

REACHING FOR THE SKY WHILE SCRATCHING THE BACK

Media Monitoring and Documentation Report on People
Living with HIV and Key Populations 2021-2022



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PREFACE

Indonesia's HIV prevention policy in calculations on paper is indeed admirable. However, normative policies are toothless in implementation. The report presented before you today presents those findings in actual narratives and data. Although the problem of stigma perpetuation and discrimination in HIV prevention is constantly recurring from time to time, this report, however, is comprehensively outlined from the upstream to downstream levels. From one actor to another. Whether on a national or local scale, in the context of policies and practices of HIV prevention. Therefore, by diving into this report, we will understand the complexity of the HIV problem from various aspects.

The 2030 HIV endemic completion target, which currently has a 95:95:95 fast-track design by 2025, faces major challenges. The dynamics of the HIV issue on the surface seem quiet and conducive. Still, in fact, it is very persistent and seems to systematically accelerate from one region or institution to another, which substantially interferes with the goal of ending the HIV endemic with a predetermined fast track.

Last but not least, this report is inseparable from the thoughts and energy of Novia Puspitasari as the author, accompanied by the best enumerator Ayu Dio Nuril Istihfara, Suparno, Zana Chobita Eretusa, and the reliable editor Miko Ginting who constantly stimulates ideas. I cannot thank you enough. Any feedback and criticism for future improvements are highly expected.

Warm regards,

Afif Abdul Qoyim

Director of Lembaga Bantuan Hukum Masyarakat

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INTRODUCTION

“Ambitious Targets Amid the Shadow of Stigma and Discrimination”

1. Background

Efforts to combat HIV globally, through the Political Declaration¹, seek to get back on track to end the AIDS epidemic by 2030. The Declaration included a commitment to bring the number of new HIV infections below 370,000, reduce AIDS-related deaths below 250,000 and eliminate all forms of HIV-related stigma and discrimination by 2025. Moreover, the HIV Political Declaration also targets the achievement of 95-95-95; 95 percent of People Living with HIV (PLHIV) know their HIV status, 95 percent of PLHIV receive ARV treatment, and 95 percent of PLHIV who receive ARV therapy to have viral suppression.²

The document aligns with the National Medium-Term Development Plan (*Rencana Pembangunan Jangka Menengah Nasional/ RPJMN*) for 2020-2024. The development target of the 2020-2024 RPJMN is to accomplish an independent, developed, just, and prosperous Indonesian society through accelerating

1 General Assembly, *Political Declaration on HIV and AIDS: Ending Inequalities and Getting on Track to End AIDS by 2030*.

2 *Ibid.*

development in all fields. One of these goals is achieved through a strategy to improve access and quality of health services towards universal health coverage, with one of the indicators of success in reducing the incidence of HIV by 0.18 per 1000 non-HIV infected population by 2024.³ For a more specific implementation level, Indonesia followed up on adopting the 2030 HIV Political Declaration by developing a National Action Plan for the Prevention and Control of HIV AIDS and STDs 2020-2024 (*Rencana Aksi Nasional/RAN HIV*). RAN HIV is also a reference and guideline for the government and stakeholders in the health sector, both at the central and regional levels.

The seemingly ambitious target, Target 95-95-95, actually updated the previous target, which was the achievement of 90-90-90. However, against the target that was declared to be achieved globally in 2020, Indonesia did not succeed in achieving it. In 2020, the estimated PLHIV in Indonesia was estimated to reach 543,100 people. The number includes PLHIV who knew the status was 377,564 people or 69.5%, and PLHIV who were on ARV treatment was 127,613 people or 33.7% until the end of 2019.⁴

Efforts to prevent and overcome HIV are inseparable from aspects outside of health that also play an important role, such as policy and legal politics related to PLHIV and key populations.⁵ Based on the HIV AIDS Information System (*Sistem Informasi HIV AIDS/SIHA*) for the January-March 2021 period, the percentage of risk of HIV infection in key populations reached 26.3% in MSM; female sex workers 2.4%; transgender females 0.9%; and people who use injectable drugs (*pengguna narkotika jarum suntik/penasun*) 0.5%.⁶ Targets that have not been achieved in 2020 are also contributed by the existence of policies, both at the central and regional levels, that discriminate against PLHIV and key populations. Research by the Lembaga Bantuan Hukum Masyarakat (LBHM) on family-based HIV interventions referring to local regulations on HIV prevention and control found that there are still many HIV program interventions in the family

3 Annex of Regulation of The President of The Republic of Indonesia No. 18 of 2020 on National Medium-Term Development Plan for 2020-2024

4 National Action Plan for The Prevention and Control of HIV AIDS and STDs of 2020-2024, p. 11.

5 Key populations are those who are socially marginalized, often criminalized, and experience various human rights violations that increase their vulnerability to HIV infection. HIV key populations consist of men who have sex with men (MSM); transgender, especially transgender women; sex workers; people who use injection drug (*penasun*); PLHIV; and prison inmates. Quoted from <https://www.theglobalfund.org/en/key-populations/>

6 Ministry of Health, *Report on the HIV AIDS, and Sexually Transmitted Diseases (STDs) First Quarter of 2021*.

scope, like premarital HIV testing, partner notification, and sexual behavior intervention that have the potential or have violated human rights.⁷ One of the key populations particularly vulnerable to violence is sex workers. A survey by the Unika Atma Jaya HIV AIDS Research Center found that as many as 498 out of 500 sex workers had experienced violence in the form of physical, verbal, sexual, economic, and raids.⁸

The Document Theory on HIV and Human Rights Advocacy Strategy Change initiated by LBHM, together with civil organizations working on HIV and human rights issues, identified regulations that are discriminatory and need to be repealed. The regulations are at least: Narcotics Law, the Electronic Information and Transaction Law, laws related to crimes against decency, various regional regulations on HIV and public order, regulations or documents that apply internally across multiple state institutions used as the basis for providing sanctions for PLHIV and key populations, as well as unwritten laws in society.⁹ The monitoring conducted by 13 Paralegals of the Crisis Response Mechanism (CRM Consortium) in eight provinces is clear evidence that various discriminatory legal products are taking their toll. From November 2020 to September 2021, there were 51 cases of gender-based violence, with 71 victims.¹⁰

Adopting the Political Declaration is part of a move to ensure that no one is left behind towards the end of AIDS 2030. The grand goal of ending AIDS cannot be done without ending inequality, and one such disparity is based on discriminatory and punitive policies against PLHIV and key populations. MSM has a 28 times greater risk than adult males aged 15-49 in the general population. Adults are 35 times more at risk than adults who do not inject drugs, female sex workers are 30 times more at risk than adult female in the general population, and transgender women are 14 times more at risk than other adult female to become infected with HIV.¹¹ Success in setting those higher targets

7 Ajeng Larasati, dkk (2020), *Intervensi Berbasis Keluarga dalam Kebijakan HIV: Sebuah Tinjauan Hak Asasi Manusia*, p. 49.

8 Pusat Penelitian AIDS UNIKA Atma Jaya dan OPSI, *BERDAYA: A Study on Empowerment of Sex Worker Community in Indonesia*, accessed from https://pph.atmajaya.ac.id/media/document/KM/publikasi/2019_BERDAYA_-_A_Study_on_Empowerment_of_Sex_Worker_Community_in_Indonesia_.pdf

9 LBHM (2020), *Teori Perubahan (Theory of Change/TOC) Strategi Advokasi HIV dan Hak Asasi Manusia*, p. 26-27.

10 Yosua Octavian dan Kiki Marini Situmorang (2021), *Laporan Pendokumentasian: Pendampingan Kasus Focal Point Konsorsium Crisis Response Mechanism*.

11 *Dangerous inequalities: World AIDS Day report 2022*. Geneva: Joint United Nations Programme on HIV/AIDS; 2022. Licence: CC BY-NC-SA 3.0 IGO, p. 30.

needs to be achieved by respecting, protecting, and fulfilling the rights of PLHIV and key populations by creating a supportive environment for PLHIV and key populations.

2. Methods

Data collection in this report is obtained through monitoring media reports, primarily internet-based. Enumerators collect data and are aimed at news related to PLHIV and key populations. The enumerators are responsible for finding news reports and classifying them based on predetermined variables. In terms of time frame, enumerators collect news in the period from January 2021 to September 2022. News searches are conducted using relevant keywords, such as “ODHA” (PLHIV), “PSK” (prostitute), “prostitusi” (prostitution), “gay”, “LGBT”, “seks bebas” (free sex), and so on. To process it into quantitative data, enumerators group the collected news based on seven categories: news timing, event regions, types of violations that include stigma, discrimination, hate speech, perpetrators of violations, victims, violations, sources, and media reporting.

Monitoring and Documentation of Media (referred to as *Mondok*) have limitations. *First*, the amount of news and case findings surrounding PLHIV and key populations depends on how much the media reports. *Second*, the information presented by the media is often not comprehensive, especially from the victim’s side, so it is very likely that important facts are not revealed. *Third*, there is still a bias in the gender perspective of the media in reporting. Thus, victims cannot be identified based on their gender, and some violations do not mention the number of victims but are limited to general information, such as the LGBTIQ+ community and sex workers.

3. Findings

Based on the collected news, the findings variables are as follows: 1) news timing; 2) event regions; 3) the type of violation; 4) the perpetrators; 5) victims of violation; 6) news sources; and 7) the reporting media.

3.1. News timing

The number of news found through the media over approximately two years was 109, with details of 45 news in 2021 and 64 news until September 2022. Compared to the number of previous HIV Media Monitoring and Documentation reports which reached 89 news per year,¹² it can be said that the news coverage in this period has decreased. There are at least two reasons why the number of reports found has reduced. *First*, Indonesia's situation is still struggling with handling COVID-19 in 2021 with its dynamic situation. Topics around COVID-19, such as PPKM (Community Activities Restrictions Enforcement) extension, COVID-19 prevention, COVID-19 vaccines, and the presence of the PeduliLindungi app, dominate news searches.¹³ *Second*, news that has been published is no longer accessible, especially news that occurs in 2021, because the period is long enough. Although there is less news, this does not necessarily mean a decrease in human rights violations against PLHIV and key populations.

No	News timing	Frequency
1	January-December 2021	45
2	January-September 2022	64
Total		109

Figure 1. News timing

12 Tengku Raka (2020), *Disinformasi Yang Menjadi Diskriminasi: Permasalahan HIV di Indonesia*, p. 5.

13 Kompas.com (2021), *10 Topik Paling Banyak "Di-googling" Tahun 2021, Ada PeduliLindungi hingga BTS Meal*, accessed from <https://tekno.kompas.com/read/2021/12/08/14444237/10-topik-paling-banyak-di-googling-tahun-2021-ada-pedulilindungi-hingga-bts?page=all>

3.2. Region of events

The distribution of areas where human rights violations occur against PLHIV and key populations is not much different from the findings of the CRM Consortium. The CRM Consortium's findings mapped five provinces that became red zones based on the escalation of cases against LGBTIQ+, namely Aceh, North Sumatra, West Java, DKI Jakarta, and South Sulawesi.¹⁴ In this finding, the highest distribution was in as many as 61 cases on Java Island. Of the 61 cases, when viewed by province, the highest cases were found in DKI Jakarta with 18 cases, followed by West Java with 16 cases, Central Java with 12 cases, East Java with 9 cases, and Madura with 1 case.

The second highest region is Sumatra Island with 19 cases, with details of West Sumatra with 5 cases, Aceh with 3 cases, Bengkulu with 3 cases, North Sumatra and Riau with 2 cases each, and South Sumatra, Riau Islands, Bangka Belitung, and Lampung with 1 case each. The cases on Sulawesi Island were found in two provinces, South Sulawesi, with as many as 5 cases and West Sulawesi, with 1 case. Meanwhile, on the island of Kalimantan, it is spread across three provinces with a total of 5 cases, including in North Kalimantan and South Kalimantan, 2 cases each and 1 case in North Kalimantan. The lowest case findings were on the island of Bali as many as 3 cases.

No	Event regions	Frequency
1	Jakarta	18
2	West Java	16
3	Central Java	12
4	East Java	9
5	Banten	5
6	West Sumatra	5
7	South Sulawesi	5
8	Aceh	3
9	Bali	3
10	Bengkulu	3
11	North Sumatra	2

¹⁴ Edison Butar Butar (2021), *Bertumbuh Dalam Pusaran Krisis: Laporan Tahunan Sekretariat Konsorsium Crisis Response Mechanism (CRM) 2021*.

No	Event regions	Frequency
12	Riau	2
13	North Kalimantan	2
14	South Kalimantan	2
15	Riau	1
16	South Sumatra	1
17	Bangka Belitung	1
18	Lampung	1
19	Madura	1
20	East Kalimantan	1
21	West Sulawesi	1
Total		94

Figure 2. Region of Events

3.3. Forms of violations

The types of human rights violations identified consist of three categories: stigma, discrimination, and hate speech. The total number of human rights violations documented from January 2021 to September 2022 was 187 cases. It consists of 65 cases, or 34.8% violations in the form of stigma, 94 cases of discrimination or 50.3%, and 28 or 15% cases of hate speech.

Stigma

Among PLHIV and key HIV populations, LGBTIQ+ is the highest group to fall victim to bad labeling/stigma. A total of 39 cases, or 60%, showed stigma targeted at LGBTIQ+. Labelling LGBTIQ+ as deviant behavior ranks highest, with 12 cases or 18.46%. Like a complete package, the stigma against LGBTIQ+, 12.3% or 8 cases, is done by condemning LGBTIQ+ for violating religious and humanitarian norms. Other stigmas attached to LGBTIQ+ as something that disturbs society and LGBTIQ+ as a sexual crime are 5 cases each, LGBTIQ+ damages the younger generation in 4 cases, LGBTIQ+ harms morals and health and as a psychiatric problem in 2 cases each, and 1 case where LGBTIQ+ is contrary to Pancasila and the 1945 Constitution.

Sex workers are also easy targets for negative labeling. As many as 20% or 13 cases of stigma are directed against sex workers. Stigmas such as sex workers disturbing the community as many as 5 cases, considered a societal disease as many as 4 cases, sex workers as an illegitimate profession, not resilient to economic demands, lack of faith, and the cause of HIV 1 case each. The next group still stigmatized is people who use drugs. The narrative of the war on drugs that is believed to solve drug-related problems hardens the stigma against people who use drugs. As many as 4.6% or 3 cases of stigma, each of which is Indonesia's narcotics emergency, narcotics damaging the nation's generation, and narcotics as illicit goods.

While Indonesia is struggling to achieve its goal of ending AIDS by 2030, ironically, the country still has to grapple with misinformation about HIV transmission. This time, media monitoring and documentation still found misguided thoughts around HIV transmission, with a percentage of 15.4%. A total of 8 cases believed that HIV was caused by deviant behavior, HIV was caused by God's condemnation, and HIV as a communicable disease was 1 case each.

No	Types of Stigmas against PLHIV and key populations	Frequency
1	LGBTIQ+ is deviant behavior	12
2	LGBTIQ+ violates religious and humanitarian norms	8
3	HIV caused by deviant sex behavior	8
4	LGBTIQ+ disturbs society	5
5	LGBTIQ+ is a sexual crime	5
6	Sex workers are disturbing	5
7	LGBTIQ+ harms youth	4
8	Sex workers are a societal disease	4
9	LGBTIQ+ harms morale and health	2
10	LGBTIQ+ psychiatric problems	2
11	HIV is easily contagious	1
12	LGBTIQ+ is contrary to Pancasila and the 1945 Constitution	1
13	HIV is God's condemn	1
14	Sex work as an illegitimate profession	1

No	Types of Stigmas against PLHIV and key populations	Frequency
15	Sex workers are not resilient to economic demands	1
16	Sex workers lack faith	1
17	Sex workers cause HIV	1
18	Indonesia faces a crisis of drugs	1
19	Drugs are damaging generations of the nation	1
20	Drugs as illicit goods	1
Total		65

Figure 3. Stigmas against PLHIV and key populations

Discriminations

The highest number of discrimination in the last two years was raids, with 31 cases or 32.9%. Ironically, 3 cases were still found that made condoms as evidence in the raid. One of the sanctions in the form of mandatory rehabilitation for sex workers was found in 2 cases, and the foreclosure of localization was in 3 cases.

The second highest discrimination was discriminatory and punitive policies against the key HIV population of 13 cases or 13.8%. Discriminatory policy findings in the form of ratification of Regional Regulations (*Peraturan Daerah/PERDA*) that specifically target LGBTIQ + groups, such as in Bogor Municipality through PERDA No. 10 of 2021 on Prevention and Managing of Sexual Deviant Behavior (often referred to as PERDA P4S). Furthermore, a policy around drugs regulates prevention efforts through mandatory urine testing among the state civil apparatus. Although this is not always the case, discriminatory policies are often followed by sanctions in the form of imprisonment or at least criminalization.

There were 9.6% or 9 criminal cases, of which 4 cases were criminalized people who use drugs and 5 cases criminalizing National Armed Forces members who had homosexual sexual orientation. When it rains, it pours for the victims of criminals who worked as State Civil Apparatus (*Aparatur Sipil Negara/ASN*). The Indonesian National Armed Forces (*Tentara Nasional Indonesia/TNI*) also had to lose their right to work. Discrimination in the right to employment is also felt

by people living with HIV status, where there are 2 cases of job dismissal on the grounds of HIV status. The labeling of LGBTIQ+ as troubling to society creeps against restrictions on the right to freedom of assembly. There were 5 cases that limited the space for movement and expression and 3 cases of dissolution of LGBTIQ+ community activities.

Another discrimination that occurs and is considered commonplace in the name of protection is mandatory testing. This mandatory test is found in at least 1 case of HIV test and 2 cases of urine test. Another scope is the space for discrimination to occur in educational institutions. There was 1 case where a student was expelled from school for being caught using drugs through urine test results. We also found 1 case of student refusal due to his gender identity, 1 case of a member of the Student Executive Board (*Badan Eksekutif Mahasiswa/ BEM*) being expelled from the organization, and 1 case of a child with HIV being bullied. Another form of discrimination is the discriminating discourse of policies in criminalizing LGBTIQ+ in as many as 3 cases—and 1 case in the form of policy discourse on drug-free requirements for brides-to-be. There was also 1 other case of discrimination: the deportation of foreign nationals from Indonesia.

No.	Discrimination against PLHIV and key populations	Frequency
1	Raids	31
2	Discriminatory policy	13
3	Criminalization based on sexual orientation and the use of drugs	13
4	Dismissal based on sexual orientation, drug use, and HIV status	9
5	Restrictions on the right to freedom of assembly	8
6	Discriminatory policy discourse	4
7	Condoms as evidence	3
8	Mandatory testing	3
9	Localization foreclosure	3
10	Mandatory rehabilitation for sex workers	2
11	Dismissal from the campus organization	1
12	Expulsion from school	1
13	Bullying due to HIV status	1

No.	Discrimination against PLHIV and key populations	Frequency
14	Student bullying due to gender identity	1
15	Deportation of foreigners	1
Total		94

Figure 4. Discrimination against PLHIV and key populations

Hate speech

A notion that believes heteronormativity is the only norm has birthed the efforts to “cure” LGBTIQ+. There were 4 cases, or 14.3% of hate speech cases, in the form of LGBTIQ+ rehabilitation/cure solicitation. Even worse, the state allows various hate speeches instigating to punish LGBTIQ+ in various aspects of life. Whether the instigation to criminalize (4 cases), in 2 cases of recommendation to depose the LGBTIQ+ soldiers, and appealing to eradicate/ban LGBTIQ+ in as many as 10 cases or 35.7%. Even the presence of policies for preventing and handling sexual violence in the educational environment is politicized as a policy that legalizes LGBTIQ+. In the case of HIV, a case of prevention through the appeal of polygamy is found. Hatred toward sex workers also led to the instigation of raiding sex workers (2 cases). The call to fight drugs continues to be echoed. There are at least 2 cases found until the appeal to urine testing is 1 case.

No	Hate Speech against PLHIV and key populations	Frequency
1	Instigating LGBTIQ+ eradication/ban	10
2	Instigating LGBTIQ+ criminalization	4
3	LGBTIQ+ rehabilitation/cure solicitation	4
4	Recommendations for the dismissal of the LGBTIQ+ soldiers	2
5	Permendikbud PPKS is considered to legalize LGBTIQ+	2
6	Instigating sex worker raid	2
7	Call to fight drugs	2
8	Polygamy appeal to prevent HIV	1
9	Urine testing appeal	1
Total		28

Figure 5. Hate speech against PLHIV and key populations

3.4. The perpetrators

Just as the types of violations are divided into three categories, perpetrators are also classified into three groups. The highest number of perpetrators of discrimination come from law enforcement officials and local governments, namely the police and SATPOL PP (civil service police unit). Furthermore, it is followed by apparatus or local government officials. In the context of stigma, the highest number of perpetrators are national and local legislative members, followed by local governments, the Indonesian Armed Forces/TNI and religious leaders. Meanwhile, related to hate speech, the highest perpetrators came from local governments and the DPR/DPRD (national/local legislative), followed by religious leaders, mass organizations, and the community.

No	Perpetrators of Stigma	Frequency
1	Members of the legislative (national and local	10
2	Religious figures	5
3	Reginal Health Department officials	4
4	SATPOL PP	2
5	TNI (The Indonesian Armed Forces)	5
6	Commission on AIDS Control (KPA)	4
7	IDAI (Indonesian Pediatrics Society)	1
8	Vice President	1
9	Regional heads	7
10	Police	1
11	Former Ministry of Health Officials	2
12	Village government	2
13	Mass organizations	2
14	Academics	1
15	Hospital Director	1
	Total	48

Figure 6. Perpetrators of Stigma

No	Perpetrators of discrimination	Frequency
1	Police	29
2	SATPOL PP	16
3	Regional heads	12
4	TNI	8
5	Community	5
6	Central Government	4
7	Educators	3
8	Other	3
9	Village government	2
10	Local legislative	2
11	BNN (National Narcotics Agency)	1
12	Mass organizations	1
13	Campus organizations	1
14	Chairman of the Special Committee	1
15	Ministry of Laws and Human Rights Regional Office	1
16	Immigration Office	1
17	Aceh Sharia Court	1
18	BKKBN (The National Population and Family Planning Board)	1
19	Religious figures	1
Total		93

Chart 7. Perpetrators of discrimination

No	Perpetrators of hate speech	Frequency
1	Regional heads	5
2	DPR/DPRD (local and national legislatives)	5
3	Religious figures	4
4	Mass organizations	4
5	People	3
6	Police	2
7	Vice President	1
8	Health department	1

No	Perpetrators of hate speech	Frequency
9	SATPOL PP	1
10	Village government	1
11	Immigration Office	1
Total		28

Figure 8. Perpetrators of hate speech

3.5. Victims of violation

Of all the documented human rights violations against PLHIV and key populations, the highest number of victims were of raids on 489 people. Most of the victims of the raids were sex workers by profession, and they were raided while at work. In addition to sex workers, sex worker clients are also victims.

One interesting finding is that the next victim was a member of the police force. In addition to the police as perpetrators of human rights violations against key populations, they can also become victims. Almost all of these police officers, or about 14 officers, were criminalized for using drugs, and 1 officer was deposed for having a homosexual sexual orientation. Other victims who were also affected by the punitive drugs policy were the state civil apparatus (*Aparatur Sipil Negara/ASN*), as many as 1 person and 2 general public who use drugs.

This narrative of hatred towards people who use drugs also widened with the imposition of urine test, both in areas of work and education, which then took a toll on 4 people: 2 people each were students at the high school level and educators. Another victim in an educational institution also happened to be a child living with HIV, bullied because of their HIV status. Also, a student who was expelled from the organization's membership on campus simply for supporting LGBTIQ+ rights through the use of a photo with a rainbow flag and the words "Happy Pride Month" on their personal social media accounts. Discrimination also targets foreign nationals in Indonesia and lesbian couples from the United States who were deported by Bali Immigration authorities simply for calling Bali LGBTIQ+ friendly. In the case of the right to freedom of assembly restrictions, almost all the victims found are from LGBTIQ+ groups. Quantitatively only 2 people were identified in a case of banning with the location of a café.

No	Victim	Frequency
1	Sex workers and clients	489
2	People who use drugs	23
3	LGBTIQ+	9
4	Children living with HIV	1
Total		522

Figure 9. Victims of human rights violations against PLHIV and key populations

3.6. News sources

This time, the new data variable from Media Monitoring and Documentation is the source interviewed by the media. A large number of reports found that almost all mass media chose sources outside the PLHIV and key populations. The police force occupies the highest number. Police are almost always interviewed in cases of raids, criminalization of people who use drugs, restrictions on movement and expression, and dissolution of community activities. In addition to the police, it is usually followed by SATPOL PP, which ranks third, mass organizations, TNI, Village Government, and the community. The second highest rank is occupied by local governments, where they rank first as perpetrators of hate speech and second as perpetrators of stigma. It was documented that only 5 of the 141 the source participated in involving victims, companions, and civil society organizations engaged in HIV and human rights issues.

No	News sources	Frequency
1	Police	26
2	Regional heads	19
3	SATPOL PP	16
4	DPR/DPRD	11
5	Mass organizations	11
6	TNI	8
7	Regional Health Office	8
8	KPA	6

No	News sources	Frequency
9	Religious figures	5
10	Village government	5
11	Community	5
12	Central Government	4
13	Ministry of Laws and Human Rights Regional Office	4
14	Victim	3
15	BNN	2
16	Campus organizations	2
17	Academics	2
18	Hospital Director	1
19	IDAI	1
20	Civil Society Organizations	1
21	Victim's companion	1
	Total	141

Figure 10. News sources

3.7. News reports media

Regarding the media that did the reporting, the 109 reports came from 86 media.

No	Media Name	Frequency
1	Detik.com	7
2	Kompas.com	5
3	Republika	5
4	CNN Indonesia	4
5	Suara.com	3
6	Viva.co.id	3
7	Tempo.com	3
8	Detikjabar	2
9	Poskota	2

No	Media Name	Frequency
10	Okezone.com	2
11	InilahKoran.com	2
12	Okenews	2
13	Antara Bengkulu	1
14	Askara	1
15	Ayosemarang.com	1
16	Kuninganmass.com	1
17	Kumparan	1
18	Presmedia.id	1
19	RRI	1
20	Bisnis.com	1
21	Tribunbogor	1
22	iNet	1
23	Dutatv.com	1
24	Terkini.id	1
25	Inews.Jatim	1
26	Inews.Yogya	1
27	Infopublik.id	1
28	Halloriatu.com	1
29	Health grid	1
30	JPNN.com	1
31	TribunJatim	1
32	Bangkapos.com	1
33	Makassar.terkini.id	1
34	Monitorindonesia.com	1
35	NusaBali.com	1
36	Banten.id	1
37	Pantura7.com	1
38	Pasundan ekspres.co	1
39	Jawapos	1
40	Radartarakan	1
41	Kaltara.prokal	1

No	Media Name	Frequency
42	Caritau.com	1
43	SeputarTangsel.com	1
44	Fajar.co.id	1
45	PortalKalteng.com	1
46	Serambinews	1
47	TribunKaltim	1
48	Solopos.com	1
49	FajarBengkulu.com	1
50	Suaramalang.id	1
51	voi.id	1
52	Zonakata.com	1
53	Tribunbanjarmasin.com	1
54	Tribunbekasi.com	1
55	TribunCirebon.com	1
56	TribunJabar.id	1
57	TribunMuria.com	1
58	TribunPadang	1
Total		86

Figure 11. News report media



ANALYSIS OF FINDINGS

“Trying to Run amid the Flourishing of Violations, Discrimination, and Stigma”

2.1 Recurrence of Human Rights Violations against PLHIV and The Key Populations

Raids Perpetuated by Law

The high number of findings of cases of violations against PLHIV and key populations should be a common question: why do these violations continue to occur? Data over the past two years shows that the patterns of violations that occurred were not much different from previous years, where discriminatory policies and raids still dominated violations in the form of discrimination.¹⁵ The highest finding of violations in the form of discrimination was raids in 31 cases, or 32.9%.

Raids usually target private places or spaces that are considered places to commit “immoral acts”, such as hotels, localizations, boarding houses, and spas/massage parlors. Of the 31 cases published, there were three motives for

¹⁵ Tengku Raka (2021), *Disinformasi yang Menjadi Diskriminasi: Permasalahan HIV di Indonesia*, p. 8.

the raids carried out by the authorities. The first motive was to enforce local regulations related to public order. Enforcement is carried out by targeting things considered disturbing to the community, such as places, actions, or people who violate immorality. Authorities claimed to have received reports and information from disturbed communities. The community report can be sourced from suspicion or observation of the activities of the suspected party. Unfortunately, the vast and subjective meaning associated with “disturbing the community” can make it easy for the public to report and the officials who receive the complaint immediately follow up.

The PERDA violations ordered by SATPOL PP include raids on sex workers, buildings without permits, and raids on Valentine’s Day. Raids in the context of enforcing local regulations do not escape targeting sex workers. Raids carried out by officials usually depart from reports of people who are uneasy about the existence of localization. One example of a case is when SATPOL PP Tangerang Regency raided localization in the Pasar Kemis area to enforce the Tangerang Regency PERDA No. 20 of 2004.¹⁶ In addition to localization, SATPOL PP also targets houses used by sex workers because they are considered places of prostitution¹⁷ and boarding houses which are also suspected to be places of online prostitution during the month of Ramadan.¹⁸ The subsequent targeted violation of the bylaw is related to the raid’s target that does not have a permit and or has not paid taxes. This kind of action is usually found in lodging places or massage parlors. Like getting a lot of prey, SATPOL PP also arrested inn’s visitors and homeowners on suspicion of prostitution.¹⁹ . Another raid under the guise of enforcing the bylaws was carried out on Valentine’s Day because perpetrators misinterpreted the day of affection that should mean compassions to everyone.²⁰

16 TribunBekasi.com (2022), *Penggerebekan tempat Prostitusi, 9 PSK Dicidad Satpol PP Kabupaten Tangerang: Merusak Generasi Muda*, accessed from <https://bekasi.tribunnews.com/2022/08/16/penggerebekan-tempat-prostitusi-9-psk-dicidad-satpol-pp-kabupaten-tangerang-merusak-generasi-muda>

17 AJNN (2022), *Rumah Diduga Tempat Prostitusi di Lhokseumawe Digerebek, 5 Muda Mudi Diamankan*, accessed from <https://www.ajnn.net/news/rumah-diduga-tempat-prostitusi-di-lhokseumawe-digerebek-5-muda-mudi-diamankan/index.html>

18 IDN Times (2022), *Gerebek Kos-kosan, Satpol PP Tangsel Tangkap Belasan PSK Online*, accessed from <https://banten.idntimes.com/news/banten/muhammad-iqbal-15/gerebek-kos-kosan-satpol-pp-tangsel-tangkap-belasan-psk-online?page=all>

19 Viva (2022), *Gelar Razia, Satpol PP Tangsel Tangkap Pasangan Lesbi*, accessed from <https://www.viva.co.id/berita/nasional/1468057-gelar-razia-satpol-pp-tangsel-tangkap-pasangan-lesbi?page=all>. Lihat juga Kompas.com (2022), *Kedapatan Fasilitasi Prostitusi, Panti Pijat di Sawangan Depok Akan Disegel*, accessed from <https://megapolitan.kompas.com/read/2022/01/13/08424391/kedapatan-fasilitasi-prostitusi-panti-pijat-di-sawangan-depok-akan?page=all>

20 Antara Jatim (2022), *Sebanyak 21 pasangan mesum terjaring razia di sejumlah hotel Surabaya*, accessed from <https://jatim.antaranews.com/berita/575401/sebanyak-21-pasangan-mesum-terjaring-razia-di-sejumlah-hotel-surabaya>

The second motive is a raid under the guise of preventing the transmission of COVID-19. One of these raids targeted an entertainment venue in Patok Besi, Lubuklinggau. Since the World Health Organization (WHO) declared COVID-19 as a pandemic and the findings of cases in Indonesia are increasing day by day, the Government has issued Government Regulation (PP) Number 21 of 2020 on Large-Scale Social Restrictions in the Context of Accelerating the Handling of Coronavirus Disease 2019 (COVID-19). The Regulation aims to accelerate the management of COVID-19 and suppress the spread that is increasingly widespread through restrictions on certain activities in an area suspected of being infected with COVID-19 (large-scale social activity restrictions).

In addition to emerging from the Regulation mandate, this raid also departed from the Lubuklinggau Mayor's Circular. There is an assumption that this regulation is solely carried out to suppress the spread of COVID-19. However, in media reports, there was no mention of what entertainment managers have committed violations to become the target of COVID-19 prevention control. In the context of restrictions, people are not prohibited from carrying out activities in public places but can still do activities by limiting the number of people who gather. The Regulation above still allows restrictions to be carried out, one of which is on public places or facilities,²¹ while still considering the fulfillment of the basic needs of the population in the form of food and other daily needs.²²

The third motive for the raids was tracking the existence of LGBTIQ+ and HIV detection. The stigma of homosexuals as sexual deviance also moved SATPOL PP to raid people who were suspected of being homosexual. One example is when SATPOL PP Purworejo cracked down on some boarding houses and hotels in Purworejo after receiving various informations.²³ In addition, due to the stigma that LGBTIQ+ causes HIV and HIV findings that are considered relatively high, the raid also goes side-by-side with HIV tracing efforts, where SATPOL PP found 7 HIV-positive MSMs.²⁴

21 Article 4 section (1) letter c and Article paragraph (3) of PP No. 21 of 2020 on Large-Scale Social Restrictions in the Context of Accelerating the Management of Coronavirus Disease 2019 (COVID-19).

22 *Ibid.*

23 Kompas.com (2022), *Terjaring Razia, 20 Orang Diduga Pasangan Gay Diamankan Satpol PP Purworejo*, accessed from <https://regional.kompas.com/read/2022/02/17/175155078/terjaring-razia-20-orang-diduga-pasangan-gay-diamankan-satpol-pp-purworejo?page=all>

24 Kompas.com (2022), *Terjaring Razia, 7 Orang Gay di Purworejo Positif HIV*, accessed from <https://regional.kompas.com/read/2022/02/18/224900678/terjaring-razia-7-orang-gay-di-purworejo-positif-hiv>

The massive actions of the authorities conducting raids targeting PLHIV and the key populations cannot be separated from various problems in enforcing local regulations. First, the raid procedure includes the following:

- 1) *Community reports need to be questioned for their objectivity.* If we trace the motive for the raid, it can be seen that SATPOL PP acted, one of which was based on community reports. A report is a notification to the authorities regarding an alleged criminal act and asks them to deal with it. Throughout the findings of the news, what kind of elements of public unrest led to criminal acts were not found. Article 108 of the KUHAP (Criminal Procedure Code) specifies that the person who has the right to report is the one who experiences, sees, witnesses, or who is the victim of a criminal act.

Meanwhile, the witness who hears is omitted because it is difficult to guarantee its correctness.²⁵ MU and TA, for example, became victims of raids because the boarding house owner suspected the victim of having suspicious gestures and hearing strange noises from his boarding room. Starting from the report, the Banda Aceh Sharia Court enforced by committing same-sex relations (*liwath*) and sentenced him to 77 times lashings.²⁶

- 2) *Arrest by way of entrapment.* SATPOL PP conducts raids on sex workers and residents by trapping them, such as pretending to be clients.²⁷ Legally, in an attempt to force arrest, which is not a red-handed catch operation, it must be accompanied by a letter of arrest duty, an arrest warrant, and a copy for the family.²⁸
- 3) *Intimidation and coercion of evidence in order to implicate.* The importance of the position of evidence in a criminal act makes law enforcement officers use items at the scene to implicate victims. Needs or equipment that support sexual intercourse, such as condoms, stimulants, wet wipes, and olive oil

25 Yahya Harahap (2014), *Pembahasan Permasalahan dan Penerapan KUHAP Penyidikan dan Penuntutan*, Edisi Kedua, Jakarta: Sinar Grafika, p. 119.

26 Kumparan (2021), *Kronologi Kasus Pasangan Gay di Aceh: Digerebek Warga hingga Dicambuk 77 Kali*, accessed from <https://kumparan.com/kumparannews/kronologi-kasus-pasangan-gay-di-aceh-digerebek-warga-hingga-dicambuk-77-kali-1v4AXod6rvr/full>

27 *Kedapatan Fasilitas Prostitusi, Panti Pijat di Sawangan Depok Akan Disegel*, *Op. Cit.*

28 Yahya Harahap, *Op.cit.*, p. 159-160.

were also confiscated.²⁹ The principle of the Criminal Procedure Code emphasizes that objects that can be confiscated are only objects related to criminal acts. The objects resulting from a criminal act, committing/preparing for a criminal act, obstructing the investigation, committing a criminal act, and having a direct relationship with the criminal act.

Meanwhile, condoms are a major supporting part of safe sex to prevent HIV and sexually transmitted infections (STIs).³⁰ Confiscation of objects without connection with a criminal offence should be considered unlawful.³¹ Obtaining evidence is also done by forcing the victim to answer questions unrelated to the criminal act and in accordance with the will of the authorities, such as status as homosexual³²

- 4) *The absence of a legal basis for the raids carried out by SATPOL PP.* In the raid in Surabaya, SATPOL PP checked the identity cards and every guests who did not have marital status was arrested. Likewise, there is an action by SATPOL PP that prohibits the designation of hotels that are not following the permit³³ —referring to the Regulation of the Minister of Tourism and Creative Economy No. PM.53/HM.001/MPEK/2013 on Hotel Business Standards and Regulation of the Governor of East Java No. 25 of 2018 concerning Guidelines for The Implementation of Hotel Business, there is no provision that hotel guests must be bound by marriage.
- 5) *SATPOL PP acted inconsistently with its authority.* One example of a case is SATPOL PP which conducted raids to target some hotels in the Ciputat area, which was carried out to check lodging places that did not have permits and had not paid taxes.³⁴ Regarding the absence of permits, this is not the authority of SATPOL PP but the Minister who organizes government affairs in the field of tourism, governors, regents/mayors, SEZ administrators, or

29 Solopos (2021), *Polisi Selidiki Peran Komunitas LGBT dalam Prostitusi Gay di Solo*, accessed from <https://www.solopos.com/polisi-selidiki-peran-komunitas-lgbt-dalam-prostitusi-gay-di-solo-1161807>. Lihat juga IDN Times, *Op. cit.*

30 Article 10 section (2) letter c of Minister of Health Regulation No. 23 of 2022 on Management of Human Immunodeficiency Virus, Acquired Immunodeficiency Syndrome, and Sexually Transmitted Infections.

31 Yahya Harahap, *Op. Cit.*, p. 275.

32 Kompas.com, *Terjaring Razia, 20 Orang Diduga Pasangan Gay Diamankan Satpol PP Purworejo*, *Op. cit.*

33 <https://jatim.antaranews.com/berita/575401/sebanyak-21-pasangan-mesum-terjaring-razia-di-sejumlah-hotel-surabaya>

34 Viva, *Gelar Razia, Satpol PP Tangsel Tangkap Pasangan Lesbi*, *Op. cit.*

the KPBPB Entrepreneurial Agency.³⁵ The imposition of sanctions is given starting with a warning in the form of a written reprimand maximum of 3 times. As for those who have not paid taxes, the authority to sanction is the Director General of Taxes by issuing a UN Tax Bill (UN STP) in the form of a fine of 2% per month of the bill.³⁶

- 6) *Many parties were allowed to carry out raids.* In addition to SATPOL PP, other parties who participated in the raid were the Police, TNI, and BNN. For example, the raid in Lubuklinggau. These under the guise of preventing the transmission of COVID-19 raids gave flexibility to the joint apparatus consisting of the Lubuklinggau City Police and BNN. Victims caught in the raid were taken to the Lubuklinggau Police Station for urine tests. The police and BNN, which have the authority to enforce the *war on drugs* policy, also easily carry out urine tests. Of the 227 victims who were secured, and urine tested, 190 were found to be positive. Based on the news, data of victims with positive result were collected, while those with negative results are sent home.³⁷
- 7) *Forcing HIV tests during raids.* HIV testing is part of the medical procedure and should be done with the party's consent to be tested. People with HIV who know the test results are not guaranteed to access health services to undergo ARV therapy, let alone the way officers do it with coercion. The authority of SATPOL PP also needs to be seen in the HIV Health Regulation, which gives authority to non-health workers to carry out outreach, early detection, and notification of spouses and children.³⁸
- 8) *Entering someone's privacy territory without permission.* Article 12 of the Universal Declaration of Human Rights makes it clear that no person can be arbitrarily disturbed regarding his personal affairs, family, household, or correspondence relationships. Entering a person's home as part of a

35 Article 456 section (1) and 457 section (1) of Government Regulation No. 5 of 2021 on the Implementation of Risk-Based Business Licensing.

36 Articles 2 and 3 section (1) of the Minister of Finance Regulation No. 78/OMK.03/2016 on Procedures for Issuing Land and Building Tax Bills.

37 iNews.id, *Patok Besi, Lokalisasi Melegenda di Lubuklinggau Digerebek, Hasilnya Mencengangkan*. Accessed from <https://sumsel.inews.id/berita/patok-besi-lokalisasi-melegenda-di-lubuklinggau-digerebek-hasilnya-mencengangkan/all>

38 Article 23 section (2) of the HIV Health Minister Regulation.

search whose authority belongs only to the investigator and needs to be supervised by the Chief Justice of the District Court. If the police conduct a search, it must be accompanied by a letter of assignment, two witnesses (if the searched person agrees) or three witnesses (if they disagree) and release news reports of the search event.³⁹ Meanwhile, in the context of raids, anyone can easily do so as long as it is considered a violation of decency. It is vulnerable to encouraging vigilante action and endangering the victim even more. The raids in Kuningan, for example, residents raided boarding rooms and persecuted the victims.⁴⁰

9) *Community involvement in raids.* In many cases, society is like the fuel of raid cases. In addition to the authority granted through PERDA, appeals from officials or public figures for the public to report if they know of a place that functions as a localization triggers raids that occur.^{41 42}

Second, sanctioning victims. After becoming a victim due to a problematic law enforcement process, revictimization is often experienced by victims. Victims receive other sanctions, such as; data collection without consent; making a statement not to repeat their actions; calling the parents/village officials to provide a deterrent effect; training for sex workers; being returned to their hometown; forced rehabilitation; and foreclosing localization and business premises, such as stalls, shophouses, cafes, salons, massage parlors/spas.

The root of various problems arising from raids is that the state interprets the profession of sex workers and sexual behavior without marital ties as criminal acts. The provisions of the old version of the Criminal Code can only target acts committed by intermediaries/pimps through Article 296 and Article 506 of the Criminal Code Law. Feeling that there is a legal vacuum to be able to implicate sex workers, officials often criminalize through the provisions of local regulations related to public order and its derivative rules.

39 Yahya Harahap, *Op. Cit.*, p. 251-254.

40 AyoSemarang.com (2021), *Geger! Warga Kuningan Gerebek Waria 'Main Bertiga'*, accessed from <https://www.ayosemarang.com/nasional/pr-77802992/Geger-Warga-Kuningan-Gerebek-Waria-Main-Bertiga>

41 Republika (2022), *Prostitusi di Cilincing Ditutup, Puluhan PSK Dipulangkan ke Kampung Halaman*, accessed from <https://www.republika.co.id/berita/rita7y328/prostitusi-di-cilincing-ditutup-puluhan-psk-dipulangkan-ke-kampung-halaman>

42 TribunBekasi (2022), *Penggerebekan Tempat Prostitusi, 9 PSK Dicidaduk Satpol PP Kabupaten Tangerang: Merusak Generasi Muda!*, accessed from <https://bekasi.tribunnews.com/2022/08/16/penggerebekan-tempat-prostitusi-9-psk-dicidaduk-satpol-pp-kabupaten-tangerang-merusak-generasi-muda?page=2>

Fostering Policies That Discriminate against PLHIV and Key Populations

The onslaught of LGBTIQ+ through Discriminatory Policies

Similar to previous years' findings, discriminatory policies have again never been absent from the long list of violations committed by the state against PLHIV and key populations. This policy is present, one of which is at the regional level through the formation of regional regulations. One of them was carried out by the Government and the Bogor Municipality DPRD by passing Bogor Municipality Regional Regulation Number 10 of 2021 on Countermeasures for Sexual Deviant Behavior (P4S) on December 14, 2021. Public policy has several forms, one of which is legislation. In its hierarchy, regional regulations are the type of laws and regulations in the last order formed by the DPRD/local legislative and the Governor or Regent/Mayor.⁴³

As stated by Somit and Peterson interpret the public policy as government action.⁴⁴ Furthermore, Anderson interprets public policy as a series of actions deliberately chosen by one or a group of actors to address a problem.⁴⁵

The P4S PERDA initiated by the DPRD was made on the grounds of the increasing number of LGBTIQ+ in Bogor Municipality, which was later categorized as LGBTIQ+, a societal disease, and sexual deviance. Thus, this PERDA is nothing but to maintain the values, norms, and order of family social institutions.⁴⁶ Previously, since 2014 hatred against LGBTIQ+ has been spread by the Indonesian Ulama Council (MUI) through Fatwa No. 57 of 2014 concerning Lesbian, Gay, Sodomy, and Obscenity. According to the Fatwa, homosexuality is part of sexually deviant behavior, and the MUI provides recommendations to the legislative body and the Government to prohibit the existence of homosexuals and prevent them through rehabilitation and provide severe punishment. MUI itself is a forum for the deliberation of Muslim scholars, leaders, and scholars to develop an

43 Article 7 section (1) Law Number 12 of 2011 on the Establishment of Laws and Regulations.

44 Lembaga Administrasi Negara, *Modul Pelatihan Analisis Kebijakan*, p. 38.

45 *Ibid.*

46 Points A and B Consider Bogor Municipality Regional Regulation Number 10 of 2021 concerning Prevention and Control of Sexual Deviant Behavior (Perda P4S).

Islamic life.⁴⁷ According to Ainun Najib, the position of the MUI in the Indonesian constitution is as a community organization and not a state institution.⁴⁸ Similar to this opinion, according to Mahfud MD, the MUI's Fatwa is not binding and cannot be imposed through law enforcement.⁴⁹ In essence, Fatwas are the opinions and thoughts of scholars, so they do not have the legality of the law to apply in general. Even if it is binding, it is only limited to Muslims who feel they have a bond.

Being LGBTIQ+ is often still considered a disease or pathology. Pathology is a psycho-medical, legal, and cultural practice to identify a feature, an individual, or a population as an intrinsic disorder.⁵⁰ Transsexuals and individuals with gender diversity have been declared mental and behavioral disorders by The International Classification of Diseases (ICD-10) and The American Psychiatric Association through the publication of The Diagnostic and Statistical Manual of Mental Disorders (DSM-5). However, through the publication of the DSM in 1973 and the ICD in 1975, homosexuality as a disease disorder has been eliminated. Through ICD-11 in 2018, even trans as a mental disorder has been officially issued, although this product still classifies intersex individuals as *disordered*.⁵¹

Sri Kusnaeni, as the Deputy Chairperson of the Special Committee of the PERDA P4S, at that time, stated that the number of LGBTIQ+ people in Bogor Municipality in 2019 reached 4,928 people.⁵² The existence of this number needs to be questioned, especially from where the source and how the data was obtained. Efforts to obtain data can occur if LGBTIQ+ individuals are willing to disclose their status. Meanwhile, with the social situation in Indonesia that is yet to be friendly to LGBTIQ+, this is highly unlikely. Wahid Foundation's survey on religious tolerance trends among Indonesian Muslim women in 2017 found

47 Presidential Regulation No. 151 of 2014 on Funding Assistance for Activities of the Indonesian Ulama Council.

48 Ainun Najib, *Fatwa Majelis Ulama Indonesia Dalam Perspektif Pembangunan Hukum Responsif*, Journal: Volume 4, No. 2, December 2012.

49 Media Indonesia (2016), *Fatwa MUI dan Living Law Kita*, accessed from <https://mediaindonesia.com/kolom-pakar/84453/fatwa-mui-dan-living-law-kita>

50 Kara, Sheherezade (2017), *Gender is not an illness. How pathologizing trans people violates International human rights law*. GATE, p. 4.

51 Maria Elisa Castro-Peraza, dkk (2019), *Gender Identity: the Human Right of Depathologization*, International Journal of Environmental Research and Public Health, 16, 978, p. 3. Diakses melalui <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6466167/#B9-ijerph-16-00978>

52 Metropolitan.id (2021), *Jumlah LGBT di Kota Bogor Capai 4.928 orang, Pansus Matangkan Raperda Pencegahan dan Penyimpangan Perilaku Seksual*, accessed from <https://www.metropolitan.id/2021/01/jumlah-lgbt-di-kota-bogor-capai-4928-orang-pansus-matangkan-raperda-pencegahan-dan-penyimpangan-prilaku-seksual/>

that LGBTIQ+ became the most hated group.⁵³ The unfriendly situation towards LGBTIQ+ is directly proportional to them hiding their status.⁵⁴

In addition, the assumption that the number of LGBTIQ+ people is increasing is feared to be due to misperceptions about gays and MSM. Gay is part of a very personal sexual orientation, referring to homosexual men, men who are attracted to other men. Such attraction needs to involve emotional and romantic and/or sexual feelings.⁵⁵ Meanwhile, MSM is sexual behavior either alone or involving other people, and when involving other people, it must be through a conscious, voluntary, and non-coercive agreement.⁵⁶ MSM are vulnerable to HIV infection due to unprotected/safe anal sex behavior.⁵⁷ Based on the Ministry of Health's data as of January-March 2021, MSM has the highest percentage of HIV infection at 26.3%.⁵⁸ However, the Ministry of Health data also classifies risk factors for HIV transmission based on sexual orientation, homosexual and heterosexual, rather than based on sexual behavior, such as sex workers, housewives, and so on. As a result, this grouping is prone to the interpretation of assumptions, for example, infections between men and women are categorized under heterosexual risk factors.

LGBTIQ+ pathology is an obstacle to overcoming stereotypes, stigma, and the fulfillment of basic rights of LGBTIQ+ individuals. In addition to the shadow of criminalization, LGBTIQ+ individuals will also face the threat of pathology, such as abusive and harmful treatment through conversion therapy.⁵⁹ Policymakers claim that the PERDA P4S is an attempt to protect the community. However, there is no protection when people are overshadowed by the fear of being sanctioned because of their sexual orientation or gender identity or gender expression. The PERDA P4S does not abstain from imposing punishment and

53 Tempo.co (2018), *Survei Wahid Foundation: Komunis dan LGBT Paling Tak Disukai*, accessed from <https://nasional.tempo.co/read/1055349/survei-wahid-foundation-komunis-dan-lgbt-paling-tak-disukai>

54 Human Rights Watch (2018), *Scared in Public and Now No Privacy. Human Rights and Public Health Impacts of Indonesia's Anti-LGBT Moral Panic*, p. 8.

55 Arus Pelangi (2017), *Modul Pendidikan Dasar SOGIESC*, p. 16.

56 *Ibid*, pp. 17.

57 Aho J, Hakim A, Vuylsteke B, Semde G, Gbais HG, Diarrassouba M, Thiam M, Laga M. *Exploring risk behaviors and vulnerability for HIV among men who have sex with men in Abidjan, Cote d'Ivoire*: poor knowledge, homophobia and sexual violence. *PLoS One*. 2014 Jun 24;9(6):e99591. doi: 10.1371/journal.pone.0099591. PMID: 24959923; PMCID: PMC4069062.

58 Ministry of Health (2021), *HIV AIDS and Sexually Transmitted Infectious Diseases (STIs) Progress Report for the First Quarter of 2021*, accessed from https://siha.kemkes.go.id/portal/files_upload/Laporan_TW_I_2021_FINAL.pdf

59 OHCHR (2016), *Pathologization – Being lesbian, gay, bisexual and/or trans is not an illness* For Internasional Day against Homophobia, Transphobia and Biphobia. Accessed from <https://www.ohchr.org/en/press-releases/2016/05/pathologization-being-lesbian-gay-bisexual-and-or-trans-not-illness?LangID=E&NewsID=19956>

there are two regulated sanctions, namely rehabilitation/conversion therapy sanctions and criminal sanctions. Rehabilitation sanctions are intended to “cure” LGBTIQ+, which mandates local authorities and communities to do so.⁶⁰ Forced conversion therapy under the pretext of “restoring sexual orientation” violates the right to be free from torture and inhumane treatment. It can even impact access to legal gender recognition and gender affirmation procedures.⁶¹ Thus, it is not due to being LGBTIQ+ as a mental disorder but due to discrimination and marginalization of LGBTIQ+ that causes LGBTIQ+ to have mental health issues.⁶² Prior to the regulation of rehabilitation sanctions through PERDA P4S in Bogor Municipality, from 2018-2020, there were at least 11 PERDAs on family resilience that also contained sanctions for religion-based conversion therapy against LGBTIQ+.⁶³

Meanwhile, criminal sanctions refer to various laws and regulations that form the basis of this PERDA, including at least the Criminal Code (KUHP), Law No. 35 of 2014 on Law No. 23 of 2002 on Child Protection (Child Protection Law), Law No. 24 of 2008 on Pornography (Pornography Law), Bogor Municipality Regional Regulation No. 1 of 2021 on the Implementation of Public Order and Community Peace and Community Protection, and so on.⁶⁴ What is worrying is that the new Criminal Code passed on December 6th, 2022, has articles related to living law that has the potential to criminalize LGBTIQ+. Also, the phrase “and others” provides an opportunity for law enforcement officials with their own interpretation to criminalize with reference to all existing regulations.

In addition to discriminatory PERDAs, efforts to marginalize LGBTIQ+ in state institutions are beginning to unfold. This documentation found criminalization and dismissal in the Indonesian Military and Police agencies on the basis of having a homosexual sexual orientation. A member of the Indonesian Navy in Surabaya was charged with violating Article 281 of the Criminal Code on decency and Article 103 paragraph (1) of the Military Criminal Code (KUHPM) on

60 Article 18 paragraph (2) and (4) PERDA P4S.

61 Kara, Sheherezade, *Op. Cit.*, p. 10.

62 Mental Health American, *LGBTQ+ Communities and Mental Health*, accessed from <https://www.mhanational.org/issues/lgbtq-communities-and-mental-health>

63 The Indonesia National Coalition of the Marginalised Group against Discrimination on the basis of Sexual Orientation Gender Identity (SOGI), 2022, Universal Periodic Review Indonesia (2022), Joint Submission on LGBTIQ Right for Indonesia's Fourth UPR, p. 6.

64 Explanation of Article 25 of the PERDA P4S.

willful disobedience. For these allegations, the judge at the Military Court level handed down a basic sentence of six months imprisonment and an additional dismissal for willful disobedience.⁶⁵ The additional punishment of dismissal was imposed with the consideration that other TNI members would not emulate it because the victim was in contact with several TNI members from different units. The victim's efforts to seek justice continued up to the appeal level, but he was denied.⁶⁶ Similar cases also happened to a TNI member in North Kalimantan⁶⁷ and two TNI members in Surabaya who were sentenced to seven months imprisonment and dismissal on the basis that they could be infected with HIV, which has an impact on the performance of soldiers who need physical and mental readiness.⁶⁸ It appears that state agencies are removing the right to work that has nothing to do with performance but is based solely on hatred of LGBTIQ+ people and misconceptions about HIV.

The punishment of TNI soldiers who have a homosexual orientation refers to discriminatory policies in TNI institutions consisting of Telegram Letter Number: ST/398/2009 dated July 29th, 2009 and strengthened by Telegram Letter Number: ST/1648/2019 dated October 22, 2019 which considers LGBTIQ+ to be against military discipline and a serious offense in TNI institutions. In addition, Article 62 of Law No. 34 of 2004 concerning the TNI and Article 53 paragraph (2) letter h of Government Regulation No. 39 of 2010 concerning the Administration of TNI Soldiers. Ironically, the Chief of Staff of the Indonesian Navy does not hesitate to fire its LGBTIQ+ members because they violate the morals and ideology of the country.⁶⁹

A similar pattern of violation of the right to work also occurred in the Indonesian Police. This was experienced by TT, a former police officer who was dismissed based on the Central Java Police Chief Decree No. Kep/2032/XII/2018 on

65 Putusan DILMIL III 12 Surabaya Nomor 55-K/PM.III-12/AL/IV/2021 accessed via <https://putusan3.mahkamahagung.go.id/direktori/putusan/zaec0f84c95d1632a5ca303933393133.html>

66 Decision of DILMIL III SURABAYA Number 48-K/PMT.III/BDG/AL/VIII/2021 accessed via <https://putusan3.mahkamahagung.go.id/direktori/putusan/zaec1f519a48ff6eb418313231333038.html>

67 Detiknews (2021), *Anggota TNI di Kaltara Dipecat dan Dipenjara karena Terbukti Hubungan Sejenis*, accessed from <https://news.detik.com/berita/d-5665324/anggota-tni-di-kaltara-dipecat-dan-dipenjara-karena-terbukti-hubungan-sejenis?single=1>

68 DetikJateng (2022), *Sejoli Oknum TNI LGBT di Jatim Divonis Bui 7 Bulan dan Dipecat*, accessed from <https://www.detik.com/jateng/hukum-dan-kriminal/d-6433633/sejoli-oknum-tni-lgbt-di-jatim-divonis-bui-7-bulan-dan-dipecat>

69 Kompas.com (2021), *KSAL Ancam Pecat Prajurit TNI AL dengan Dalih Terbukti LGBT*, accessed via <https://nasional.kompas.com/read/2021/06/23/10221571/ksal-ancam-pecat-prajurit-tni-al-dengan-dalih-terbukti-lgbt>

Dismissal from the Police Service because he was found to be homosexual. TT then pursued an appeal, but it was denied.⁷⁰ The basis for the dismissal was Police Chief Regulation No. 19 of 2012 concerning the Organization and Working Procedures of the Code of Ethics Commission of the Republic of Indonesia Police.

Criminalization and Punishment for People Who Use Drugs

The politics of the war on drugs is slowly beginning to reveal victims from among law enforcement officials themselves to state civil apparatus (ASN). In total, there are 19 victims of criminalization of people who use drugs and 16 of them are police officers. These victims have even involved high-ranking officials in the police, such as the case in Bandung involving a sub-district police chief⁷¹ and the head of the Drug Investigation Unit of Karawang District Police.⁷² Apart from police officers, a state civil apparatus (ASN) from the Tanjungpinang Immigration Office⁷³ and two honorary staff in Sungailiat, Bangka Regency were also reported as victims.⁷⁴

Drug use among the police is actually not new. Angela Gorta conducted a study in 2009 on illegal drug use by New South Wales Police Force (NSWPF) officers to find efforts to minimize drug use. Angela's study found that police who used drugs came from various identities, ranging from male and female police between the ages of 20-48, with ranks ranging from probationary police to sergeants. One of the identified reasons for police drug use was to cope with stress, either in the workplace or in personal life.⁷⁵ The findings are in line with a study funded by the National Institute of Occupational Safety and Health, which found that more than 400 police officers over the age of 40 had higher

70 Detik (2021), *MA Sahkan Pemecatan Polisi Gay oleh Polda Jateng*, accessed from <https://news.detik.com/berita/d-5837346/ma-sahkan-pemecatan-polisi-gay-oleh-polda-jateng?single=1>

71 Republika (2021), *12 Polisi Ditangkap Pesta Narkoba, Legislator: Memalukan*, accessed from <https://www.republika.co.id/berita/qopz47354/12-polisi-ditangkap-pesta-narkoba-legislator-memalukan>

72 Kompas.com (2022), *Kasat Narkoba Ditangkap, Seluruh Polisi di Polres Karawang Dites Urine*, accessed from <https://bandung.kompas.com/read/2022/08/16/171820978/kasat-narkoba-ditangkap-seluruh-polisi-di-polres-karawang-dites-urine>

73 Presmedia.id (2021), *ASN Imigrasi Pengguna Narkoba Terancam Dipecat*, accessed from <https://presmedia.id/berita-28541/asn-imigrasi-pengguna-narkoba-terancam-dipecat.html>

74 Suara.com (2022), *Positif Narkoba, Dua Honorer di Sungailiat Bangka Langsung Dipecat*, accessed from <https://www.suara.com/news/2022/05/18/061430/positif-narkoba-dua-honorer-di-sungailiat-bangka-langsung-dipecat>

75 Angela Gorta (2009), *Illegal Drug Use by Police Officers: Using Research and Investigations to Inform Prevention Strategies*, *Internasional Journal of Police Science and Management*, Vol: 11, Issue:1.

levels of cortisol (a chemical associated with stress). For this reason, drug use serves as a diversion to cope with stress and pressure.⁷⁶

According to Matt Gonzales, there are at least three factors that contribute to the stress experienced by police to the point of using drugs.⁷⁷ *First*, a job that has a risk of danger leading to death. Police stress levels are higher today than 30 years ago due to legal and social dynamics. A study published by The Journal of Occupational and Environmental Medicine showed that nearly 50% of police experienced stress contributed from work, such as violent arrests, hostage-taking, and bloody crime scenes. The risk of losing one's life on duty also contributes to the stress. *Second*, the high workload. The requirement to work for 10 to 12 hours and irregular shifts results in fatigue that impacts mental health. Another impact of working in a chaotic environment is that it can trigger Post-Traumatic Stress Disorder (PTSD). Ron Clark, Chairman of the Badge of Life Police Mental Health Foundation, estimates that 1 in 8 police officers have PTSD. *Third*, criticism from the public. The attitude of people who criticize police performance can be interpreted as a lack of appreciation for their performance. In the Indonesian context, this can be linked to the level of public trust in police performance. For example, survey results released by the Indonesian Survey Institute (*Lembaga Survey Indonesia/LSI*) show that the level of public trust in police law enforcement agencies in August 2022 was at the lowest level at 69.6%.⁷⁸ Furthermore, in October 2022, the percentage decreased to 53%.⁷⁹ The Journal of Law Enforcement report states that public attitudes toward the police have a physical and emotional influence on the police apparatus.

The reality and background of drug use shows that the issue of drugs cannot be avoided from the police institution. Punishment in the form of imprisonment and dismissal, once again, is highly questionable in its effectiveness. The issue of drugs among law enforcement officers is related to addiction and mental health issues and becomes irrelevant and has the potential to multiply victims when the root of the problem is not addressed. Robin Kroll, PsyD, stated that when

76 Americanaddictioncenter (2022), *Substance Abuse Among Police & Law Enforcement*, accessed from <https://american-addictioncenters.org/rehab-guide/police>

77 Matt Gonzales (2020), *Police and Addiction*, accessed from <https://www.drugrehab.com/addiction/police/>

78 Tempo.co (2022), *Survei LSI: Polri Berada di Urutan Terbawah Penegak Hukum yang Dipercaya Publik*, accessed from <https://nasional.tempo.co/read/1629060/survei-lsi-polri-berada-di-urutan-terbawah-penegak-hukum-yang-dipercaya-publik>

79 DataIndonesia.id (2022), *Survei LSI: Kepercayaan Publik kepada Polri Anjlok Menjadi 53%*, accessed from <https://dataindonesia.id/ragam/detail/survei-lsi-kepercayaan-publik-kepada-polri-anjlok-menjadi-53>

police officers struggle with drug addiction, they should be given medical leave to recover.⁸⁰ However, the response shown by the police institution is actually a hands-off in order to maintain a “good reputation”. The response is not only not based on a health approach, but also adds to the long list of overcrowding problems in Indonesia’s prisons.

The social system that labels drugs as negative, ranging from illicit goods to damaging the nation’s generation, also provides justification for providing heavier punishments, both criminal and non-criminal sanctions, if the victims actually come from state representation such as law enforcement officials or state civil servants. This can be seen in the decision of Listyo Sigit Prabowo, as the National Police Chief, who gave instructions through a Telegram Letter numbered ST/331/II/HUK.71/2021 to impose punishment in the form of dismissal and criminalization. The belief to give a deterrent effect and eradicate drugs in the law enforcement and government apparatus is strengthened through Presidential Instruction Number 6 of 2018 concerning the Action Plan for the Prevention, Eradication of Abuse and Circulation of Narcotics and Narcotics Precursors (P4GN) and the Circular Letter of the Minister of Bureaucratic Reform (SE PAN-RB). Being so afraid that the image of ministries/institutions is considered bad when dealing with drugs, the instruction was directed to the Regional Police Chief to carry out urine tests for all his members⁸¹ and for ASN through the SE PAN-RB mandatory twice a year urine tests.⁸²

The mandatory implementation of urine testing has actually violated the right to health. In the right to health, there is an aspect of freedom and this includes the right to be free from non-consensual medical treatment.⁸³ Another violation is in the aspect of the right to work. Both police and civil servants who have positive urine test results are automatically fired. Ironically, this practice is common and massive, one example of a case is the urine test held at the Regional Office of the Ministry of Law and Human Rights of Riau which conducted tests with random targets, namely 46 out of 138 ASNs.⁸⁴

80 *Ibid.*

81 Kompas.com (2021), *Kapolri Instruksikan Anggota Polisi yang Terlibat Narkoba Dipecat dan Dipidana*, accessed from <https://amp.kompas.com/nasional/read/2021/02/19/17582041/kapolri->

82 InfoPublik (2022), *Berantas Narkoba! ASN Kemenkumham Riau Tes Urin*, accessed from <https://infopublik.id/kategori/nusantara/667453/berantas-narkoba-asn-kemenkumham-riau-tes-urin>

83 Point 8 General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12).

84 *Ibid.*

Restrictions on the Right to Freedom of Assembly of LGBTIQ+

During the period from January 2021 to September 2022, there were five cases of violations of the right to freedom of assembly with dimensions of banning activities, dissolving activities, and restricting access to public spaces for LGBTIQ+.

The prohibition of activities is one of the patterns in the restriction of the right to freedom of assembly, which is usually associated with the obligation to apply for a permit. A report by the Coalition for Freedom of Association (*Koalisi Kebebasan Berserikat/KBB*) found that police actions that require permit applications are based on subjective assessments that assembly activities have the potential to cause community unrest.⁸⁵ The KSM community in Makassar, for example, wanted to hold an art stage but was prohibited by the Mayor on the grounds of protecting the community because LGBTIQ+ activities are illegal.⁸⁶ In addition to applying for permits, the police even made efforts to “pick up the ball”. For example, HIV education activities at a villa in Puncak, Bogor, ended in a ban, and the sub-district Police Chief asked the hotel and villa to notify of any crowd activities.⁸⁷

If the context of banning activities is before the activity takes place, efforts to limit the right to freedom of assembly of key HIV populations also reach the stage of disbandment of activities during the event. KKB found that the most common violation related to freedom of assembly was the forced dissolution of activities amounting to 51 cases in the period July 2018 to July 2019.⁸⁸ There were three motives for the dissolution of activities either directly or in relation to LGBTIQ+. First, the pretext of not getting permission from the police. For example, a beauty pageant⁸⁹ and a transgender birthday celebration⁹⁰ in

85 Koalisi Kebebasan Berserikat (KKB) (2019), *Laporan Monitoring dan Evaluasi Implementasi Hak atas Kebebasan Berkumpul dan Berorganisasi di Indonesia tahun 2018-2019*, p. 6.

86 Kompas.com (2022), *Komunitas LGBT Akan Gelar Acara di Makassar, Wali Kota Danny Pomanto Ancam Akan Bubarkan*, accessed from <https://makassar.kompas.com/read/2022/05/27/133645778/komunitas-lgbt-akan-gelar-acara-di-makassar-wali-kota-danny-pomanto-ancam?page=all>

87 CNN Indonesia (2022), *Polisi Pastikan Acara Pesta Seks LGBT di Puncak Batal*, accessed from <https://www.cnnindonesia.com/nasional/20220617134730-12-810240/polisi-pastikan-acara-pesta-seks-lgbt-di-puncak-batal>

88 *Op.cit.*, Koalisi Kebebasan Berserikat (KKB).

89 Kompas.com (2021), *Soal Pembubaran Kontes Kecantikan Waria di Polewali Mandar, Polisi Panggil Penanggung Jawab Acara*, accessed from <https://regional.kompas.com/read/2021/12/02/202334878/soal-pembubaran-kontes-kecantikan-waria-di-polewali-mandar-polisi-panggil?page=all>

90 Viva.co.id (2022), *Polisi Bubarkan Kontes Busana Waria di Makassar*, accessed from <https://www.viva.co.id/berita/nasional/1505116-polisi-bubarkan-kontes-busana-waria-di-makassar?page=all>

Makassar were disbanded by the police. In fact, if it is related to Law No. 9 of 1998 on Freedom of Expression in Public, the only requirement that must be met is a notification to the police. Notification means only informing the police that an activity will be carried out without the need for approval from the police. After the notification is submitted, the police are obliged to provide a receipt of the notification and ensure that the activity is carried out without interference from other parties.⁹¹ Unfortunately, dissolution as a form of sanction is justified if the activity is deemed not to fulfill the provisions. It is not explained what the indicators of the provisions are, so it has the potential to make the authorities interpret it differently.

Second, maintaining public order. The realm of public order is closely related to the involvement of CSOs and communities that encourage the limitation of gathering spaces for LGBTIQ+. A case in point is the dissolution of a transgender birthday celebration in Makassar, which was triggered by one of the Islamic organizations declaring the activity deviant.⁹² Meanwhile, in the case of the fashion contest, the community reported it because it was deemed to be causing a disturbance. The police also intervened to disperse the two activities on the grounds that they would not cause chaos in the community. The Chief of Police's Field Manual (*Petunjuk Lapangan/JUKLAP*) No. Pol/02/XII/95 on Licensing and Notification of Community Activities only regulates permits for crowd activities on a small (300-500 people) and large (more than 1000 people) scale. The JUKLAP does not authorize either the police or the urban village (the party that bridges citizens to the police) to disperse activities. The police as law enforcement officers who are supposed to be independent in carrying out their duties are easily intervened under the pretext of order. KontraS found that the reason why the police justify restrictions on the right to freedom of assembly is because LGBTIQ+ is against religion and the police must guarantee the freedom of the contra group for an assembly activity.⁹³

Third, the protection of society. The LGBTIQ+ label blurred the identity of children and threatened the sustainability of the nation, making *Citayam Fashion Week*

91 Juklap Kapolri No. Pol/01/XII/95 tentang Perijinan dan Pemberitahuan Kegiatan Masyarakat.

92 *Ibid.*

93 Komisi Untuk Orang Hilang dan Korban Tindakan Kekerasan (KontraS) (2019), *Menemukan Pola Pembatasan terhadap Kebebasan Berkumpul di Indonesia. Studi terhadap Kasus-Kasus Pelanggaran Kebebasan Berkumpul 2015-2018*, pp. 86.

ridden by interests to the point that the Deputy Governor of DKI Jakarta dissolved it.⁹⁴ Prior to that, the Department of Social Affairs (*Dinas Sosial/DINSOS*) said that they would take action against men who wore women's clothing and sanction them with rehabilitation in an institution.⁹⁵ DINSOS considers those whose expression is not in accordance with gender to be part of the Social Welfare Problem Persons (*Penyandang Masalah Kesejahteraan Sosial/PMKS*). Meanwhile, the Mayor of Solo allowed similar activities to *Citayam Fashion Week* in Solo as long as it did not become an LGBTIQ+ event.⁹⁶ Hatred towards LGBTIQ+ obscures the objective side of the state to the point that it does not hesitate to limit space for movement in all aspects. *Citayam Fashion Week* is a space for young people to express themselves. Instead of limiting the youth's space for expression, the state should focus on strengthening the protection of children. Situations that endanger the real future of children are intimidation, child marriage, female genital mutilation (FGM), and violence.⁹⁷

Another form of violation of the right to freedom of assembly is the prohibition of access to the use of public space. A café waitress in Jakarta reported two men to Pancoran Police Station for making out in a public place. As a result of the report, the police investigated the alleged same-sex adultery. In addition to conducting an investigation, the police asked the cafe owner to make a statement and appeal about drugs, immorality, and other crimes.⁹⁸ The cafe owner even stated that he would sterilize his cafe from unhealthy relationships.⁹⁹

Reflecting on the above cases, it appears that the police facilitate restrictions with support from the sub-district head, village head, NGOs, and the community. The sub-district head is part of the district/city government that was formed to

94 SEPUTARTANGSEL.COM (2022), *Citayam Fashion Week Dibubarkan, Wagub DKI Jakarta: Kami Lindungi Anak-anak dari Promosi LGBT*, accessed from <https://seputartangsel.pikiran-rakyat.com/nasional/pr-145123651/citayam-fashion-week-dibubarkan-wagub-dki-jakarta-kami-lindungi-anak-anak-dari-promosi-lgbt>

95 CNN Indonesia (2022), *Dinsos Bakal Tindak Pria Berbusana Wanita di Citayam Fashion Week* accessed from <https://www.cnnindonesia.com/nasional/20220725161452-20-825893/dinsos-bakal-tindak-pria-berbusana-wanita-di-citayam-fashion-week>

96 Tempo.co (2022) *Dukung Warga Solo Gelar Acara Seperti Citayam Fashion Week, Gibran: Jangan Jadi Ajang LGBT*, accessed from <https://nasional.tempo.co/read/1617113/dukung-warga-solo-gelar-acara-seperti-citayam-fashion-week-gibran-jangan-jadi-ajang-lgbt>

97 UNICEF Indonesia, *Perlindungan Anak, Menjaga anak-anak agar aman dari kekerasan, penelantaran dan eksploitasi*, accessed from <https://www.unicef.org/indonesia/id/child-protection>

98 InilahKoran (2022), *Gara-gara Video Viral Dugaan Asusila LGBT, Kafe Wow Jaksel Ditutup*, accessed from <https://news.detik.com/berita/d-5843528/kafe-wow-di-kalibata-jaksel-didatangi-warga-usai-viral-video-lgbt/2> <https://www.inilahkoran.com/gara-gara-video-viral-dugaan-asusila-lgbt-kafe-wow-jaksel-ditutup>

99 Detiknews (2021), *Kade Wow di Kalibata Jaksel Didatangi Warga Usai Viral Video 'LGBT'*, accessed from <https://news.detik.com/berita/d-5843528/kafe-wow-di-kalibata-jaksel-didatangi-warga-usai-viral-video-lgbt/2>

improve the coordination of government administration.¹⁰⁰ In a more detailed description of the duties of the sub-district head, one of his/her authorities is to organize peace and order,¹⁰¹ and in the matter of peace and order, the sub-district head synergizes with the police, TNI, religious leaders, and community leaders.¹⁰² The police's coordination with these actors has actually made the apparatus carry out enforcement that is not based on the law. For example, starting from the alleged presence of several LGBTIQ+ individuals in a cafe and then responding to take action. The problem is that there is actually no allegation of a criminal incident, but the Indonesian Police and the TNI came to the place. The actions taken by the security forces were further corroborated by the community. One example is when the Chairman of the Palangkaraya MUI even urged the police and government to take firm action.¹⁰³ He advised the police and SATPOL PP to raid cafes that are used as LGBTIQ gathering places.¹⁰⁴

The act of investigating someone on the suspicion that they are LGBTIQ+ is fundamentally problematic. Sexual orientation and gender identity are personal matters, meaning that others cannot speculate and interpret as they wish. This assumption is often the basis for repression against the private sphere of LGBTIQ+ individuals. The Criminal Procedure Code has actually provided signs that arrest is justified when a person is strongly suspected of committing a criminal offense through sufficient preliminary evidence.¹⁰⁵ This sufficient preliminary evidence must at least be based on the principle of "minimum evidentiary limit" which is at least two pieces of evidence consisting of two witnesses plus one other piece of evidence.¹⁰⁶ Instead of protecting human rights by adhering to universal principles, the authorities tend to favor the majority group.

100 Article 221 of Law No. 23 of 2014 concerning Regional Government.

101 Article 224 of Law No. 23 of 2014 concerning Regional Government.

102 Article 10 letter c of Government Regulation No. 17 of 2018 concerning Sub-districts.

103 Serambinews.com (2022), *Viral Video Diduga Pesta LGBT di Palangkaraya, Pemilik Kafe Bantah Tudingan Tersebut*, accessed from <https://aceh.tribunnews.com/2022/09/28/video-viral-video-diduga-pesta-lgbt-di-palangkaraya-pemilik-kafe-bantah-tudingan-tersebut>

104 TribunKaltim.co (2022), *Penjelasan Dibalik Video Viral Kaum LGBT Bebas Bermesraan di Kafe Kota Palangkaraya*, accessed from <https://www.msn.com/id-id/berita/other/penjelasan-dibalik-video-viral-kaum-lgbt-bebas-bermesraan-di-kafe-kota-palangkaraya/ar-AA12l2KW>

105 Article 17 of the Code of Criminal Procedure.

106 Yahya Harahap (2014), *Op. cit.*, pp. 158.

Discrimination in Education Spaces

HIV status in children is still a factor in the occurrence of bullying. For example, a child with HIV in Bali was bullied by their classmates.¹⁰⁷ Fortunately, this case was immediately recognized by the local KPA so that it did not lead to other rights violations. Bullying remains one of the challenges to creating an inclusive education environment. KPAI stated that elementary school students are the majority of victims in bullying cases.¹⁰⁸ The 2016-2020 complaint data received by KPAI found 480 cases of bullying in schools.¹⁰⁹ Although there is no data related to bullying based on HIV status, bullying against children with HIV needs to be a serious concern for the state because, based on the findings of the Ministry of Health, there are 12,553 children with HIV under the age of 14.¹¹⁰

Another bullying occurs on the basis of gender identity. This incident was experienced by a student of the Faculty of Law at Hasanuddin University, Makassar, who was bullied by the Vice Dean during student orientation activities because he stated that he had a non-binary gender.¹¹¹ As a result of the bullying, the victim's mental health condition deteriorated because they were afraid of being expelled from campus. The campus responded that this was not discrimination, but just small talk.¹¹² Although the victim was not expelled from campus, this needs to become a lesson and ensure that educational spaces are free from violence and discrimination.

Discrimination in education is also present through expelling children from school because they have used drugs. Two high school students in Bengkulu who had faced the law for using drugs and were sentenced to rehabilitation, were expelled by the school on the grounds of preventing them from becoming victims of bullying.¹¹³ Education is the right of every child, not providing space for children who have used drugs or faced the law has a negative impact on the

107 NusaBali.com (2022), *Siswa SD Pengidap HIV Jadi Korban Bully, Hasil Penelusuran KPPAD Bali di Gianyar*, accessed from <https://www.nusabali.com/berita/124466/siswa-sd-pengidap-hiv-jadi-korban-bully>

108 Kompas.com (2021), *Data KPAI: Kasus Perundungan Paling Banyak Terjadi pada Siswa SD*, accessed from <https://www.kompas.com/edu/read/2021/10/25/112503471/data-kpai-kasus-perundungan-paling-banyak-terjadi-pada-siswa-sd>

109 Databoks (2022), *Berapa Banyak Korban Bullying di Lingkungan Sekolah Indonesia?*, accessed from <https://databoks.katadata.co.id/datapublish/2022/07/29/berapa-banyak-korban-bullying-di-lingkungan-sekolah-indonesia>

110 VOA (2022), *Kemenkes: 12.553 Anak Indonesia Terinfeksi HIV*, accessed from <https://www.voaindonesia.com/a/kemenkes-12-553-anak-indonesia-terinfeksi-hiv/6854409.html>

111 Terkini.id (2022), *Wakil Dekan III Fakultas Hukum Unhas Tolak Mahasiswa Berkepribadian Non-Binary*, accessed from <https://makassar.terkini.id/wakil-dekan-iii-fakultas-hukum-unhas-tolak-mahasiswa-berkepribadian-non-binary/>

112 BBC.com (2022), *Mahasiswa Unhas dirisak karena mengaku non-biner, 'para pendidik seharusnya perbarui ilmu tentang gender'*, accessed from <https://www.bbc.com/indonesia/indonesia-62661710>

113 Kompas.com (2022), *Siswa di Bengkulu Terkejut, Diusir Guru Saat Masuk Sekolah karena Kasus Narkoba*, accessed from <https://regional.kompas.com/read/2022/05/24/081735078/siswa-di-bengkulu-terkejut-diusir-guru-saat-masuk-sekolah-karena-kasus?page=all#page1>

child's future. The school, which is supposed to prevent bullying, is not being responsible. Schools should be guided by the Regulation of the Minister of Education and Culture No. 82 of 2015 on Prevention and Response to Violence in the Education Unit Environment which stipulates that schools make preventive efforts in the form of creating an environment free from violence. The biased perspective of education personnel makes it easier for human rights violations to occur in education. And the fundamental thing is the criminalization of drug use, especially against children, which then results in more violations of children's rights.

Restriction of the right to freedom of association on campus is another finding of discrimination in higher education. A member of the Student Executive Board (BEM) at Bogor Agricultural University was expelled from BEM membership for supporting LGBTIQ+.¹¹⁴ He was expelled because he was considered defaming and making noise and violating IPB Academic Senate Regulation 33/SA-IPB/P/2019.

Discourse on Discriminatory Policies

Various actions were found to make it mandatory to carry out health tests in the form of HIV and drug tests for prospective brides and grooms. This discourse of mandatory drug testing is planned to be a program initiated by the Provincial National Narcotics Agency, the Health Office, and the Ministry of Religious Affairs of South Sulawesi entitled the Clean Drug Program (Bersinar) targeting prospective brides.¹¹⁵ Similar to HIV testing of brides and grooms-to-be, the Office of Religious Affairs (*Kantor Urusan Agama/KUA*) will perform marriages when couples have a drug-free declaration. This intervention violates the principle of informed consent and potentially violates the right to form a family.

Not only targeting prospective brides and grooms, urine tests are also expected to be applied to all ASNs and non-ASNs of the Bengkulu Regional Government. The reason is that the Regional Government is currently working on a regional regulation draft called P4GN which, among other things, regulates the obligation of routine urine tests with sanctions in the form of temporary suspension of

114 InilahKoran (2022), *Dinilai Dukung LGBT Usai Pakai Foto Pelangi, BEM KM IPB Pecat Pengurusnya*, accessed from <https://www.inilahkoran.com/dinilai-dukung-lgbt-usai-pakai-foto-pelangi-bem-km-ipb-pecat-pengurusnya>

115 Voi (2022), *Pasangan yang Akan Menikah di Sulsel Diwajibkan Bebas dari Narkoba*, accessed from <https://voi.id/berita/178170/pasangan-yang-akan-menikah-di-sulsel-diwajibkan-bebas-dari-narkoba>

rights to dismissal from work if the results are positive.¹¹⁶

The discourse on the criminalization of LGBTIQ+ continues to this day and is called for by various parties. Starting from the argument that LGBTIQ+ is against Pancasila, commits sexual perversion, and a form of blasphemy against religion, a member of the People's Consultative Assembly from the Prosperous Justice Party (Partai Keadilan Sejahtera) faction concluded that LGBTIQ+ deserves to be criminalized.¹¹⁷ The Vice President also joined in calling for a ban on LGBTIQ+ in Indonesia.¹¹⁸ The Coordinating Minister for Political, Legal and Security Affairs stated that he is committed to pushing for policies in the form of laws prohibiting LGBTIQ+ practices and adultery.¹¹⁹ MUI and Islamic NGOs have also not been absent in calling for the criminalization of LGBTIQ in the Criminal Code (which has now been passed into the Criminal Code) and conversion therapy by involving the community.¹²⁰

Media that Contribute to the Creation of an Enabling Environment for PLHIV and Key Populations

Various stigmas and hate speech against HIV key populations are contributed by the media through its reporting. The media, which provides information to the public, should be able to educate the public, but instead, become the party that worsens the situation of PLHIV and key populations. The Indonesian Broadcasting Commission (KPI) issued Circular Letter (SE) No. 184/K/KPI/02/16 on Programs with Lesbian, Gay, Bisexual, and Transgender (LGBT) themes for all broadcasters. The Circular prohibits making space for LGBTIQ+ in the aspects of title/theme, narration, host, the balance of resource persons, and duration.

Furthermore, news titles that provoke hatred were found. News related to HIV key populations seems to be delicious food for the media to be glimpsed by the public. This effort to attract the public usually departs from the headline.

116 Kompas.com (2022), *Pemprov Bengkulu Siapkan Perda Baru, Semua ASN dan Non-ASN Wajib Tes Urine Rutin*, accessed from <https://regional.kompas.com/read/2022/06/02/064957078/pemprov-bengkulu-siapkan-perda-baru-semua-asn-dan-non-asn-wajib-tes-urine>

117 MI (2022), *Amin Ak Tegaskan LGBT Merusak Sendi-Sendi NKRI*, accessed from <https://monitorindonesia.com/2022/06/amin-ak-sebut>

118 Republika.co.id (2022), *Wapres: Jangan Sampai LGBT Peroleh Legitimasi UU*, accessed from <https://www.republika.co.id/berita/rcwla5377/wapres-jangan-sampai-lgbt-peroleh-legitimasi-uu>

119 CNN Indonesia (2022), *Mahfud Klaim Dorong DPR Buat UU Pelarangan LGBT Sejak 2017*, accessed from <https://www.cn-nindonesia.com/nasional/20220511120620-12-795409/mahfud-klaim-dorong-dpr-buat-uu-pelarangan-lgbt-sejak-2017>

120 DetikNews (2022), *MUI-Ormas Islam Minta Perilaku LGBT Dimasukkan Kategori Perbuatan Pidana*, accessed from <https://news.detik.com/berita/d-6105069/mui-ormas-islam-minta-perilaku-lgbt-dimasukkan-kategori-perbuatan-pidana>

Headlines that cornered the victims include "... Viral Video of LGBT People Making Out in a Cafe ...", "Police Ensure LGBT Sex Party Event in Puncak Canceled", "12 Police Arrested for Drug Party, Legislator: Shameful", "Free Sex and the LGBT Phenomenon are considered to be the Triggers for Soaring HIV Cases in North Toraja", "Subang HIV/AIDS Cases Increase, Many Same-Sex Lovers Cause Cases to Increase", "Prostitution Place Raids, 9 Prostitutes Seized by Tangerang Regency Satpol PP: Damaging the Young Generation!".

Another issue is information that is not comprehensive and does not have a victim's perspective. This documentation found that 96.4% of the media took the perspective of sources outside of PLHIV and key populations. The highest source was the police at 18.4%. The presence of resource persons is an important key in producing information that will be disseminated to the public. The involvement of unbalanced sources has the potential to cause misinformation for readers and the information published is not comprehensive because it does not cover the victim's side. Media involving victims and victims' advocates (Civil Society Organizations) only reached 3.5% and it should also be underlined that the involvement of victims in the news is only limited to information that clarifies statements from perpetrators of human rights violations. The media does not portray the sides of brutality and illegal law enforcement that victims experience when their rights are violated. In addition to incomplete information, the media often uses stigmatizing language, such as "comfort women", "illicit business", and "lust services".

In the context of news coverage related to LGBTIQ+, media bias is caused by the lack of understanding of journalists related to gender so that the news published is just a patch.¹²¹ Research conducted by konde.co found that the challenges of reporting on LGBTIQ+ issues also come from homophobia and transphobia in the newsroom. There is also the fear of being attacked by religious-based fundamentalist groups if they publish progressive news.¹²² Another factor that also accompanies the bias of media coverage is corporate profit.¹²³ The media's priority is that the released news gets as many couplets as possible from readers.

121 Magdalene (2022), *Buruknya Liputan Gender dan Minoritas di Media: 'Kami Memang Salah, tapi...'*, accessed from <https://magdalene.co/story/kualitas-liputan-gender-minoritas-media>

122 Konde.co (2022), *Riset Konde.co: Their Story, Bagaimana Media Memandang Keberagaman Gender dan Seksual Non-Normatif 'LGBT'*, accessed from <https://www.konde.co/2022/01/survei-ada-pemangku-kebijakan-media-masa-yang-keliru-memahami-keragaman-gender.html/>

123 Magdalene, *Op. cit.*

2.2 Accountability for Human Rights Violations against PLHIV and Key Populations

Based on the findings of human rights violations against PLHIV and key populations, three distinctive patterns of violations emerge. *First*, the prosecution of events in the realm of privacy. In the name of law enforcement, law enforcement officers seem to be fully justified to invade the private spaces of their citizens. *Second*, criminalization on the basis of morality and tendencies based on the status attached to individuals. This status is in the form of sexual orientation/identity/gender expression, employment status (sex workers), HIV status, and drug use. *Third*, law enforcement is prejudiced and not based on the presumption of innocence. The presumption of innocence or the principle of accusation is the basis for law enforcement officials to place the suspect/defendant as a subject (treat as a human being with dignity) and make the “criminal offense” the object of examination. The implementation of the principle of accusatory keeps law enforcement officers from treating the person being examined arbitrarily.¹²⁴

This pattern is in line with the parties who discriminate. This time the documentation found that the highest perpetrator was the police with 32 cases, followed by the local government with 24 cases, and SATPOL PP with 19 cases. In contrast to the 2021 Media Monitoring and Documentation, which found that the highest perpetrator of discrimination was the health office.¹²⁵ The number of perpetrators from the state who should be tasked with protecting citizens is caused by two things, namely the understanding of state actors and the legal system. *First*, state actors’ understanding of human rights and HIV issues. Understanding is like an opening door in the state’s efforts to realize respect, protection, and fulfillment of human rights. Starting from the right understanding can encourage state actors to recognize rights and comprehensively look at the situation and vulnerability of PLHIV and key populations. Furthermore, it will lead to the ownership of international instruments ratified by Indonesia because the ratification of international human rights instruments mandates the state to take steps to realize them.

124 Yahya Harahap, *Op. cit.*, pp. 40.

125 Tengku Raka, *Op. cit.*, pp. 13.

Second, a legal system that normalizes violations against PLHIV and key populations. The state intensively produces legal products that discriminate against PLHIV and key populations and enforces them. These legal products do not fail to impose sanctions on victims rather than perpetrators. Law No. 39 of 1999 concerning Human Rights (Human Rights Law) does regulate the protection of human rights without discrimination. However, the Human Rights Law's definition of discrimination differs from the definition contained in Article 26 of the International Covenant on Civil and Political Rights (ICCPR), which Indonesia has ratified through Law No. 12 of 2005.¹²⁶ The Human Rights Law does not cover the prohibition of discrimination based on health status, sexual orientation/gender identity, and other statuses. Even if it refers to vulnerable groups, the law also does not accommodate them.¹²⁷ The narrow scope of discrimination impacts the recognition of protected rights. There are 10 types of human rights, which include 1) the right to life; 2) the right to have a family and continue offspring; 3) the right to self-development; 4) the right to justice; 5) the right to personal freedom; 6) the right to security; 7) the right to welfare; 8) the right to participate in government; 9) women's rights; and 10) children's rights. However, there are articles that have the potential to prevent citizens from enjoying their rights, namely the restriction clause stipulated by law with considerations of morals, security, and public order in the law.¹²⁸ The HIV issue, which is viewed more through the lens of morality than health, makes it vulnerable to rights violations in the name of restrictions permitted by the state.

The regulation of these types of rights is not followed by regulation of the consequences if these rights are violated. The mechanisms available under the Human Rights Law are limited to reporting and complaints to KOMNAS HAM. If the complaint is not a human rights violation, then no investigation is conducted. Also, the authority of KOMNAS HAM to follow up on complaints up to the recommendation stage is in the form of submitting recommendations

126 Article 26 reads "All persons are equal before the law and are entitled to the equal protection of the law without discrimination of any kind. In this respect the law shall prohibit discrimination of any kind, and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

127 Article 5 paragraph (3) of the Human Rights Law reads "Every person belonging to a vulnerable group of society has the right to receive more treatment and protection in accordance with their specialty." In the explanation, vulnerable groups include the elderly, children, the poor, pregnant women, and people with disabilities.

128 Article 73 of the Human Rights Law reads "The rights and freedoms stipulated in this Law can only be limited by and based on law, solely to ensure recognition and respect for human rights and the basic freedoms of others, morality, public order, and the interests of the nation."

to the Government or DPR. Another aspect that the state ignores is the protection of victims. The current policy that can accommodate victims' needs for protection can only be provided starting at the investigation stage.¹²⁹ This means that the victim must first report the case to the police. Meanwhile, in cases related to key populations, most victims do not dare to report because of service quality issues. In addition, human rights violations that occur do not always have a criminal dimension.

Another aspect that contributes to the normalization of violations that occur is the inclusiveness of complaint channels in Ministries/Institutions. In terms of availability, complaint channels already exist in several Ministries/Institutions. However, it needs to be examined in depth how these complaints can receive and resolve violations committed by PLHIV and key populations. In the aspect of violation categories, there is still a question of whether each Ministry/Institution has accommodated the categories of human rights violations against PLHIV and key populations that are adjusted to the authority of each ministry/institution. For example, complaints to the police can be made regarding criminal offenses and violations of the police code of ethics. However, looking at the trend of violations committed by the police, filing a report to the police becomes less relevant. On the other hand, the KOMNAS HAM report provides recommendations to the police to improve internal complaint mechanisms and strengthen external supervision.¹³⁰

In addition to KOMNAS HAM, the complaint channels identified to respond to issues related to PLHIV and key populations are the Ministry of Law and Human Rights and the People's Online Aspiration and Complaint Service (*Layanan Aspirasi dan Pengaduan Online Rakyat/LAPOR*). The Ministry of Law and Human Rights has a complaint service called the Community Communication Service or Yankomas that handles human rights issues, both communicated and uncommunicated. In addition to victims who can report, this complaint service is also an initiative of Yankomas implementers through information collection from print and electronic media as well as from government institutions and

129 Article 2 of Law No. 13 of 2006 concerning Witness and Victim Protection.

130 KOMNAS HAM (2021), *Laporan Akuntabilitas Kinerja Komnas HAM 2021*.

community organizations.¹³¹ Meanwhile, the LAPOR channel is a national public service complaint management system through several channels managed by the Ministry of State Apparatus Empowerment and Bureaucratic Reform (PANRB Ministry), the Presidential Staff Office (KSP), and the Ombudsman.¹³² When viewed by reporting category, there are several that cover the types of discrimination experienced by key populations, such as health; gender equality and social inclusion; peace, public order, and community protection; education and culture; employment; violence in education units (schools, campuses, course institutions); politics and law.

Framing a violation in the context of preventing HIV infection, maintaining morals, realizing order results in not being recorded as an HIV-related human rights violation by the state. When examining data on HIV-related human rights violations, there is currently no comprehensive data. Even if there is data available, it is in the form of documentation related to discriminatory attitudes towards PLHIV in health services, the general public, certain patient groups related to disclosure of status, and treatment compliance.¹³³ Another role that can be optimized is the Ombudsman's assessment of ministries/institutions of public services related to compliance with service standards of each ministry/institution using 14 benchmarks to produce recommendations to the President, the Ministry of State Apparatus and Bureaucratic Reform, and the Ministry of Home Affairs to evaluate and supervise ministries, institutions, and local governments.¹³⁴

Findings related to the high number of perpetrators of discrimination coming from law enforcement officials can also be interpreted that HIV prevention efforts in Indonesia are dominated by repressive approaches. On the other hand, Indonesia is struggling to achieve the HIV 2030 Political Declaration, which emphasizes the achievement of targets by 2030, one of which is by creating an enabling environment by reforming policies and practices that reinforce stigma and discrimination.

131 Minister of Law and Human Rights Regulation No. 32 of 2016 concerning Public Communication Services on Human Rights Issues.

132 Presidential Regulation No. 76 of 2013 and Minister of State Apparatus Empowerment and Bureaucratic Reform Regulation No. 3 of 2015.

133 Pusat Penelitian HIV AIDS Universitas Katolik Atma Jaya Jakarta (PPH), *Indeks Stigma Orang yang Hidup dengan HIV: Laporan dari Indonesia*. Jakarta, Indonesia: PPH, pp. 1-2.

134 Ombudsman (2021), *Penilaian Kepatuhan Standar Pelayanan Publik Tahun 2021*



CONCLUSIONS

Conclusion

The response to HIV in Indonesia so far should be appreciated as an effort of state responsibility in protecting the right to health of its citizens. However, the state should also be open to making improvements by looking at reality and referring to international instruments that respect the human rights of PLHIV and key populations. The 95-95-95 target planned to be achieved by 2025 is an ambitious target that will not be realized when legal and human rights barriers still exist. The current condition is like someone who is trying to reach the sky but is still busy dealing with the 'itch' on their own back.

These challenges should serve as learning modalities so that they are not repeated in achieving the targets in the 2030 Political Declaration commitments. A supporting factor relevant to this achievement is to ensure that no one is left behind. Thus, it should not be justified for any reason to discriminate against someone on the basis of their inherent status. The state should not normalize various mistreatments against PLHIV and key populations that deprive them of their human rights and reduce their dignity as human beings. That the state has committed to provide protection to every citizen is a guarantee mandated by the constitution. Thus, the findings of various cases of violations are more than enough for the state to be responsible for protecting PLHIV and key populations who are minorities in the midst of conservatism and the imposition of heteronormative perspectives.

Recommendations

Bagian rekomendasi ini disusun berdasarkan subjek pengambil kebijakan yang dituju, di antaranya adalah:

1. The President

- Evaluate the HIV response and how it relates to the 2030 global targets by ensuring that all efforts by Ministries and Agencies are human rights-based, use a health approach, and eliminate repressive approaches.
- Strengthen the national legal framework for the protection of all people from all forms of discrimination, including HIV-related discrimination, through, among other things, the enactment of comprehensive anti-discrimination legislation in coordination with the Ministry of Law and Human Rights. This legislation should cover all aspects of access to justice for the community, including, but not limited to, definitions that comprehensively recognize all aspects that increase a person's vulnerability, including the vulnerability status of PLHIV and key populations, as well as accountability and recovery mechanisms for cases and victims of discrimination.
- Ensure that Ministries/Institutions record human rights violations against PLHIV and key populations and conduct monitoring and evaluation.

2. Ministry of Health

- Respond to HIV with a health and human rights-based approach and prohibit repressive HIV prevention and control efforts.
- Encourage health workers to provide services in accordance with human dignity, regardless of the person's SOGIESC status.

3. Ministry of Law and Human Rights

- Review and reform laws and regulations, both in substance and implementation, that are discriminatory and punitive against PLHIV and key populations.

- Revise the Human Rights Law by adding components at least but not limited to the definition of discrimination as stipulated in the UDHR and including protection efforts in the form of prevention and restoration of rights for victims.

4. Police, SATPOL PP, TNI

- Remove internal institutional policies that allow discrimination based on HIV status, sexual orientation/gender identity, and drug use.
- Respond to the drug problem with a health and human rights-based approach.
- Enforce the law, especially with regard to PLHIV and key populations, by adhering to human rights values.

5. Ministry of Home Affairs

- Supervise the issuance of policies at the regional level, especially regional regulations, so they do not contain content that discriminates against PLHIV and key populations.
- Encourage references for local governments in making policies that have a human rights perspective and are not discriminatory.

6. Ministry of Education

- Promote policies to prevent and address discrimination based on HIV status and other statuses in educational settings.
- Encourage educational institutions from primary to secondary and tertiary levels to create safe spaces through at least but not limited to the existence of Standard Operating Procedures for preventing and handling discrimination and violence related to HIV status and other statuses (sexual orientation, gender identity, and drug use).
- Strengthen protection for learners from all forms of bullying and intolerance by integrating education related to respect for human rights, tolerance and inclusiveness into the school education curriculum.
- Increase the knowledge and sensitivity of all teaching staff related to HIV and nondiscriminatory behavior towards PLHIV, especially children living with HIV, and provide appropriate sanctions for educators who discriminate against students living with HIV.

- Integrate anti-discrimination components, including discrimination against learners living with HIV or who are part of key population groups, into school and college accreditation indicators.
- Strengthen the protection of sexual and reproductive health and rights for learners, through the integration of comprehensive sexual and reproductive health materials into the school education curriculum.

7. KOMNAS HAM and other National Human Rights Institutions (NHRIs)

- Develop, adopt and implement a Comprehensive Standard Norms and Regulations (SNP) on Discrimination. This SNP should also include a definition that comprehensively recognizes all aspects that increase a person's vulnerability, including the vulnerable status of PLHIV and key populations.
- Strengthen effective accountability mechanisms for HIV-related discrimination cases by, inter alia, adopting and implementing guidelines for effective complaint, monitoring, and response to HIV-related discrimination cases.
- Strengthen external oversight mechanisms for Ministries/Institutions.
- Increase mainstreaming of proper human rights and HIV issues to the community.

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