesatyo <i>House Speaker of People’s Representative Council</i>	“I make sure the Bill of the Penal Code reflects a sense of justice for the people, we do not give space for LGBT, adultery, defamation, or domestic violence. Our nation is a cultured and moral nation. We have noble values ??of cultural and religious teachings We are not nations barbarians who are uncivilized.” ³³ (6 February 2018)

3

DIRECT ATTACKS, INTIMIDATION AND HARASSMENT

IN RECENT YEARS, violent acts against LGBT people have been perpetrated by both state and non-state actors in Indonesia. Perpetrators include the *Front Pembela Islam* (Islamic Defenders Front, or FPI) and the Prosperous Justice Party (PKP). In all cases, the perpetrators were not held accountable; they remain free and continue to organize attacks against LGBT people and other forms of abuse.³⁴

TABLE 3
Documented Incidences of Direct Violence Against LGBT persons

Date	Incidence
26 March 2010	Islamic vigilante groups attack the ILGA-Asia conference in Surabaya City, East Java.
3 April 2010	A human rights training for transgender was attacked in Depok City, West Java.
29 September 2010	Islamic vigilante groups attacked and threatened to burn down various venues of the annual Q! Film Festival in Jakarta City.
21 November 2014	Islamic vigilante groups attacked a demonstration for the International Transgender Day of Remembrance in Jakarta City, with two participants requiring hospitalization.
1 October 2015	2 women are apprehended by <i>Sharia</i> Police in Banda Aceh City on allegations of being lesbian because they were caught hugging in a public space. ³⁵
3 February 2016	Sectoral Police of Central Jakarta dismissed a training on access to justice for LGBT people under threats of the FPI.
7 February 2016	An HIV/AIDS-related activity in Surabaya City, East Java was cancelled because police refuse to offer protection from extremist groups.
18 February 2016	An Islamic boarding school for <i>waria</i> was forcibly closed by the Islamic Jihadist Front in Jogjakarta City.
23 February 2016	A solidarity march for LGBT Indonesians organized by various organizations in Yogyakarta City was violently dispersed by police forces.
11 April 2016	Minahasa City Mayor Jantje Wowiling Sajouw invited others to “fight” LGBT people.
21 May 2016	141 men engaged in an alleged “gay sex party” were detained by police in the Atlantis Gay Club under the pretences of the 2008 Anti-Pornography Law. ³⁶
23 May 2017	Two gay men are punished by public caning in Banda Aceh City. ³⁷
6 October 2017	58 men are detained by police in an alleged “gay spa” in Jakarta City under the pretences of the 2008 Anti-Pornography Law. ³⁸
28 January 2018	Police of North Aceh attack 5 beauty salons and detain 12 transgender women, beating them and forcing them to cut their hair. ³⁹ Days later, there are reports of <i>Waria</i> fleeing Aceh in fear of attacks by violent Islamic groups calling for the “eradication of LGBT”. ⁴⁰

DISCRIMINATION IN EDUCATIONAL INSTITUTIONS

LEADERS of educational institution have become more vocal with their anti-LGBT rhetoric and have created policies to curb LGBT-related activities and discussions within their institutions. Some have called for the dismissal of LGBT students and teachers.

- The Rector of the University of Lampung denied the presence of LGBT persons in the campus. He said that firm steps will be undertaken, including dismissal of LGBT students and faculty members.⁴¹
- The University of Indonesia pressured the “Support Group and Resource Center on Sexuality Studies” (SGRC) to stop using the name of the university. SGRC provides academic support for student who want to do research and discussion on sexuality, including LGBT issues.⁴²
- Indonesia’s Minister of Higher Education, Research and Technology M. Nasir announced that LGBT groups should not enter campuses and that the promotion of LGBT concerns is not in accordance with values and morals of the Indonesian nation.⁴³
- A coalition of Indonesian university rectors called “Forum Rector Indonesia” firmly expressed prohibition of LGBT activities and discussions within their campuses. The Chairperson of the coalition requested all campuses in Indonesia to supervise and monitor LGBT-related student activities.⁴⁴
- Bandung Institute of Technology disbanded a campus-based discussion about LGBT.⁴⁵
- The Rector of the University of Riau issued a statement rejecting and prohibiting LGBT students and LGBT discussions in the campus.⁴⁶
- Officials of Andalas University issued a statement that students should not be involved in any LGBT activities. They said that while LGBT students may be accepted, they must “return to normal”. Officials likened the prohibition of LGBT influence to “drug-free” policies of companies.⁴⁷
- The University of Tadulako in Central Sulawesi demand all faculties to reject and dismiss LGBT students. University officials considered that existence of LGBT persons is contradictory to positive law and the Pancasila.⁴⁸

RECOMMENDATIONS FOR ADVOCACY WORK

WE URGENTLY CALL on the following actions:

- Support local groups in doing evidence gathering of specific cases and incidents of violence. Such evidence may help in formulating communications, such as urgent appeals or letters of allegations, that may be submitted to UN human rights mechanisms and special procedures.
- Continue to urge Indonesian national human rights institutions, particularly KOMNAS HAM (Indonesian Commission on Human Rights) and KOMNAS Perempuan (Indonesian Commission on Violence Against Women), to conduct independent investigations on cases of violence and persecution of LGBT persons and to develop an effective response system.
- Continue to support local organizations lobbying the legislature not to criminalize LGBT persons.
- Call on humanitarian organizations including those working on internally displaced persons (IDPs) to develop a programmatic response to affected LGBT persons, e.g. provision of shelter, healthcare, livelihood and well-being support.

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ASEAN SOGIE Caucus is a regional network of human rights defender advocating for the protection, promotion and fulfilment of the rights of all persons regardless of sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC). The organization envisions a SOGIESC-inclusive ASEAN community.

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