

**TINJAUAN HUKUM HAK ASASI MANUSIA
TERHADAP DISKRIMINASI *LESBIAN GAY*
BISEKSUAL DAN *TRANSGENDER* (LGBT)
DALAM *PERSPEKTIF UNITED NATIONS*
DEVELOPMENT PROGRAMME (UNDP)**

Oleh

Ida Ayu Dita Safitri Cahyani, NIM 2114101193

Program Studi Ilmu Hukum

ABSTRAK

Penelitian ini memiliki dua tujuan utama, yaitu: (1) mengevaluasi perlindungan hukum terhadap komunitas Lesbian, Gay, Biseksual, dan Transgender (LGBT) dari perspektif *United Nations Development Programme* (UNDP), serta (2) membandingkan tingkat perlindungan komunitas LGBT di Indonesia dan Jerman. Jenis penelitian yang digunakan adalah penelitian hukum normatif yang mengkaji permasalahan kekosongan norma. Pendekatan yang diterapkan mencakup pendekatan perundang-undangan (*statue approach*), pendekatan konseptual (*conceptual approach*), dan pendekatan kasus (*case approach*). Penelitian ini juga didukung oleh peraturan perundang-undangan, seperti Undang-Undang Dasar Republik Indonesia Tahun 1945 dan Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia, serta didasarkan pada jurnal, artikel, dan literatur ilmiah yang relevan dengan topik yang diteliti. Hasil penelitian ini menunjukkan bahwa (1) UNDP menekankan pemenuhan hak asasi komunitas LGBT sebagai bagian dari SDGs, dengan fokus pada inklusi sosial, penghapusan diskriminasi, dan reformasi kebijakan. Tantangan utama mencakup kekerasan berbasis gender, diskriminasi di tempat kerja, dan akses terbatas terhadap layanan dasar. Melalui kolaborasi multi-pihak, reformasi hukum, dan penguatan masyarakat sipil, UNDP mendorong terciptanya masyarakat inklusif yang mendukung keadilan sosial, pertumbuhan ekonomi, dan stabilitas berkelanjutan., (2) Perlindungan hak asasi komunitas LGBT di Indonesia belum diatur jelas dalam perundang-undangan, meskipun UUD NRI 1945 menjamin hak asasi tanpa diskriminasi atas ras, agama, jenis kelamin, atau orientasi seksual. Sebagai perbandingan, Jerman melalui kebijakan "*Ehe für Alle*" pada 2017 telah mengakui perkawinan sesama jenis dan melindungi hak sipil LGBT secara luas untuk menghapus diskriminasi berbasis orientasi seksual.

Kata Kunci: Diskriminasi, LGBT, *United Nations Development Programme* (UNDP), Hak Asasi Manusia.

**REVIEW OF HUMAN RIGHTS LAW ON LESBIAN GAY
BISEXUAL AND TRANSGENDER (LGBT)
DISCRIMINATION IN THE PERSPECTIVE OF THE
UNITED NATIONS DEVELOPMENT PROGRAM
(UNDP)**

By

Ida Ayu Dita Safitri Cahyani, NIM 2114101193

Legal Studies Program

ABSTRACT

This research has two main objectives: (1) to evaluate the legal protection afforded to the Lesbian, Gay, Bisexual, and Transgender (LGBT) community from the perspective of the United Nations Development Programme (UNDP), and (2) to compare the level of protection for the LGBT community in Indonesia and Germany. The type of research employed is normative legal research, which examines issues related to the absence of specific norms. The approaches applied include a legislative approach (statute approach), a conceptual approach, and a case approach. This study is also supported by legislation, such as the 1945 Constitution of the Republic of Indonesia and Law No. 39 of 1999 concerning Human Rights, as well as relevant journals, articles, and scholarly literature pertaining to the topic under investigation. The results of this study show that (1) UNDP emphasizes the fulfillment of human rights of the LGBT community as part of the SDGs, focusing on social inclusion, elimination of discrimination, and policy reform. Key challenges include gender-based violence, workplace discrimination, and limited access to basic services. Through multi-stakeholder collaboration, legal reform, and civil society strengthening, UNDP promotes the creation of inclusive societies that support social justice, economic growth, and sustainable stability, (2) The protection of the human rights of the LGBT community in Indonesia is not yet clearly regulated in legislation, although the 1945 Constitution guarantees human rights without discrimination on the basis of race, religion, gender, or sexual orientation. In comparison, Germany through its “Ehe für Alle” policy in 2017 has recognized same-sex marriage and broadly protected LGBT civil rights to eliminate discrimination based on sexual orientation.

Keywords: *Discrimination, LGBT, United Nations Development Programme (UNDP), Human Rights*