



## Analysis Of District Rules Of Kota Bogor City Number 10 Years 2021 On Harassment And Combating Sexual Deviant Behavior

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### ABSTRAK

Budaya barat tidak sesuai dengan hukum dan norma yang berlaku di Indonesia khususnya Kota Bogor. masyarakat berpartisipasi untuk dapat mempengaruhi suatu kebijakan pemerintah melalui aksi demonstrasi massal yang terjadi pada tahun 2018, untuk menghentikan penyebaran perilaku menyimpang seksual seperti pelecehan dan LGBT. Tujuan penelitian ini Untuk mengetahui Bagaimana Peraturan Daerah Kota Bogor Nomor 10 Tahun 2021 Dapat Mengatur Pelecehan dan Penanggulangan Perilaku Menyimpang Seksual. Metodologi penelitian ini menggunakan pendekatan penelitian kualitatif dimana penelitian kualitatif sebagai metode ilmiah sering digunakan dan dilaksanakan oleh sekelompok peneliti di bidang ilmu sosial, termasuk hukum. hasil penelitian menunjukkan dalam peraturan ini terdapat pasal yang mengakibatkan undang-undang tidak didasarkan pada kebijakan berbasis bukti. Menurut ICD-10 (International Classification of Disease) atau klasifikasi Kesehatan yang dibuat oleh WHO (World Health Organization) menyatakan pada poin F66 bahwa "orientasi seksual itu sendiri tidak boleh dianggap sebagai kelainan" dan ICD juga menyatakan bahwa transgender adalah bukan gangguan kejiwaan. segala bentuk penyimpangan yang disebutkan dalam peraturan ini pada pasal 6 adalah kejahatan yang tidak menimbulkan korban, disebut kejahatan adalah perbuatan jahat yang harus menimbulkan korban dan korban itu adalah orang lain dan bukan diri sendiri yang menjadi korban. Jadi tidak bisa dikatakan sebagai kejahatan. Jika dikatakan bahwa penyimpangan seksual adalah perilaku yang tidak atas dasar suka sama suka atau terdapat kekerasan, maka hal tersebut hanya dapat dikatakan sebagai perilaku penyimpangan seksual, namun selain penyimpangan seksual yang dilakukan dengan persetujuan dan dalam ranah privat, maka hal tersebut merupakan unsur kekerasan. privasi yang berhak dilindungi oleh negara dan setiap orang berhak atas privasinya masing-masing.

## ABSTRACT

Western culture is not in accordance with the laws and norms that apply in Indonesia, especially the city of Bogor. The community participated to be able to influence government policy through mass demonstrations that occurred in 2018, to stop the spread of sexual deviant behavior such as harassment and LGBT. The aim of this research is to find out how Bogor City Regional Regulation Number 10 of 2021 can regulate harassment and combat sexual deviant behavior. This research methodology uses a qualitative research approach where qualitative research as a scientific method is often used and carried out by a group of researchers in the field of social sciences, including law. The research results show that this regulation contains articles that result in the law not being based on evidence-based policies. According to ICD-10 (International Classification of Disease) or the Health classification made by WHO (World Health Organization) states in point F66 that "sexual orientation itself should not be considered a disorder" and the ICD also states that transgender is not a mental disorder. All forms of deviation mentioned in this regulation in article 6 are crimes that do not cause victims. Crimes are evil acts that must cause victims and the victim is someone else and not oneself who is the victim. So it cannot be said to be a crime. If it is said that sexual deviation is behavior that is not consensual or involves violence, then this can only be said to be sexual deviant behavior, but apart from sexual deviation that is carried out with consent and in the private sphere, then this is an element of violence. privacy that the state has the right to protect and everyone has the right to their own privacy.



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## 1. Introduction

Bogor is a heterogeneous city with a diversity of tribes, races, and religions, even many foreigners also live in Bogor. This is because Bogor is one of the buffer cities of the capital, so it is not uncommon for people from outside Bogor and abroad to stay in Bogor and also bring their culture to Bogor. The same is the case with western culture which is actually not in accordance with the laws and norms that apply in Indonesia, especially in the city of Bogor. So the community gives its political participation to be able to influence a government policy through demonstration action mass that happened in 2018 ago, to stop the spread of sexual deviant behavior such as harassment and LGBT.<sup>1</sup>

The city of Bogor became one of the places that was often heard among the community as a city with a strong spread of LGBT ideas. This causes a stigma and a nickname for the city of Bogor among young people with the term "Bogay" which is an acronym for "Bogor Gay".<sup>2</sup> Homosexuality is a sexual orientation in which an individual is emotionally and sexually

<sup>1</sup> Dedi, *Keberagaman Gender di Indonesia*. Jakarta: Yayasan Pustaka Obor Indonesia 2019;

<sup>2</sup> Munadi, *Sejarah Bogor bagian 1*. Bogor: Panitia Penyusun dan Penerbitan Sejarah Bogor. 2017;

attracted to individuals of the same gender.<sup>3</sup> Homosexuality refers to the emotional and sexual attraction one feels towards people of the same sex.

This phenomenon has existed throughout human history and is found in various cultures and societies around the world. Homosexuality is an integral part of the diversity of human sexual orientations, although it is often ignored or even ostracized in some social settings. Research shows that this sexual orientation cannot be changed through effort and is an important aspect of a person's identity. In many cultures, homosexuality is often stigmatized and rejected, which can lead to discrimination and exclusion of people who experience homosexuality. However, in some countries there is increasing understanding and acceptance of this sexual orientation, and legal measures have been taken to protect the rights of homosexuals. Education and awareness about homosexuality is becoming increasingly important to reduce prejudice and build a more inclusive and diverse society. Scientific research on homosexuality shows that sexual orientation is not an individual choice but the result of a combination of genetic, hormonal and environmental factors. These studies show that homosexuality is not a disorder or disease that requires treatment, but rather a natural variation in the spectrum of human sexual orientation. Realizing and accepting this reality can help overcome the myths and misconceptions that still exist about homosexuality and can encourage society to be more understanding and appreciative of differences. In modern society, understanding and acceptance of homosexuality is growing, although there are still challenges and stigma faced by individuals who identify as homosexual. Many countries have begun to recognize LGBT rights, including the legalization of same-sex marriage and protection against discrimination. It is important to create an inclusive and supportive environment, where all people, regardless of their sexual orientation, can live freely and without fear of judgment or ostracization.

This is not a strange thing because there are quite a lot of cases related to the deviation of sexual behavior in the city of Bogor, with data that records an increase in the number of LGBT people from 2017 to 2019. The data recorded that there were around 4164 people in 2017, then increased to as many as 4610 people in 2018, and the number is increasing to 4928 in 2019 who have LGBT sexual deviant behavior. The case is certainly a basis for thinking for legislators and executives to launch actions that aim to lower the figure by making Perda Kota Bogor No. 10 of 2021 which is considered by gender activists to have several articles that are problematic and can cause persecution to those who are classified as LGBT. In Bogor City District Regulation Number 10 of 2021 regarding the Prevention and Combating of Sexually Deviant Behavior consisting of 28 Articles, set on December 21, 2021.<sup>4</sup> Marriage is not only a personal matter, moreover, marriage also has a function to build the benefit of the people.<sup>5</sup>

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<sup>3</sup> WebMD, kontributor Editorial. 2023. Apa itu Homoseksualitas? webmd.

<sup>4</sup> Munadi, Sejarah Bogor bagian 1. Bogor: Panitia Penyusun dan Penerbitan Sejarah Bogor. 2017;

<sup>5</sup> APRILIANDY, Silva Farida; MONAYA, Nova; RUMATIGA, Hidayat. Fulfillment of Children's Rights in Marriage Dispensation Cases Based on Marriage Law Number 16 of 2019. *Karimah Tauhid*, 2024, 3.4: 4823

### **In consideration of stating:**

- a. That the state must guarantee the right of every citizen to obtain a healthy social life and provide protection for every citizen from the impact of the emergence of social diseases that can threaten the continuity of the integrity of social order and institutions in society;
- b. That the local government of the city of Bogor is aware of the increase in sexual deviant behavior as a form of social disease that can damage the order of values and norms of life embraced by the community as well as threaten the social institution of the family to fulfill its purpose in the reproduction and inheritance of noble values so it is necessary to do prevention and countermeasures to the community from sexual deviant behavior;
- c. That based on considerations as referred to in letter a and letter b, it is necessary to establish regional regulations on the prevention and control of sexual deviant behavior.

## **2. Methods**

This research uses a qualitative research approach where qualitative research as a scientific method is often used and implemented by a group of researchers in the field of social science, including law. A number of reasons were also presented, the main point of which is that qualitative research enriches the results of quantitative research. Qualitative research is carried out to develop knowledge through understanding and discovery. Qualitative research approach is a process of research and understanding based on methods that investigate a social phenomenon and human problems. In this research, the researcher made a complex picture, examined the words, detailed reports from the respondents' point of view and conducted a study on the situation that occurred. This research was carried out in the city of Bogor. In relation to this research being a type of qualitative research, this research does not have a clear time limit until the researcher obtains a truly in-depth understanding of the object being researched, but due to various considerations and limitations of time, cost and energy, this research can be concluded and the report made, if considered to have achieved data and data analysis according to plan.

Qualitative research where the researcher's role is as a key instrument in collecting data, and interpreting the data. Data collection tools usually use direct observation, interviews, document studies. While the validity and reliability of data using triangulation using the inductive method, the results of qualitative research focus more on meaning than generalization. Qualitative research is used if the problem is not clear, to find out the hidden meaning, to understand social interaction, to develop theory, to ensure the truth of the data and examine the history of development. Bearing in mind that this research aims to understand and interpret the various phenomena that exist or occur in reality as a characteristic of qualitative research, in this case How Bogor City District Regulation Number 10 of 2021 Can Regulate Harassment and Countering Sexually Deviant Behavior.

### 3. Results and Discussion

In analyzing Bogor City District Regulation Number 10 of 2021 on the Prevention and Combating of sexual deviant behaviour, referring to Chapter III article 6 paragraph (1):

#### 1. Forms of sexual deviant behavior include:

- a. Men who like men (homosexuals);
- b. Women who like Women (lesbians);
- c. Bisexual;
- d. Lovers of child sex (pedophilia erotica);
- e. Transgender (transvetism);
- f. Showing off vital organs (exhibionism);
- g. Spying (voyeurism);
- h. Intimate relations of blood (incest);
- i. Sex with violence (sadism);
- j. Attraction to inanimate objects/sexual objects (sexual fetishism);
- k. Corpse lover (necrophilia);
- l. Having sex with more than 1 (one) person simultaneously;
- m. Satisfaction when seeing a partner having sex with another person (triolism);
- n. Sex with animals (bestiality); and
- o. Any sexual behavior or activity that is religiously, culturally, socially, psychologically and/or medically defined as sexual deviance.

In this article, the law is not based on evidence based policy. According to the ICD-10 International Classification of Disease) or the Health classification made by the WHO (World Health Organization) states in point F66 that "sexual orientation itself should not be considered a disorder" and the ICD also states that transgender is not a psychiatric disorder.<sup>6</sup> In addition, all the forms of deviation mentioned in this regulation in article 6 are crimes without victims, whereas something called a crime is an evil act that must cause a victim and that victim is someone else and not oneself who is the victim. So it cannot be said as a crime. If sexual deviance is said to be behavior that is not consensual or there is violence, it can only be said to be sexual deviance behavior, but other than sexual deviance that is done with consent and in the private realm, then it is an element of privacy that is entitled to be protected by the country and everyone has a right to their own privacy and the country has no interest in regulating that privacy. The sexual deviant behavior mentioned in article 6 above such as pedophile, exhibitionism, voyeurism, necrophilia, have all been regulated in the legislation in the Criminal Code and the Child Protection Law, therefore there is no need to intervene again in this ordinance.

#### Referring to chapter VII article 21 which is about financing:

The funding required for the prevention and combating of sexually deviant behavior is charged to:

- a. District income and expenditure estimates;

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<sup>6</sup> Geoffrey M. Reed, Jack Drescher. 2016. Gangguan yang berhubungan dengan seksualitas dan identitas gender dalam ICD-11: merevisi klasifikasi ICD-10 berdasarkan bukti ilmiah terkini, praktik klinis terbaik, dan pertimbangan hak asasi manusia. pubmed central.

Then refer to chapter X, article 24, paragraph (5) about the countermeasures commission, namely:

(5) all the costs required for the implementation of the commission's task of preventing and combating sexual deviant behavior are charged to the regional income and expenditure budget and other legal and non-binding sources of funds in accordance with the provisions of the law.

With the above article, it will actually spend the burden of the regional income and expenditure budget to organize the private space of citizens where the Ministry of Interior is negligent in disbursing APBD funds for the commission. It is very pointless to release APBD funds just to manage sex triangles. This will replicate other discriminatory regulations that are not relevant to the 1945 Constitution, especially article 28A to article 28J of the 1945 Constitution. Local government law defines a matter that is contrary to the public interest as a policy that results in the disruption of harmony between members of the community, the disruption of public services, and disruption of public order and discriminatory policies.

Referring to article 18 about the rehabilitation of paragraphs (2) and (3):

(2) rehabilitation is meant to rehabilitate a person who has experienced sexual deviance.

(3) Rehabilitation as referred to in paragraph (2) is given in the form of:

- a. motivation;
- b. diagnosis;
- c. medical care;
- d. mental and spiritual guidance;
- e. social guidance and counseling; and
- f. psychological and medical help and assistance.

If you look at the reality, until now there has never been a sexual deviance rehabilitation patient who was rehabilitated for sexual deviance behavior. In fact, it is now becoming more and more common for people who like the same sex to openly show themselves in public. With this law in place, it will be more difficult to find people who commit sexual misconduct because they are afraid of discrimination and feel insecure so they are very closed in that regard.

#### 4. Conclusion

It is hoped that the Bogor District government will be more optimal in making bylaws to prevent and combat sexual deviant behavior so that there are no minority groups that feel their dignity, honor and sense of security destroyed in this country in order to achieve a peaceful, peaceful, and free condition from everything that causes there harmed victims. There are several ways to revise this regulation with several steps:

1. The central and regional governments need to pay attention and make efforts to encourage the Bogor City government to fulfill its obligations to respect, protect, and fulfill the rights of vulnerable groups.
2. Revise the regulations that are made clearly and are not discriminatory.
3. Provide firm and clear countermeasures or prevention against sexual deviance, not just mere words that have no results in reality.

4. Conduct a dialogue or discussion together with the group that rejects this bylaw or with other experts so that there is no misunderstanding in understanding this by law.

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## References

- Azhari, Nanang Khosim. 2019. "PERSEPSI GAY TERHADAP PENYEBAB HOMOSEKSUAL." *jurnal Keperawatan Jiwa Vo.*
- APRILIANDY, Silva Farida; MONAYA, Nova; RUMATIGA, Hidayat. Fulfillment of Children's Rights in Marriage Dispensation Cases Based on Marriage Law Number 16 of 2019. *Karimah Tauhid*, 2024, 3.4
- Bogor, JDIH kota. 2023. *Kunjungan kerja dari setara Institute terkait perda P4S*. Bogor: Media pers Huk-Ham.
- Dedi S, PD, M.PD. 2019. *keberagaman gender di indonesia*. jakarta: yayasan pustaka obor indonesia.
- Geoffrey M. Reed, Jack Drescher. 2016. *Gangguan yang berhubungan dengan seksualitas dan identitas gender dalam ICD-11: merevisi klasifikasi ICD-10 berdasarkan bukti ilmiah terkini, praktik klinis terbaik, dan pertimbangan hak asasi manusia*. pubmed central.
- Munadi, Dr. 2017. *sejarah bogor bagian 1*. bogor: penerbitan sejarah bogor.
- Murtadho, Mahfuzulloh Al. 2022. *Perda penyimpangan seksual kota Bogor diminta ditinjau ulang*. Jakarta: Tempo.co.
2022. *Pernyataan Sikap Koalisi Kami Berani Peraturan Daerah Kota Bogor No 10 Tahun 2021 tentang Pencegahan dan Penanggulangan Perilaku Penyimpangan Seksual: Pelanggaran Hak Asasi Manusia*. I. Diponegoro No. 74, Menteng, Jakarta Pusat 10320: YLBHI.
- raharjo jati, wasto. 2013. "diskursus hukum LGBT di indonesia." *Unimapress jurnal*.

Reform, Institute For Criminal Justice. 2022. *Peraturan daerah kota Bogor No 10 Tahun 2021 tentang pencegahan dan penanggulangan periku penyimpangan seksual: pelanggaran hak asasi manusia*. jl.Komp Departemen Kesehatan Blok B No 4: Elisabeth Garnis.

saifullah, M. 2017. "teori legislasi dalam pembentukkan undang-undang cipta kerja."

saleh. 2019. *teori dan hukum perancangan perda*. malang: press danasasmita.

salma. n.d. "HOMOSEKSUALITAS DALAM PANDANGAN BARAT."

Saputra, Yuli. 2022. *kelompok gender minoritas merasa terancam akan ada legitimasi persekusi*. Bandung: BBC News Indonesia.

Wardanti, Utari Putri. 2022. *Komnas HAM dan Walikota Bogor bahas perda P4S*. Jakarta: Komnasham.go.id.

WebMD, kontributor Editorial. 2023. *Apa itu Homoseksualitas?* webmd.