

THE CRIMINAL PUNISHMENT OF LGBTQ: A COMPARATIVE STUDY OF NIGERIAN AND INDONESIAN LAWS

Windy Virdinia Putri^{1*}, Gumilang Fuadi², Muh. Endrio Susila³
Master of Law Yogyakarta Muhammadiyah University, Indonesia
[*windyvp@gmail.com](mailto:windyvp@gmail.com) (corresponding).

Abstract: This study aims to compare the punishment for LGBTQ in Nigeria and Indonesia so the similarities and also the differences between the two legal systems can be drawn. This research is normative research using a comparison method. This study found that: First, there are similarities in the adopted legal systems, namely they both adhere to colonial heritage law, customary law, and Islamic law (Sharia). Regarding Sharia Law, the Sharia penal law adopted in the northern states of Nigeria and through Sharia Regional Regulation in parts of Indonesia, namely Aceh Province based on Special Autonomy, allows the province to form regional regulations based on Islamic Law (Sharia). Furthermore, there are similarities in terms of punishment based on Sharia punishment for Nigeria and Indonesia, namely that they both apply to cane, except for male sexual intercourse is punishable by stoning to death based on Nigeria Sharia punishment. Second, there are differences in the prosecution of LGBTQ people based on applicable national law. In Nigeria, based on the Criminal Act, anyone who has sexual intercourse with the same sex or with an animal or allows a man to have intercourse with another man or with a woman through anal intercourse is convicted of a crime and punished with imprisonment for 14 years. In Indonesia, based on the current Criminal Code, it only prohibits homosexual acts between an adult and a child of the same sex. In other words, the actions of two or more adult men cannot be prosecuted by criminal law, and the perpetrators cannot be punished, including if the "victims" are adults while the perpetrators are still children. Then in the 2023 Criminal Code, same-sex fornication requires it to be carried out publicly or published as pornographic content or by force. On the contrary, homosexual behavior (between 2 adults) without coercion (with consensus between the two) is not seen as a crime.

Keywords: Criminal Punishment; Indonesia; LGBT; Nigeria; Sharia

I. INTRODUCTION

In recent times, there has been a significant increase in the emphasis given to the acknowledgment and advocacy of rights pertaining to individuals who identify as lesbian, gay, bisexual, transgender, and queer (LGBTQ). Illustrative instances encompass a resolution on human rights, sexual orientation, and gender identity adopted by the United Nations in June 2011, as well as the subsequent report issued by the United Nations High Commission for Human Rights

in 2014, which focused on the prevalence of discrimination and violence targeting individuals due to their sexual orientation and gender identity (Kritz, 2021). LGBTQ abbreviation for lesbian, gay, bisexual, transgender, and questioning or queer is an inclusive term used to refer to the homosexual population in all of its diverse forms, to those with both homosexual and heterosexual preferences, and to those whose gender identity differs from the culturally determined gender roles for their birth sex (American Psychological Association, 2023). On the contrary, as per the findings of a poll conducted by Afrobarometer across 33 African nations, it was shown that over 70 percent of individuals had a negative inclination towards having homosexual individuals as neighbors. Furthermore, it is noteworthy that more than half of the countries within the region have implemented legislation that criminalizes homosexuality (Ananyev & Poyker, 2021). In 31 African nations, the engagement in same-sex sexual behavior is subject to legal sanctions, including Nigeria (Van Hout et al., 2022). In Indonesia, based on a national survey conducted by Saiful Mujani Research Consulting, which was held in March 2016, September, and December 2019 with a total of 1220 respondents, as many as 87.6% percent felt threatened by LGBT (Saiful Mujani Research Consulting, 2018) apart from that, most Indonesian people around 80% objected if LGBT became their neighbors and 90% rejected if LGBT became district heads, governors or president (Amirullah, 2018). The survey results also showed that 53.3% of the community refused if their family became LGBT (Pratiwi, 2022). Based on the estimated statistics pertaining to the impact of HIV/AIDS on important groups in 2012, it was found that a total of 1,095,970 individuals engaged in sexual activities with other men, irrespective of their visibility within society (Indonesia, 2014). The LGBT population in Indonesia is the fifth largest in the world, only losing to China, India, Europe, and America. Furthermore, as per numerous independent survey organizations both domestically and internationally, it has been determined that Indonesia harbors approximately 7.5 million individuals identifying as LGBT, which accounts for approximately 3% of its total population of 250 million. To clarify, within a group of 100 individuals assembled in a certain location, it may be observed that 3 individuals identify as lesbian, gay, bisexual, or transgender (Sofwatin et al., 2019).

LGBTQ groups have caused controversy in Indonesian society because they are considered against religion, nature, and the values of Indonesian society, which never allow such acts (Nila Arzaqi, 2018). People who claim to be LGBTQ dare to show themselves and invite others to become part of the LGBTQ group as well. LGBTQ deviates from human nature and nature. Humans were created to be two types to pair: male and female. The Marriage Act Number 1 of 1974 supports this concept. According to Article 1 of the Act, marriage can only be carried out between a man and a woman. Thus, Indonesian law prohibits same-sex marriage (SANTOSO, 2016). The LGBTQ phenomenon is unrelated to human rights; even LGBTQ behavior can lead to crime if left unchecked. The Indonesian Child Protection Commission stated that 33% of criminal acts were attributed to LGBTQ behavior (Setyawan, 2022). The Ryan Jombang case that occurred in the period 2006-2008 was a case of premeditated murder by mutilating the victims, they were fellow LGBT people (Cahaya, 2022). The latest is Martin Hadi Susanto, an unscrupulous flag raiser trainer at an Vocational School in Muara Enim, South Sumatra, and an SDN Principal in Banyuasin who forced 13 (thirteen) Vocational School students to sodomize him (Satria, 2023). This act of LGBTQ people is alarming because people feel that their security and order are being threatened. There is a possibility that the actions of these LGBTQ groups will cause rifts and chaos in a country, which in turn will result in the loss of the next generation (Awaludin, 2022). LGBTQ,

a deviant behavior, is considered a crime because it can harm society or individuals personally. Sociologically, crime is a social phenomenon in human interaction. In the same way, criminal law is a subfield of law filled with value elements such as ethical and moral principles. Because crime is considered asocial by society, criminal law cannot be separated from aspects of society's morality (Fajrin et al., 2020).

The criminal punishment for LGBTQ offenders has been studied by many researchers, including Tara McKay and Nicole Angotti, who examined various anti-homosexual actors and discourses that emerged from time to time in three countries, namely Malawi, Nigeria, and Uganda, whose governments are trying to expand criminal penalties for same-sex people. An analysis of nearly 15 years of news media data from Malawi, Nigeria, and Uganda shows how anti-homosexual discourse is used and made meaningful by elites and other social actors in different social, political, and economic contexts, which ultimately informs the course of new criminal penalties specific to same-sex (McKay & Angotti, 2016). Next is Marie Claire van Hout and others, which focuses on examining the protection of incarcerated individuals from same-sex sexual violence and sexually transmitted illnesses is an important concern, particularly in numerous African nations where these issues are often overlooked under national HIV prevention initiatives. The prison conditions in Africa are characterized by their harshness and overcrowding, resulting in insufficient provision of essential resources. Consequently, these conditions expose vulnerable individuals to sexual abuse and compel them to engage in sexual activities as a means of survival. The prevalence of HIV in correctional facilities is significantly greater compared to that observed within the general population. This paper presents a socio-legal assessment of the criminalization of same-sex sexual conduct in Malawi. The research underscored the lack of attention given to the issue of prisoner exposure to sexual violence within the political, legal, human rights, and public health/HIV agendas in Malawi (Van Hout et al., 2022). In their scholarly discourse, M. Hamdan and Eva Syahfitri Nasution examined various criminal statutes pertaining to the LGBT population, as stipulated in the Indonesian Criminal Code (KUHP), with supplementary legal provisions that exist beyond the purview of the KUHP. Furthermore, the paper examines the Aceh Regional Regulation, as stipulated in the Aceh Qanun, and its enforcement by the Banda Aceh Sharia Court, which results in the criminalization of LGBT communities. The Banda Aceh Sharia Court can punish several unlawful acts committed by LGBT people. The Aceh Qanun firmly considers lesbian and gay activity as an act that is strictly prohibited and can be punished. Therefore, their actions are considered criminal acts under this Aceh Qanun (Hamdan & Nasution, 2020).

This paper continues previous research, this study seeks to review the punishment for LGBTQ in Nigerian and Indonesian criminal law. Nigerian criminal law was chosen as a comparison to Indonesian criminal law in the discussion of this article because both countries are densely populated, relatively resource-rich, and culturally diverse, both of which experienced political turmoil and struggles for secession in their early years of independence (McNicoll, 2011). Both countries have presidential government systems with multi-ethnic societies and Islam and Christianity as the main religions (Rüland et al., 2013). The legal system in Nigeria is characterized by a combination of English common law, customary law, and Islamic law (Sharia) (United States Commission On International Religious Freedom, 2019). Indonesia concurrently upholds three distinct legal systems, including customary law, Islamic law, and continental European law. The

use of Islamic law in Indonesia can be attributed to the predominant Muslim population, while the utilization of customary law can be attributed to the continued practice and constitutional recognition of customary and ethnic groups as outlined in the 1945 Constitution (Yuliastini et al., 2018). In Indonesia, the criminalization of LGBTQ people still has pros and cons even though some of their actions have been regulated in the Criminal Code, originally from the Dutch Criminal Law (*Wetboek van Strafrecht*) (Hamdan & Nasution, 2020). This becomes an interesting academic problem to study: how is the criminal punishment for LGBTQ in Nigeria and Indonesia?

II. RESEARCH METHOD

This research is normative or doctrinal research using a comparative approach (Marzuki, 2005). This research discusses and compares the punishment for LGBTQ in Nigeria and Indonesia. Legal materials are classified into two; First, the primary legal material is in the form of laws and regulations in Nigeria and Indonesia. Second, secondary legal material in the form of expert views or doctrine obtained from literature or legal articles from legal journals or proceedings or books and research results related to the issues raised (Dewata & Yulianto, 2007). The method of collecting data is by conducting a search or literature study of primary and secondary legal materials, which are then selected, classified, and analyzed prescriptively, intending to support the findings in the research. After that, the arguments are used to make recommendations or judgments that can be used to assess the problem under study legally (Dewata & Yulianto, 2007).

III. RESULTS AND DISCUSSION

The Legal System and Factors Influencing LGBTQ Rejection in Nigeria and Indonesia

The opposition to homosexuality in Africa is rooted on religious and cultural elements. In the context of religion, it is worth noting that Islam and Christianity exert significant impact on the perspectives and choices of Africans, so shaping the beliefs and actions of the continent's inhabitants. Islam, which espouses explicit beliefs opposing homosexuality, has a longstanding presence in African history and has considerable influence across various regions of the continent, particularly in the northern, western, and eastern areas. Recent research indicates that Catholicism, a prominent Christian denomination historically known for its opposition to homosexuality, has experienced significant expansion in Africa, surpassing other regions in terms of growth (Onapajo & Isike, 2016). The perception of male-to-male desire within the context of Christianity seems to be more prevalent with a negative connotation. The Old Testament and the New Testament are commonly understood to specifically prohibit male-to-male attraction, while female-to-female attraction is solely outlawed in the New Testament. In a similar vein, legislative measures implemented during the colonial era in British colonies were deliberately modeled after British "anti-sodomy" statutes (Ananyev & Poyker, 2021).

The legal system of Nigeria is characterized by a combination of English common law, statutory law, customary law, and Islamic law (Sharia). There is no uniform court system that spans the entire nation. In every state, there exist conventional courts that adhere to statutory and common law originating from English legal traditions. Additionally, customary courts and/or Sharia courts are also present. The existence of legal plurality in Nigeria can be attributed to the diverse religious and cultural backgrounds of its population, as well as the historical influence of colonialism. Based on a poll conducted in 2012, it was found that 49.3 percent of the Nigerian

population self-identify as adherents of Christianity, while 48.8 percent identify as followers of Islam (United States Commission On International Religious Freedom, 2019). Nigeria is a federation of 36 states with a federal capital area – Abuja (nigeriagallery, 2022). Nigeria exhibits a prominent Christian evangelical movement in its southern region, alongside a substantial backing for Islamic law in the northern region. These two factions, while divergent in their religious orientations, share a common stance against homosexuality (Ewokor, 2017). The implementation of the Criminal Code Act of Nigeria is contingent upon the conditions outlined in the Penal Code (Northern States) Federal conditions Act. Since the year 1999, Sharia Penal Codes and Criminal Procedure Codes have been reinstated in a total of twelve states located in the northern region. (United States Commission On International Religious Freedom, 2019):

The adoption of a continental European legal system in Indonesia can be attributed to two primary reasons. Firstly, it is rooted in the historical context of Dutch colonization, during which the Dutch law, based on the principle of concordance, was implemented in Indonesia. Secondly, a constitutional basis for this adoption can be found in Article II of the Transitional Rules, which accompanied the enactment of the 1945 Constitution of the Republic of Indonesia. This article stipulates the continuity of existing institutions and regulations until new legislation is introduced. The adoption of the Dutch law with a continental European legal system in Indonesia can be attributed to two primary factors. The Dutch law, specifically the Criminal Code, has been in effect for nearly 73 years since its establishment with Act Number 1 Year 1946 on the Implementation of the Criminal Code (Yuliastini et al., 2018).

Sexual behavior and gender identity have been known in the archipelago for a long time; homosexual identity only emerged in big cities in the early 20th century, based on the 2016 Indonesian National LGBT community dialogue discussion report. During the latter part of the 1960s, the LGBT movement commenced its development by means of coordinated endeavors undertaken by transgender women's groups, commonly referred to as *waria* (Hasan Zaini, 2016). Governor Ali Sadikin provided space by giving the term *wadam* instead of *banci* or *bencong*; there is an assumption that the government accepts the presence of LGBT. The establishment of the first *wadam* organization, known as the Djakarta Wadam Association (HIWAD), was driven by a sense of having obtained governmental "acceptance". Conversely, the government's efforts can also be interpreted as an effort to identify and localize LGBT perpetrators in the capital. Professor Didin Hafidhuddin also expressed this view in his opinion in *Republika* wrote, "Before the era of globalization and information technology spread throughout the world, it was never imagined that LGBT would develop in our country where the majority is Muslim (Andina, 2016). Homosexuality is seen a serious transgression in Islamic Criminal Law because to its perceived contravention of religious and moral norms, as well as *sunnatullah* (God's Law/natural law) and inherent human nature. Individuals who engage in same-sex sexual activities may face significant legal consequences, including the possibility of receiving the most severe form of punishment, which is capital punishment (Harahap, 2016). Aceh, as a constituent region of the Unitary State of the Republic of Indonesia, possesses distinct privileges and autonomy. One such prerogative is the jurisdiction to enforce Islamic Sharia, with a focus on upholding principles of justice, utility, and legal assurance. This is exemplified through the application of *Jinayat* Law, a component of

Islamic Sharia that is implemented within the province of Aceh (Qanun Aceh Nomor 6 Tahun 2014 Tentang Hukum Jinayat, 2014).

The Formulation of Criminal Punishment Arrangements against LGBTQ in Nigeria and Indonesia

Nigeria, Malawi, and Uganda are three African nations that have been observed to adopt regressive laws specifically aimed towards homosexuality, as indicated by the language found in news media data spanning from 2000 to 2014 (Mckay & Angotti, 2016). The criminal punishment of homosexual behavior is regulated in Chapter 21 of the Criminal Code Act of Nigeria as part of Offences Against Morality in Article 214 regarding unnatural offences and Article 215 regarding attempt to commit unnatural offences (Criminal Code Act of Nigeria, n.d.). The free translation of the two articles is criminalized as a crime and punished with imprisonment for 14 years for anyone who has sexual intercourse with the same sex or with an animal or allows a man to have intercourse with another man or with a woman through anal intercourse, while the attempted crime is punished as an experiment and punished with imprisonment for 7 years. Furthermore, the Nigerian Same-Sex Marriage Prohibition Act of 2014 has provisions that impose punishments on anyone who advocate for same-sex sexual orientation. (Van Hout et al., 2022).

Before enacting Act Number 1 of 2023 concerning the Criminal Code (2023 Criminal Code), which will only become effective in 2026, arrangements regarding same-sex sexual behavior are subject to the old Criminal Code, which is still valid (KUHP). The Criminal Code does not have provisions pertaining to matters concerning the LGBT community, hence precluding its ability to impose criminal sanctions on individuals based on their sexual orientation or gender identity (Yuliastini et al., 2018). In the Criminal Code, there is Article 292, but this article only mentions same-sex or similar sexual acts committed against minors (Nila Arzaqi, 2018). This article contains weaknesses because it only prohibits homosexual acts between an adult and a child of the same sex. For example, an adult male with a 15-year-old male. In other words, the actions of two or more adult men cannot be prosecuted by criminal law, and the perpetrators cannot also be punished if the "victims" are adults while the perpetrators are still children. (Kamalludin et al., 2018) In this regard, homosexual behavior (between 2 adults) is not considered a crime in the Criminal Code (Arivia & Boangmanalu, 2015).

As far as the author's observation in the 2023 Criminal Code, one article regarding same-sex relations was found in Article 414 concerning fornication, which states that: *"Any person who commits obscene acts against another person who is different or of the same sex: a. in public, shall be punished with imprisonment for a maximum of 1 (one) year and 6 (six) months or a maximum fine of category III; b. by force with violence or threats of violence, shall be punished with imprisonment for a maximum of 9 (nine) years; or c. which is published as pornographic content, shall be punished with imprisonment for a maximum of 9 (nine) years."* Thus same-sex fornication requires that it be carried out in public or published as pornographic content or by force. On the contrary, homosexual behavior (between 2 adults) without coercion (with a consensus between the two) is not seen as a crime in the 2023 Criminal Code.

	Criminal Code	2023 Criminal Code	Criminal Code Act of Nigeria
Article imposed	Article 292	Article 414	Article 214
Criminal Offences	Obscene acts committed by adults against minors of the same sex	Obscene acts committed by each person with other people (same sex) either in public or forcibly or published as pornographic content	Any person who has sexual intercourse with the same sex or with animals or allows a man to have intercourse with other men or with women through anal
Criminal Punishment	Imprisonment 5 years	Imprisonment 18 months until 9 years	Imprisonment 14 years

On the other hand, Indonesian national law is considered to still provide restriction against LGBT people, including in the field of family law; marriage is only limited to couples of different sexes (Act Number 1 of 1974 concerning Marriage in Article 1), and same-sex couples are expressly prohibited from adopting children (Government Regulation Number 54 of 2007 Article 13 Letter (f)). In addition, there is a gender revision in identity cards for men and women (Act Number 23 of 2006 concerning Population Administration in Articles 60 and 64) (Badgett et al., 2017).

Furthermore, several regional regulations criminalize someone identified as LGBT: the Regional Regulation on Crime Eradication (Number 13 of 2002) in South Sumatra. This Regional Regulation prohibits homosexual activity and anal sex by men as immoral, along with prostitution, gambling, adultery, and consumption of alcohol; Regional Regulation on Public Order (Number 10 of 2007) in Banjar, South Kalimantan. The regulation defines "prostitute" as well as homosexual; Regional Regulation on Social Moral Development Based on Islamic Teachings and Community Social Norms (Number 12 of 2004) in Tasikmalaya, West Java. Regulations prohibiting adultery and prostitution, both heterosexual and homosexual; Regional Regulation on Prevention, Eradication, and Enforcement of Social Diseases (Number 9 of 2010) in Padang Panjang, West Sumatra. The provided definition explicitly delineates the parameters of "homosexual and lesbian" partnerships, imposes restrictions on the existence of such relationships, and forbids anyone from engaging in or soliciting participation in gay or lesbian relationships, regardless of financial compensation (Arivia & Boangmanalu, 2015).

Indonesia has similarities with Nigeria which enforce Sharia regulations in some areas. Aceh Province is a Muslim area with a Special Autonomy Law that allows the province to form local rules based on Islamic Law (Sharia). In 2009, a Sharia bylaw was passed, which, among other things, criminalizes homosexuality and makes it punishable by caning. The new version of the Sharia Regional Regulation was passed in 2014 and entered into force in October 2015 (Badgett et al., 2017). In the regulations known as Qanun concerning *Jinayah* Law (criminal law), it is

regulated that same-sex relations between men are called *liwath* while same-sex relations between women are called *musahaqah* (Qanun Aceh Nomor 6 Tahun 2014 Tentang Hukum Jinayat, 2014). In 2021, 2 convicts in a homosexual case in Banda Aceh were sentenced to be whipped 80 times in public (Mustafa, 2021). As for Nigeria, through the Sharia penal code adopted in the northern state, sodomy and/or anal intercourse is punishable by death by stoning or public flogging. However, convictions are infrequently obtained as a result of stringent criteria pertaining to the substantiation of evidence and the presence of witnesses. In the year 2014, a number of legal cases adjudicated by a Sharia court situated in Bauchi state resulted in the imposition of corporal punishment in the form of public caning onto those who were determined to be culpable (Manchin et al., 2021). Same-sex relationships between men are referred to as sodomy/*liwat* as stipulated in the Article 129 and 130, while same-sex relationships between women are called lesbianism/*sihaq* as stipulated in the Article 133 and 134 (Ostien, 2007).

	Qanun concerning <i>Jinayah</i> Law	Sharia Criminal Code of Nigeria
Applies in	Province of Nanggroe Aceh Darussalam	12 Northern States of Nigeria
Article imposed, criminal offences and punishment	Article 63 (male sexual intercourse) is punished with a maximum of 100 (one hundred) lashes or a maximum fine of 1,000 (one thousand) grams of pure gold or imprisonment for a maximum of 100 (one hundred) months.	Article 129 (sodomy/ <i>liwath</i>) is punishable by stoning to death; a husband who has intercourse with his wife through anal intercourse is punished with a maximum penalty of 50 (fifty) lashes.
	Article 64 (musahaqah/female same-sex relations) is punished with a maximum of 100 (one hundred) lashes or a fine of up to 1,000 (one thousand) grams of pure gold or imprisonment for a maximum of 100 (one hundred) months.	Article 131 (lesbianism/ <i>sihaq</i>) is punished with a maximum penalty of 50 (fifty) lashes and can be added to a maximum of 6 months in prison.

IV. CONCLUSION

1. Conclusion

Based on a comparative study and analysis of the punishment for LGBTQ in 2 legal systems – Nigeria and Indonesia – the following conclusions can be drawn: First, there are similarities in

terms of the perspectives of people from both countries who generally see LGBTQ as a threat; cannot accept LGBTQ as leaders, neighbors, and family members. Then the similarities in the adopted legal system are that they both adhere to colonial heritage law, customary law, and Islamic law (Sharia). The British Colonial for Nigeria, which was then regulated through the Criminal Code Act of Nigeria, and the Dutch Colonial for Indonesia, is held in the Criminal Code, which is currently being reformed to the Criminal Code through the 2023 Criminal Code. Related to Sharia law through the Sharia criminal law adopted in the northern states of Nigeria and through Sharia Regional Regulation in parts of Indonesia, namely Aceh Province based on Special Autonomy allows the province to form regional rules based on Islamic Law (Sharia). Furthermore, there are similarities in terms of punishment based on Sharia punishment for Nigeria and Indonesia: they both apply to cane, except for male sexual intercourse is punishable by stoning to death based on Nigeria Sharia punishment.

Second, there are differences in the prosecution of LGBTQ people based on applicable national law. In Nigeria, based on the Criminal Act, anyone who has sexual intercourse with the same sex or with an animal or allows a man to have intercourse with another man or with a woman through anal intercourse is convicted of a crime and punished with imprisonment for 14 years. The attempted crime was punished with imprisonment for 7 years. Furthermore, the Same-Sex Marriage Prohibition Act in Nigeria has clauses that impose punishments on anyone who advocate for same-sex sexual orientation. In Indonesia, the current Criminal Code only prohibits homosexual acts between an adult and a child of the same sex. In other words, the actions of two or more adult men cannot be prosecuted by criminal law, and the perpetrators cannot be punished, including if the "victims" are adults while the perpetrators are still children. Then in the 2023 Criminal Code, same-sex fornication requires it to be carried out publicly or published as pornographic content or by force. On the contrary, homosexual behavior (between 2 adults) without coercion (with consensus between the two) is not considered a crime.

2. Recommendation

This study is limited to discussing the comparison of sentencing for LGBTQ under Nigerian and Indonesian laws, which includes the legal system, factors influencing refusal, and formulation of sentencing arrangements. In the future, it is also necessary to carry out further studies regarding the regulation of LGBTQ punishment to protect and care for the nation's next generation, both at the international level in general and in Indonesia specifically.

REFERENCES

- American Psychological Association. (2023). *Dictionary APA*. <https://dictionary.apa.org/lgbtq>
- Amirullah. (2018). *Survei SMRC: 87,6 Persen Masyarakat Menilai LGBT Ancaman*. Tempo.Co.
- Ananyev, M., & Poyker, M. (2021). Christian missions and anti-gay attitudes in Africa. *Journal of Economic Behavior & Organization*, 184, 359–374. <https://www.sciencedirect.com/science/article/abs/pii/S0167268121000585>
- Andina, E. (2016). Faktor Psikososial dalam Interaksi Masyarakat dengan Gerakan LGBT di Indonesia. *Aspirasi*, 7(2), 173–185. <http://dev>.

- Arivia, G., & Boangmanalu, A. G. (2015). When the State is Absent: A Study of LGBT Community in Jakarta. *Jurnal Perempuan*, 20(4), 367–376. <https://doi.org/10.34309/jp.v20i4.24>
- Awaludin, A. (2022). Menjaga Moralitas Publik: Kebijakan Kriminal Perilaku Menyimpang (LGBT) dalam RKUHP. *Proceeding of Conference on Law and Social ...*
- Badgett, M., Hasenbush, A., & Luhur, W. (2017). LGBT Exclusion in Indonesia and Its Economic Effects. In *Williamsinstitute.Law.Ucla.Edu*. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Exclusion-in-Indonesia-and-Its-Economic-Effects-March-2017.pdf>
- Cahaya, A. (2022). *Singgung Ryan Jombang, Mahfud MD Buka Motif Kasus Sambo?* Seward.Com. <https://seword.com/umum/singgung-ryan-jombang-mahfud-md-buka-motif-kasus-nXKrBaoZcx>
- Dewata, M. F. N., & Yulianto, A. (2007). *Dualisme Penelitian Hukum Normatif dan Empiris*. Fakultas Hukum Universitas Muhammadiyah Yogyakarta.
- Ewokor, C. (2017). *Living in Fear*. file:///C:/Users/acer/Downloads/Mass Nigerian arrests for “homosexual acts” in Lagos State - BBC News.pdf
- Fajrin, Y. A., Triwijaya, A. F., & Ma’ruf, M. A. (2020). Double track system for criminals against homosexuality background (ideas in criminal law reform). *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan*, 11(2), 167–190.
- Qanun Aceh Nomor 6 Tahun 2014 Tentang Hukum Jinayat, 1 (2014).
- Hamdan, M., & Nasution, E. S. (2020). Criminalization toward LGBT community and its implementation through the aceh qanun in Indonesia. *Indian Journal of Forensic Medicine and Toxicology*, 14(3), 1970–1972. <https://doi.org/10.37506/ijfmt.v14i3.10717>
- Harahap, R. D. (2016). LGBT DI INDONESIA : Perspektif Hukum Islam, HAM, Psikologi dan Pendekatan Maşlahah. *Al-Ahkam*, 26(2), 223. <https://doi.org/10.21580/ahkam.2016.26.2.991>
- Hasan Zaini. (2016). LGBT DALAM PERSPEKTIF HUKUM ISLAM Hasan Zaini. *Jurnal Ilmiah Syari’Ah*, 15(01), 65–73.
- Indonesia, K. K. R. (2014). *Estimasi Jumlah Populasi Kunci Terdampak HIV Tahun 2012*. http://siha.depkes.go.id/portal/files_upload/Estimasi_jumlah_populasi_kunci.pdf
- Kamalludin, I., Rahma, H., Sari, A. A., & Pujiyono, P. (2018). Politik Hukum Dalam Kebijakan Hukum Pidana LGBT. *Jurnal Cita Hukum*, 6(2), 317–342. <https://doi.org/10.15408/jch.v6i2.7805>
- Kritz, B. (2021). Direct and Structural Violence against Transgender Populations: A Comparative Legal Study. *Florida Journal of International Law*, 31(2), 2.
- Manchin, G., Perkins, T., Bauer, G., Carr, J. W., Davie, F. A., Singshinsuk, E. D., Street, N. C., & Suite, A. (2021). *FACTSHEET SHARI ’ A AND LGBTI PERSONS*.
- Marzuki, P. M. (2005). *Penelitian Hukum Edisi Revisi (Revisi)*. Kencana.
- Mckay, T., & Angotti, N. (2016). Ready Rhetorics: Political Homophobia and Activist Discourses in Malawi, Nigeria, and Uganda. *Qualitative Siciology*, 39, 397–420.

<https://link.springer.com/article/10.1007/s11133-016-9342-7#Bib1>

- McKay, T., & Angotti, N. (2016). Ready Rhetorics: Political Homophobia and Activist Discourses in Malawi, Nigeria, and Uganda. *Qualitative Sociology*, 39(4), 397–420. <https://doi.org/10.1007/s11133-016-9342-7>
- McNicoll, G. (2011). Achievers and Laggards in Demographic Transition: A Comparison of Indonesia and Nigeria. *Population and Development Review*, 37(SUPPL. 1), 191–214. <https://doi.org/10.1111/j.1728-4457.2011.00384.x>
- Mustafa, T. (2021). *Pasangan Homo Dicambuk 80 Kali di Aceh, Rotan Algojo Patah*. <https://daerah.sindonews.com/read/316832/174/pasangan-homo-dicambuk-80-kali-di-aceh-rotan-algojo-patah-1611817275>
- Criminal Code Act of Nigeria.
- Nigeriagalleria. (2022). *36 states of nigeria*. nigeriagalleria.com/Nigeria/States_Nigeria/
- Nila Arzaqi. (2018). Kebijakan Hukum Pidana dalam upaya menanggulangi LGBT berbasis Pancasila. *Refleksi Hukum Jurnal Ilmu Hukum*, 2(4), 182–192. <https://doi.org/https://doi.org/10.24246/jrh.2018.v2.i2.p181-192>
- Onapajo, H., & Isike, C. (2016). The Global Politics of Gay Rights: The Straining Relations between the West and Africa. *Journal of Global Analysis*, 6(1), 21–45. <https://ezproxy.southern.edu/login?url=http%3A%2F%2Fsearch.ebscohost.com%2Flogin.aspx%3Fdirect%3Dtrue%26db%3Da9h%26AN%3D116232369%26site%3Ddehost-live%26scope%3Dsite>
- Ostien, P. (2007). *Sharia Implementation in Northern Nigeria*. Spectrum Books Limited. <http://www.sharia-in-africa.net/pages/publications/sharia-implementation-in-northern-nigeria.php>
- Pratiwi, P. S. (2022). *Survei: Mayoritas Warga Terancam LGBT*. CNN Indonesia. <https://www.cnnindonesia.com/nasional/20180125122036-20-271486/survei-mayoritas-warga-terancam-lgbt>
- Rüländ, J., Manea, M.-G., & Born, H. (2013). *The Politics of Military Reform: Experiences from Indonesia and Nigeria* (H. Born (ed.)). Springer US. https://books.google.co.id/books?hl=id&lr=&id=8Nw6hCPZWAEC&oi=fnd&pg=PR3&dq=indonesia+dan+nigeria&ots=iRd7AEConJ&sig=qgmqqBq170wBs-E1yasNKq8jFSU&redir_esc=y#v=onepage&q=indonesia+dan+nigeria&f=false
- Saiful Mujani Research Conculting. (2018). *Mayoritas Publik Menilai LGBT Punya Hak Hidup di Indonesia*. Saifulmujani.Com. <https://saifulmujani.com/mayoritas-publik-menilai-lgbt-punya-hak-hidup-di-indonesia/>
- Santoso, M. B. (2016). Lgbt Dalam Perspektif Hak Asasi Manusia. *Share : Social Work Journal*, 6(2), 220. <https://doi.org/10.24198/share.v6i2.13206>
- Satria, E. (2023). *Bejat, Pelatih Paskibra di Muara Enim Cabuli 13 Siswa, Pelaku Minta Disodomi*. INews Sumsel. <https://sumsel.inews.id/berita/bejat-pelatih-paskibra-di-muara-enim-cabuli-13-siswa-pelaku-minta-disodomi>

- Setyawan, D. (2022). *Ketua KPAI: 33 Persen Tindakan Kriminal Disumbang Perilaku LGBT*. Komisi Perlindungan Anak Indonesia. <https://www.kpai.go.id/publikasi/ketua-kpai-33-persen-tindakan-kriminal-disumbang-perilaku-lgbt>
- Sofwatin, U., Alfiani, D., Nurjanah, N., & ... (2019). LGBT in Legal and Criminology Aspects. *Unnes Law Journal ...*, 9–54.
- United States Commission On International Religious Freedom. (2019). *Shariah Criminal Law In Northern Nigeria*. 1–71.
- Van Hout, M. C., Kaima, R., Mhango, V., & Mariniello, T. (2022). Moving beyond the politization of same-sex sexuality and leveraging right to health to counter inter-personal sexual violence and HIV in Malawi's prisons. *Forensic Science International: Mind and Law*, 3(July), 100103. <https://doi.org/10.1016/j.fsimpl.2022.100103>
- Yuliastini, A., Budimansyah, B., & Arabiyah, H. S. (2018). The Legal Politics of Regulation for Lesbian, Lesbian, Gays, Bisexuals and Transgende (LGBT) in Indonesian Law (Discourse Between Punishment and Regulation). *International Journal of Multi Discipline Science (IJ-MDS)*, 1(2), 137. <https://doi.org/10.26737/ij-mds.v1i1.433>