

Indonesia: Term 'LGBT' dropped from Draft Criminal Code, but 'obscene' acts still criminalised

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Jakarta — House of Representatives (DPR) Commission III member Arsul Sani from the Islamic based United Development Party (PPP) has confirmed that the Draft Criminal Code (RKUHP) will not criminalise Lesbian, Gay, Bisexual and Transgender (LGBT) groups.

According to Sani, the RKUHP will only regulate obscene and indecent (cabul) behaviour committed both by people of the same and different sex outside of marriage. Because of this, according to Sani, it is wrong to say that the RKUHP will criminalise LGBT groups.

“What is being referred to as LGBT criminal articles, that’s not exactly the right term. What is more exact is indecent or obscene behavior articles committed by people of the same sex”, he told journalists at the parliamentary complex in Senayan on Monday evening, May 23.

“What is being criminalised is not LGBT. What is being criminalised is indecent or obscene behaviour”, he added.

The PPP deputy chairperson said that in general the criminal stipulations on indecent or obscene acts have dropped the term LGBT precisely in order to remove stigma and discrimination against LGBT people in society.

“Image right now, there are waria [transgender women]. They work diligently in salons, how can they be criminalised. It doesn’t make sense right”, he said.

“So don’t refer to them as LGBT criminal articles, that’s wrong. What’s correct is articles on LGBT indecent or obscene acts, now that’s correct”, he added.

According to a copy of the RKUHP received by CNN Indonesia, indecent or obscene acts are regulated under Article 417 in the fourth section on adultery (perzinaan). This article stipulates that anyone who has sexual intercourse outside of marriage is subject to a maximum prison sentence of one year.

“Anyone who has sexual intercourse with a person who is not their husband or wife shall be prosecuted for adultery with a maximum jail sentence of 1 (one) year or a category II fine”, reads article 417 Paragraph 1.

In the next article, Article 418, it also regulates cohabitation of two people of a different sex outside of marriage. Paragraph 1 states that anyone who lives together with someone of the opposite sex is subject to a maximum jail sentence of six months.

Earlier, the DPR set a target of enacting the RKUHP by the end of the current seating or early July.

Commission III Deputy Chairperson Desmond Junaidi Mahesa said that all that remains is for the RKUHP to be enacted into law through a plenary session because in 2019 it already went through a process of deliberation and working committee plenary.

“Commission III will finish it at the end of the current seating at the latest. Actually, the process has already been finalised at the working committee, all that remains is a [DPR] plenary session”, Mahesa told CNN Indonesia on Thursday May 19.

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