

When the State is Absent: A Study of LGBT Community in Jakarta

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Abstract

This study provides an overview of the problems faced by LGBT people in Indonesia. There are four issues raised, namely, the meaning of gender and sexual orientation, violence and abuse, the role of the state, and the meaning of happiness for LGBT people. This study uses a sample of 60 respondents living in large cities, especially Jakarta. However, the strength of this study lies not in the survey results but in the results of the in-depth interviews. From this study it was found that respondents, in the context of a conservative state, are more open in interviews than surveys. This study unearths the meaning of life for LGBT people under a state which is repressive and absent for them.

Keywords: LGBT, meaning of life, violence, state.

Introduction

Discrimination against women and ethnic or religious minorities has been much discussed in Indonesia. Much progress has been made in protecting the rights of women, as well as ethnic and religious minorities. However, very little progress has been made in the fight for LGBT rights. Meanwhile, the LGBT community experiences violence, fear of loss of employment, bullying in school and in the public sphere, only because of their sexual orientation. Many people have argued that LGBT people do not need to be protected because they are different from other minorities. What makes them different? There are some reasons that have been suggested that will be explained by the findings of this study.

The first reason is that there are many people who believe that same-sex relationships are forbidden by God/religion. As a result, LGBT people do not need to be given protection or be empowered. This belief is still quite prevalent in society and in state policy, and, as a result, violence is often considered necessary or permissible because it indicates "they" are on a path not condoned by God. This reason kills further discussion. It is not used for women, for

example; there is no view that being a woman is not condoned by God. Thus the struggle of LGBT people is immensely difficult.

The second reason is that many people believe LGBT is a *lifestyle* that can be avoided if a person wishes. This lifestyle is viewed as destructive and in opposition to existing norms. Sexual relations such as sodomy, and the lifestyle of gay people, are seen as a strange and abnormal way to live. Since lifestyle is a choice, LGBT issues are not seen as human rights issues but caused by the stupidity of the individual. Of course, this view is extremely simplistic and biased, as well as ignoring the existence of various factors including genetics.

The third reason is that since the LGBT community is viewed as having a lifestyle associated with *glamour*, it is thought that there is no one in the LGBT community from poor sectors of society. As such, it is not necessary for there to be a state policy to protect LGBT people. The fourth reason is that LGBT people often do not want their sexual orientation to be known out of shame or for family reasons. They hide their attraction towards the people they love, distinct from heterosexual couples. Thus, the injustice they

are faced with, or their nature as LGBT people, is not easily noticed and therefore their issues are not viewed as urgent. This is different from the case for ethnic and religious minorities, or women, where the issues appear concretely before the eyes.

This fourth argument often is the reasons why families, community and religious leaders, as well as policymakers, do not want to see LGBT people as humans who possess rights and equality with other groups, even while being LGBT (genetically or by choice) is commensurate with people's freedom to choose a religion. Why is freedom of religion protected constitutionally and why are LGBT rights not protected constitutionally? Why are women and children considered to be vulnerable groups, while LGBT people are not?

Methodology

The above questions were the grounding ones when the materials for this research were assembled. At a glance, the research methodology for LGBT issues is not different from the research methodology on the issues faced by women or other oppressed groups. As an example, research about gender issues has, for a long time, used research concepts that demonstrate the existence of "difference". Difference presupposes "difference from", that is, difference from men. This concept demonstrates the existence of diversity in humans, with different lifestyles (Ramazanoglu and Holland, 2003: 107).

Seeing difference makes clear the existence of binary thinking that attributes superiority and inferiority, which differentiates "self" and "other". This way of thinking wants to argue that "the same" is an acceptable form of being, while "the other", being from another category, is unacceptable. Injustice occurs when humans start the process of othering; putting people in the "different" category.







The concept of otherness is a way to

show that 'woman'/the feminine was constituted socially, while 'man'/the masculine was the normal or the human. Women are not merely other to men, but are subordinated to men (Ramazanoglu and Holland, 2003: 107-108). In other words, men have power, and what defines women is a matter of their existence, their bodies, and what is appropriate and inappropriate behaviour for women. The concept of otherness has been used to problematize not only the situation of Western women, but also women in the East. Kartini questioned why men could attend high school but women had to be isolated at the age of 12 (Kartini, 1911). Similarly, Fatima Mernissi questioned seclusion, why women need to be in a *harem*, and men outside (Mernissi, 1995).






What is interesting about the otherness approach is not just a matter of theory, ideas and identity, but also historical experience, discourse and daily relations and practices in social life. For us, this methodology is suitable for seeing LGBT issues within a framework of the politics of difference. With it, we can understand otherness and really explore the different point of view, as well as empathising with the suffering and injustice felt by groups that are different.

This study makes use of 60 respondents from different age groups, professions and regions (the majority are from large cities), but the majority are youths who were prepared to talk about LGBT issues. The survey was completed in September 2015.

What is your age currently?

Answer	0%	100%	Number of Response(s)	Response Ratio
Under 18 years old			2	3,3 %
18-29			36	60.0 %
30-39			12	20.0 %
40-49			3	5.0 %
Above 50 years old			3	5.0 %
No Response(s)			4	6.6 %
Totals			60	100%

What is your profession?

Answer	0%	100%	Number of Response(s)	Response Ratio
Civil servant			1	1.6 %
Private sector			27	45.0 %
Service sector			4	6.6 %
Other			24	40.0 %
No Response(s)			4	6.6 %
Totals			60	100%

This research used a survey method (in order to be able to analyse the data quantitatively) and an in-depth interview. We concluded that the quantitative approach was insufficient and that it was necessary to use the power of interpretation in analysis of the data. This paper argues that the data from the in-depth interviews gave more colour and a deeper understanding of what is experienced by LGBT people in Indonesia. The survey data talks numbers but the narrative data talks feelings, anxiety and insecurity for the future of LGBT people in Indonesia. From the results of this study, four issues are elucidated:

- (1) The meaning of gender and sexual orientation;
- (2) Violence and abuse;
- (3) The role of the state;
- (4) The meaning of a happy life.

The meaning of Gender and Sexual Orientation

In the LGBT workshop for the media organised a few months ago by *Jurnal Perempuan*, reporters were confused by the definitions of gender and what is called sexual orientation. One of the facilitators, Sri Augustine from Ardhanary Institute, patiently explained the difference between biological sex, gender, gender identity and sexual orientation (Arivia, Candraningrum and Agustine, 2015). Augustine commented that every person, whether they are a woman, man or intersex, has a sex (penis, vagina, intersex). Gender is their social or legal status as a man or woman. And sexual orientation is the term used to explain whether a person is attracted to the same gender, the other gender or both (a person can be bisexual, gay, lesbian, or straight, or "questioning" – queer). Every person has a gender and a gender identity. Our gender identity is our inner feelings towards our own gender. The expression of gender identity is masculine, feminine or another expression. In fact, we can be transgender, meaning our biological sex and our gender identity are not the same.

Sex	Gender	Sexual Orientation	Gender Identity
Penis	Social/legal status:	Bisexual, gay, lesbian,	Expression:
Vagina	Male	"straight", questioning.	masculine,
Intersex	Female		feminine, neither of above.

Looking at the above section, clearly whether a person identifies as a man or a woman is not as simple as may be imagined because it is something extremely fluid and varied. Simplifying it means excluding, and even discriminating against, people's identities. A number of interviews demonstrated this complexity:

'We just met, so we exchanged phone numbers, to chat. I thought, "it seems I like her", and right at that moment I felt I really liked her, I told my friend, my closest friend from high school. Even the first time I had an accident it was her that I called, not my family. Right when I became aware of my feelings, I immediately told her, but yeah, she just said "ahh its nothing...ahh...no-lah." That's how it was. That was in 2010. After 2010, I was occasionally still attracted to men too, if someone was cute, yeah, I was attracted, you know. But I started to identify as bisexual...I don't know about the future, actually now I am lesbian, but sometimes I still ask, am I definitely lesbian?' (H) (8 August, 2015)

'I used to call myself lesbian, and now I say hetero, because I identify as a man, but my partner identifies our relationship as lesbian.' (S) (10 August 2015)

Discussion of sex, gender, gender identity and sexual orientation is vital. A person who continually searches and works to understand their existence is wiser and more tolerant. A society that is not aware of this complexity tends to hold homophobic, sexist or transphobic views. These discriminatory views arise because of insufficient language to give meaning to someone's gender identity. For people who are discriminatory towards LGBT people, the language used is binary, man or woman. If they are not in one of these groups they will be excluded.

The same applies for women. With gender, we interpret this as women and exclude what is not-woman, including men. The meaning of male is what is not-woman. The insufficiency of language occurs because of the rigidity of meaning that stems from singular truth. The search for singular truth operates under tension and exclusion. However, in the 21st

century, the meaning of manhood and womanhood is fluid. Women can wear pants and men can wear earrings. Girls do not always play with dolls and boys do not always play ball. Language is always considered transparent, that is, what is called a good woman is one who always

wears closed, religious attire, while a bad woman is clothed openly, freely. A person's expression is limited by rigid language which contains metaphysical or "truth" references. Meanwhile, what does not fit in these categories is "other", strange and abnormal (see Wilchins, 2004).

In *Gender Trouble: Feminism and the Subversion of Identity*, Judith Butler writes that traditional categorisations of identity (only men or women) always cause problems. Because the reality is that there is not communality between women and men. For example, Acehnese women feel differently to Jakarta women, due to access to information, history, and different political agendas. As a result, Jakarta women cannot use the same standard towards Acehnese women. When an act of judging occurs, hierarchy arises. Hierarchy makes boundaries. These boundaries always hurt LGBT people, and their rights as citizens are taken away.

There are not many states that acknowledge the existence of LGBT. One of the states that is quite open and progressive in wanting to accept third gender identities is India. Understanding the existence of fluid gender identities and expressions, the Supreme Court of India, in 2014, confirmed the acknowledgement of a third gender. This means a person can identify as neither a man or a woman. The determination of the Supreme Court of India was a step forward because third genders were acknowledged as rights and as equal before the law (BBC News, 15 April 2014).

Violence

The Indian's government confirming the existence of third genders does not just ensure equality of rights for LGBT people, but also reduces discrimination and violence faced by third gender people. A study by Arus Pelangi in 2013 showed that 89.3% of LGBT people in Indonesia had experienced violence, 79.1% in the form of physical violence,

26.3% in the form of economic violence, 45.1% in the form of cultural violence, of which that perpetuated by the family was as high as 76.4% (for example, being kicked out of rental properties, being required to marry, marrying someone they do not like) and bullying in school was one of the most prevalent categories (Press Release: Reminder of World Day of Remembrance of Violence and Discrimination against Transgender People, 19 November 2014). Respondents to *Jurnal Perempuan* acknowledged that they often experience violence. Violence is not something strange. Living in fear, shame and embarrassment are all normal.

Have you ever suffered violence because of your gender identify, sexual orientation, gender expression or your body?

Answer	0%	100%	Number of Response(s)	Response Ratio
Yes	<div><div></div></div>		38	63.3 %
No	<div><div></div></div>		16	26.6 %
No Response(s)	<div><div></div></div>		6	10.0 %
Totals			60	100%

What forms of violence have you experienced?

Answer	0%	100%	Number of Response(s)	Response Ratio
Psychological	<div></div>		44	89.7 %
Physical	<div></div>		9	18.3 %
Economic	<div></div>		7	14.2 %
Sexual	<div></div>		9	18.3 %
Totals			49	100%

Respondents to *Jurnal Perempuan* acknowledged that they most often experienced psychological violence. When explored in more depth in the form of an interview, some respondents then tended to acknowledge more experiences of physical violence.

'That time, I was hit with many things. With sticks, screwdrivers, a lot. Everything in front of their eyes they threw at me. It was a lot, basically. Of course my body was bruised and I couldn't go to school for a while, then my school friends came to the house. It was impossible that I tell my friends I had been hit. My face (bruised). Finally I said that I couldn't come. They asked why. I couldn't possibly tell them I had been hit because I wasn't too open at school. I only said, yeah, I just fell. My friends didn't believe it, but they were quiet and didn't ask anything. (L) (21 August 2015).

'The time I experience violence was when I was 17. I was stripped, after being beaten up, I was dragged. You know, in Chinese families you know there are photos of the deceased, then I was stripped and sent to ask forgiveness of my parents.' (X) (August 2015).

Psychological violence does not mean there is no imprint. Those who experience psychological violence feel the same pain as those who experience physical violence. Sometimes psychological violence has a longer-term impact. This is especially true if they experience hate from people they love like their own parents.

'Sometimes if there is fighting in the house it is normal to use physical force or swearing. I'm used to it.' (I) (10 August 2015)

'They knew right from the start that I was like this, from high school, because of my proximity. It wasn't reasonable, they said. Whereas before there was nothing. With this idea, they started to check my phone a lot, and then they found out. I was kicked out of the house, without access to money.' (I) (10 August 2015)

Some respondents spoke of psychological violence in the workplace or school.

'...when I started work I was bullied a lot. For example, 'Are you a boy or a girl huh?' It was physical. Also, once at that time in a meeting room, there was a big meeting, and I was shamed there. 'If you still want to work here, be like a woman lah, grow your hair, groom yourself!' (S) (10 August 2015)

'At that time I was still in school in Solo... the seniors did some oppressive things, which I now realise was abuse. At that time, I knew it was something that made me uncomfortable. Then I spent a week away from school. My skirt was lifted. They asked, 'Are you a guy or a girl sih?' (E) (22 August 2015)

The violence received by the LGBT community is difficult to report. As with women who report violence perpetrated by their husband, the authorities often advise them to return to the person who is threatening them. However, in LGBT cases it is much worse, efforts to make them "return to the correct path" are done precisely with threats of sexual violence.

'So I had a friend who wasn't comfortable with their partner, they followed my friend everywhere. My friend went home at night, and this partner

followed. The femme (who played the role of woman) was locked in the house, not allowed to leave. They decided to end it, the butch (who played the role of man) didn't accept it, and cried continually. One night, the femme went to the police station and reported. The police asked questions, not to help, but to tease. 'I told you not to like woman,' the police said, and most frightening the police said they wanted to rape them.' (P) (16 August 2015)

Absent State

The state is tasked with protecting every citizen from violence, discrimination and arbitrary action. In reality, the state is often absent in protecting the rights of minorities, and most of all, the rights of LGBT people. Unlike India, which has acknowledged the existence of third genders, Indonesian law only acknowledges the existence of two genders, male and female. This is evident in the Marriage Law (Law No.1 1974) and the Population Administration Law (Law No.23 2006). This is a problem for transgender people. Their rights are not acknowledged. A same-sex couple that wants to start a family is not allowed in Indonesia, and is not protected legally. The state does not recognize same sex marriage and have legal protection (if the partner dies, rights to pension, health and so on).

In the Indonesian Criminal Code (KUHP), a homosexual person is not viewed as a criminal. However, this is a problem in conservative areas of Indonesia. There are some Regional Regulations which criminalise a person identifying as LGBT. The most recent regulation to criminalise LGBT is from Aceh (September 2014), which punishes anyone who has same-sex sexual relations with 100 lashes. The LGBT community reported that they have now become a target of sexual abuse from the sharia police and the local community. In 2011, a transgender person died in Banda Aceh because they tried to resist abuse from a man (Erasing 76 Crimes.com, 5 January 2015). Other discriminative regional regulations relating to LGBT are as follows (USAID, UNDP Report, 2014):

- Regional Regulation about the Eradication of Evil (No. 13 2002) in South Sumatra Province. This regional regulation prohibits homosexual activity and anal sex by men as immoral, along with prostitution, gambling, adultery and the consumption of alcohol.

- District Regulation about Public Order (No.10 2007) in Banjar, South Kalimantan Province. The regulation defines “prostitute” also includes homosexual and “abnormal” heterosexual behaviour (next to “normal” behaviour).
- City Regulation about the Development of Social Morals Based in the Teachings of Islam and the Social Norms of the Community (No.12 2004) in Tasikmalaya, West Java. This regulation forbids adultery and prostitution, both heterosexual and homosexual.
- City Regulation about the Prevention, Eradication and Action on Social Diseases (No.9 2010) in Padang Panjang, West Sumatra Province. The definition firmly mentions “homosexual and lesbian” relations, and forbids such relations as well as not allowing people to ‘offer themselves to be involved in homosexual or lesbian relations, with or without receiving payment.’

Policymakers and lawmakers at the central level are also problematic because they adhere to the pressure of Islamist and conservative groups. Here are some notable examples:

- Pornography Law (No.44 2008) inserted the term ‘deviant sexual intercourse’ as one element of pornography. The explanation of the meaning of this phrase states, amongst other things, ‘sexual intercourse or other sexual activities with corpses, animals, oral sex, anal sex, lesbian or homosexual [sic].’
- Government Regulation (No. 54 2007) about Adoption makes clear that the adopting parents must not be a homosexual couple. Furthermore, adoption by non-married couples is not permitted.

Discriminative regulations sponsored by the state clearly injure the nation as a whole. Because everyone, including LGBT people have the same rights and equality with any other group. Making discriminative regulations is not just a violation of human rights but also evinces injustice and respect for people. This is

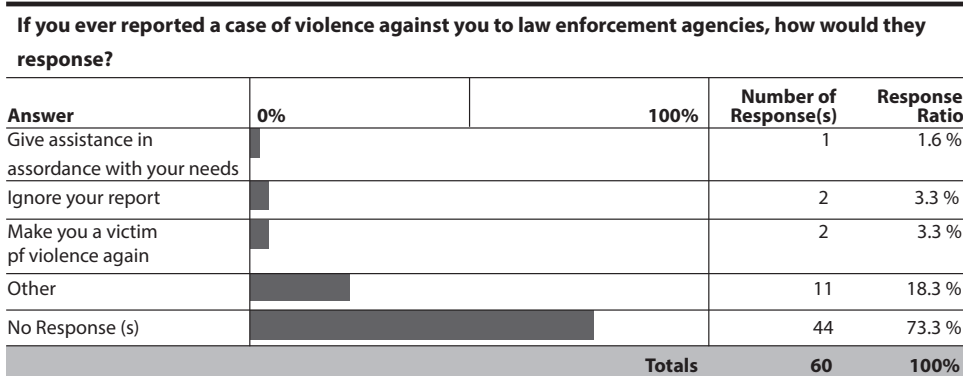
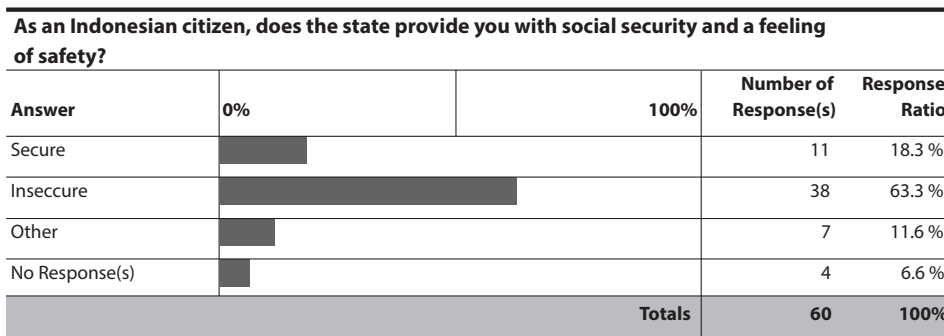
what a respondent told *Jurnal Perempuan*:

‘In the Jakarta district regulations, there is a regulation that considers waria (trans) as a social disease. But as far as I know, social diseases are things like begging, vagrancy. So really the government is conscious of the existence of a third gender, but the problem is that it is categorised as a social disease.’ (L) (21 August 2015)

The argument that is often used in making discriminative policy is to enforce community morals ‘discrimination with good intentions’. However, we want to argue that making discriminative policy for a good purpose (protecting the community) can only be done with rational reasons, not with religious doctrines, that are not necessarily correct. As an example, the Military Court fired a Second Sergeant with the initials SNF because it was concerned that they were a threat to the Indonesian Army’s development. This decision was made in the Jakarta Second Level Military Court (Mahkamah Agung website, 2013). The judge in their judgment, found that ‘Deviant homosexual behaviour will destroy the morale and discipline of the soldiers influenced in carrying out the basic tasks of the Army, especially the defendant’s tasks in the unit.’ This example of the argumentation of the Military Court demonstrates the terrible prejudice towards the gay community and shows that the gay community is not considered to have a suitable moral character as a member of the Army. This argument is one which spreads hate towards the LGBT community without any rational basis. LGBT people cannot rely on the state. Rarely, from this study, did someone believe the state can protect them as citizens, and likewise the state is absent from their social security. Their opinions can be seen as follows:

Does the state make you feel secure so that you can express your identity in social life?

Answer	0%	100%	Number of Response(s)	Response Ratio
Secure			1	1.6 %
Insecure			50	83.3 %
Other			3	5.0 %
No Response(s)			6	10.0 %
Totals			60	100%

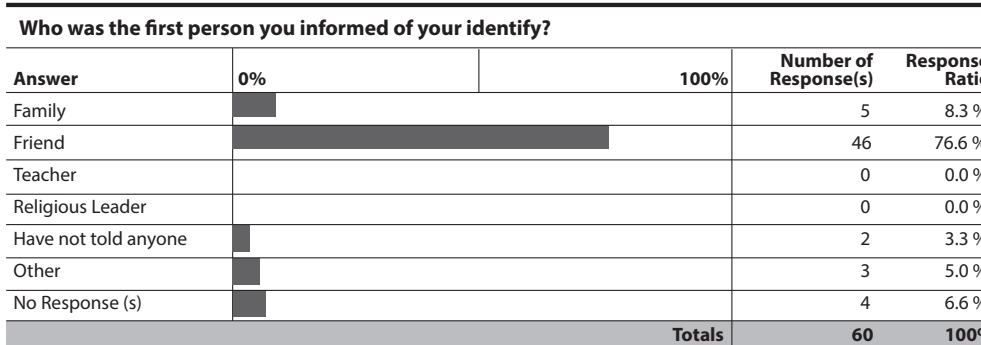
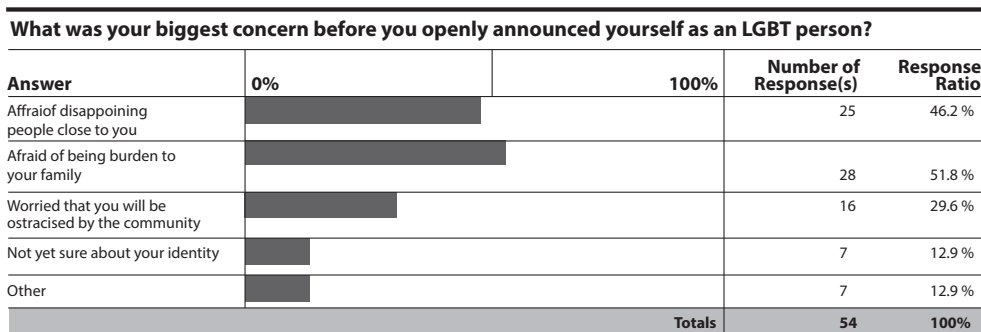


The law enforcement in this country does not play a role or is reluctant to play a role in protecting LGBT rights. Law enforcement is seen as never resolving problems and, in fact, even making matters worse. The LGBT community has almost no faith in law enforcement agencies.

In some cases, law enforcement judges LGBT people. This is unacceptable law enforcement are paid by the people's taxes in order to protect everyone, including LGBT people.

The Meaning of Happiness

While the state is absent, what about the private life of LGBT people? What is the meaning of a happy life? A philosopher living more than 2500 years ago, Aristotle, wrote about the meaning of happiness, or in Greek, *eudaimon* (*Nicomachean Ethics*). To be *eudaimon* means living well and *daimon*, meaning living with a peaceful soul. Aristotle's main argument is that happiness is the priority of humans over possessions (things), and so on. Humans must be



able to live well, which according to him, means living with reasons. Is it reasonable that LGBT people cannot live as other humans live, with comfort and without feeling fearful and guilty?

The majority of people think a perfect life includes a feeling of security, family, being acknowledged as a citizen, and being respected as a human being. The majority of LGBT people do not have this common view. Genuine security that starts in the home is not experienced; when they realise they are an LGBT person, the first person they tell is not their family. This shows that family in Indonesia is not tolerant and cannot be trusted by LGBT people.

Generally, they are afraid of disappointing their family and close friends, especially not meeting up to the hopes of their parents. Likewise in school, teachers are not people who can give good advice.

The feeling of hopelessness was expressed by one respondent:

'I felt very unhappy living. I didn't trust other people and withdrew myself from social interactions.' (I) (10 August 2015)

LGBT people hopes that they be treated humanely and be accepted as they are.

'Judging people not because of their sexual orientation or appearance but because they can contribute to the community. That is the form of acceptance for me. Relating to this, I have many friends who are discriminated against because of

their appearance. Many friends who say 'I'm tired, kak. I applied for work everywhere but no one took me; 'I found work but I can't cope with the behaviour of my workmates.' Don't judge people only by appearance. Don't label us.' (X) (10 August 2015)

Conclusion

Equality is not easy to achieve in this country. The conservative mentality strengthens while the world is becoming more open, advancing the dignity of humanity. Being different does not mean being treated unfairly. An example from Germany is Angela Merkel, who demonstrates tangibly what is called a dignified country, one that does not see culture and religion, helping and protecting evacuees who are in exodus from Syria, without seeing the difference of these people. If Merkel wants to protect and secure the rights of foreigners, why can't Indonesia protect the rights of LGBT people, their own citizens?

Same-sex marriage is increasingly being legalised in the Western world, as a form of acknowledgement that humans of any sexual orientation have the right to find happiness. LGBT people interviewed by *Jurnal Perempuan* resigned themselves to whether there will be a day when they can also marry and have a happy family in this country that they love. Dreams of this sort are too far-flung. For now, they only want to live without violence. This is really a minimal hope, but something that the state cannot even guarantee.

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