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LEGAL PROTECTION OF THE RIGHTS OF LESBIAN WOMEN IN INDONESIA: A CRITICAL ANALYSIS OF STRUCTURAL DISCRIMINATION, SOCIAL NORMS AND THE HUMAN RIGHTS FRAMEWORK

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ABSTRACT

This study aims to critically analyse legal protection for the rights of lesbian women in Indonesia, focusing on three main dimensions: structural discrimination within the legal system and public policy; the role of heteronormative social norms in producing stigma and marginalisation; and the implementation gap between national and international human rights frameworks. The study employs a qualitative research method using a literature review approach. The research findings indicate that legal protection for lesbian women is in a paradoxical state: on the one hand, the 1945 Constitution, Law No. 39 of 1999 on Human Rights, CEDAW, and the ICCPR provide a strong normative foundation for non-discrimination; on the other hand, the absence of explicit recognition of sexual orientation as a protected category in secondary legislation creates interpretative loopholes that permit systematic discrimination in the spheres of education, employment, healthcare, and the judicial system. Heteronormative social norms reproduced through the institutions of the family, religion, and the mass media reinforce this structural discrimination, producing chronic minority stress and structural invisibility for lesbian women. This study concludes that effective protection requires a holistic approach encompassing the enactment of inclusive anti-discrimination legislation, the revision of the new Criminal Code to prevent the criminalisation of consensual same-sex relationships, the institutional transformation of public bureaucracy, and public education to deconstruct heteronormative norms. Without synergy between legal reform, social transformation, and consistent political commitment, the constitutional promise of equality before the law will remain empty rhetoric for lesbian women in Indonesia.

Keywords: lesbian women, structural discrimination, heteronormativity, human rights, legal protection, Indonesia, SOGIESC

Introduction

Indonesia, as a constitutional state upholding the principle of *equality before the law*, has in fact guaranteed the human rights of every citizen without discrimination, including on the basis of sexual orientation, as stipulated in Article 28I(2) of theof the 1945 Constitution of the Republic of Indonesia (UUD 1945), which affirms that every person is free from discriminatory treatment (Constitutional Court of the Republic of Indonesia, 2017). However, social realities and legal practices on the ground indicate that this constitutional guarantee has not yet been fully implemented for sexual minority groups, particularly lesbian women, who instead face multiple layers of

marginalisation due to gender-biased and heteronormative legal constructs (Wi et al., 2024) .

Lesbian women in Indonesia are in a uniquely vulnerable position as they experience double discrimination: first, as women within a still-strong patriarchal structure, and second, as individuals with a sexual orientation considered to deviate from dominant social norms (LewoLeba et al., 2023). This discrimination occurs not only in the private sphere but also permeates the public sphere, including access to education, employment, healthcare, and protection from violence, thereby creating a cycle of exclusion that is difficult to break (Komnas HAM, 2021).

The phenomenon of structural discrimination against lesbian women has become increasingly prominent following a series of local policies and statements by public officials openly rejecting the existence of the LGBTQ community, including the issuance of morally-tinged local regulations used as instruments of indirect criminalisation against expressions of sexual orientation (Kelly et al., 2026) . These policies, whilst not explicitly mentioning lesbians, create a climate of fear and provide social legitimacy for discriminatory actions carried out by both state and non-state actors.

Heteronormative social norms—that is, the view that heterosexuality is the only normal and legitimate sexual orientation—form the cultural foundation that reinforces the stigma against lesbian women in Indonesia (Wieringa, 2002) . These norms are not only produced through religious and family institutions, but are also reproduced through the education system, the mass media, and public discourse that portrays homosexuality as a threat to national morality and the resilience of the family (Davies, 2010) .

The impact of this social stigma is clearly evident in the high rates *of internalised sexual stigma* among lesbian women, a psychological process whereby individuals internalise society's negative views of themselves, leading to social isolation, depression, and barriers to accessing support services (Sarahsita & Hidajat, 2017) . This situation is exacerbated by the lack of safe spaces and inclusive support networks, leading many lesbian women to choose to conceal their identity (*remaining in the closet*) to avoid violence and exclusion.

From a positive law perspective, Indonesia actually possesses an adequate normative framework to protect the rights of lesbian women, including Law No. 39 of 1999 on Human Rights, Law No. 7 of 1984 on the Ratification of CEDAW, and most recently, Law No. 12 of 2022 on Criminal Acts of Sexual Violence (TPKS Law) (State Secretariat of the Republic of Indonesia, 2022). However, the effectiveness of these regulations is severely limited due to the absence of explicit recognition of sexual orientation as a category protected from discrimination; consequently, interpretative loopholes allow law enforcement officials to disregard or even exacerbate the violations experienced by lesbian women (Dhamayanti, 2022) .

Furthermore, the gap between Indonesia's international commitments and domestic implementation is widening as the state actively discriminates against the LGBTQ community through repressive measures, such as the forced dispersal of community gatherings, the seizure of property, and the tolerance of violence perpetrated by morality-based civil society organisations (Komnas HAM, 2016). This paradox demonstrates that the state has not only failed to fulfil its positive obligation to protect, but has also violated its negative obligation not to arbitrarily interfere with citizens' rights to privacy and freedom of expression (Iswahyudi, 2025) .

The 2025 report by the National Commission on Violence Against Women (Komnas Perempuan) notes a significant increase in cases of gender-based violence against women; however, specific data on violence against lesbian women is almost entirely undocumented due to reporting barriers and the absence of gender-sensitive and sexual orientation categories within the national recording system (Komnas Perempuan, 2025). This lack of data is not merely an administrative issue, but a reflection of structural invisibility that renders the experiences and suffering of lesbian women unrecognised as part of the national human rights protection agenda.

In the context of international human rights, instruments such as *the Yogyakarta Principles plus 10* (2017) have provided comprehensive guidance on the application of human rights law regarding sexual orientation and gender identity, including the state's obligation to eliminate structural discrimination and ensure access to justice for all individuals without exception (Carpenter, 2020) . However, Indonesia has not yet adopted these principles into national policy, meaning that protection standards which should be universal remain merely normative discourse without any real enforcement mechanisms.

A critical analysis of this situation requires an interdisciplinary approach that combines legal, gender sociological and queer theoretical perspectives to reveal how power operates through legal and social norms in producing injustice (Hamzić, 2025) . Without a deep understanding of the mechanisms of structural discrimination and the role of social norms in perpetuating inequality, legal reform efforts risk becoming merely cosmetic changes that fail to address the root of the problem.

Thus, this study aims to fill a gap in the academic literature by specifically examining the legal and social position of lesbian women in Indonesia, focusing on three key dimensions: structural discrimination within the legal system, the role of social norms in producing stigma, and gaps in the implementation of human rights frameworks (both national and international). Consequently, this research not only contributes to the development of progressive legal scholarship but also provides evidence-based policy recommendations for decision-makers and human rights advocates.

Research Method

This study employs a qualitative research method using a *library research* approach, which emphasises critical analysis of secondary sources such as national and international legal regulations, human rights institution reports, academic journals, books, and public policy documents relevant to the protection of lesbian women's rights in Indonesia (Zed, 2008) . Data collection was conducted through documentary research to ensure temporal relevance to contemporary legal and social dynamics, whilst data analysis employed *content analysis* combined with a normative-critical approach to identify gaps between formal legal norms (*law in books*) and social reality (*law in action*) (Eliyah & Aslan, 2025) . Data validity is ensured through source triangulation, namely by comparing information from various types of legal documents, empirical reports from independent institutions, and academic literature to minimise interpretative bias, whilst the analytical framework adopts a feminist legal perspective and queer theory to dismantle the patriarchal and heteronormative power structures that perpetuate discrimination against lesbian women.

Results and Discussion

Structural Discrimination and Social Norms against Lesbian Women

Structural discrimination against lesbian women in Indonesia is not merely an incidental phenomenon, but a system of injustice embedded within the legal architecture, public policy, and social institutions that systematically restrict their access to basic rights (Kelly et al., 2026) . This system operates through mechanisms that are often *invisible*, such as the absence of a sexual orientation category in state administrative forms, the lack of gender- and sexuality-sensitive protocols in public services, and heteronormative biases in law enforcement procedures that assume all citizens are heterosexual (Wi et al., 2024) . Consequently, lesbian women are forced to live in a state of *legal invisibility*, where their existence and experiences are not recognised by a legal system that is supposed to protect all citizens without exception.

In the field of education, lesbian women face forms of discrimination that are both preventative and repressive, ranging from difficulties accessing scholarships due to moral stigma to the risk of expulsion from educational institutions if their sexual identity is revealed (Wieringa, 2002) . Many universities and boarding schools enforce internal regulations prohibiting "deviant behaviour" without a clear definition, which are then arbitrarily interpreted to target students suspected of being lesbian, often based on non-conforming gender presentation or intimate relationships with members of the same sex (LewoLeba et al., 2023). This discrimination not only deprives them of their right to education but also causes deep psychological trauma, forcing many lesbian women to choose between their authenticity and the continuation of their studies.

Access to the formal labour market is another critical arena of structural discrimination, where lesbian women face systematic barriers ranging from the

recruitment process, through promotion, to protection from workplace harassment (Connell, 2009) . A study conducted by the Centre for Justice and Human Rights Studies at Gadjah Mada University found that LGBT workers, including lesbian women, are often dismissed without notice after their sexual orientation becomes known to their superiors or colleagues, under the pretext of 'violating company norms' which are not actually written into their employment contracts (Zulfiko, 2024) . The absence of explicit protection in Law No. 13 of 2003 on Manpower against discrimination based on sexual orientation leaves lesbian women vulnerable to unilateral termination of employment without adequate compensation, whilst the complaints mechanism at the Ministry of Manpower lacks specific procedures to handle such cases (Dhamayanti, 2022) .

In the context of healthcare, lesbian women face epistemic and institutional discrimination, where their specific health needs are often ignored or pathologised by medical staff lacking queer cultural competence (Hamzić, 2025) . Many lesbian women report experiences of being humiliated, morally judged, or even denied care when accessing reproductive health services, mental health services, or routine check-ups, due to doctors' assumptions that all patients are heterosexual and married to a partner of the opposite sex (Sarahsita & Hidajat, 2017) . Worse still, their sexual orientation is often regarded as a mental disorder that needs to be 'cured', even though the World Health Organisation (WHO) removed homosexuality from its list of mental disorders in 1990, highlighting just how far behind international scientific standards medical practice in Indonesia remains.

Structural discrimination is also evident within the criminal justice system, where lesbian women who are victims of violence are often not believed or are even criminalised when they report their cases to law enforcement agencies (Yansyah & Rahayu, 2018) . Police and prosecutors, the majority of whom lack training in gender and sexual sensitivity, tend to blame the victims by framing the violence they have experienced as a 'natural consequence' of a lifestyle deemed deviant, or even use public decency provisions in theCriminal Code (KUHP) to prosecute lesbian women who report sexual violence (Iswahyudi, 2025) . Impunity for perpetrators of violence based on sexual orientation is becoming increasingly entrenched due to this institutional bias, creating a cycle of injustice in which victims are instead treated as defendants and perpetrators are free from legal accountability.

Heteronormative social norms serve as the cultural foundation that reinforces and reproduces structural discrimination against lesbian women in Indonesia, operating through three main institutions: the family, religion, and the mass media (Davies, 2010) . The family, as the smallest social unit, is often the first setting where lesbian women experience rejection, violence, or attempts at forced 'conversion' by parents and siblings who feel ashamed or fearful of social stigma. Many lesbian women *are forced* into *heterosexual marriage* to "correct" their sexual orientation or to preserve family

honour, a practice that constitutes a serious form of gender-based violence yet is rarely recognised as a human rights violation in Indonesian public discourse.

Religious institutions play a central role in producing and legitimising stigma against lesbian women through moral discourses that portray homosexuality as a grave sin and a threat to the social order (Zulfiko, 2024) . The Indonesian Ulema Council (MUI) Fatwa No. 57 of 2014, which prohibits LGBT, although not legally binding, has become a normative reference for social discrimination and repressive local policies, creating a climate of insecurity for lesbian women to live openly (Kelly et al., 2026) . This religious narrative operates not only within the private spaces of mosques and churches, but also seeps into the public sphere through sermons, religious social media, and formal religious education in schools, which systematically teach that being a lesbian is a morally wrong choice and can be 'contagious' to others.

Indonesian mass media, both conventional and digital, contribute to reinforcing heteronormative norms through biased, sensationalist, or entirely absent (*erasure*) representations of lesbian women in news, entertainment, and advertising content (Wieringa, 2002) . When lesbian women do appear in the news, they are often portrayed as objects of sensation, tragic victims, or moral threats, rather than as subjects possessing agency and the same rights as other citizens (Hamzić, 2025) . These negative representations reinforce the stereotype that lesbianism is a deviation to be pitied or feared, rather than a normal variation of human diversity, thereby preventing the general public from developing adequate empathy or understanding of the lived experiences of lesbian women.

The cumulative impact of this structural discrimination and social norms is the production of chronic *minority stress* amongst lesbian women, namely the unique psychosocial pressure experienced by members of stigmatised minority groups due to a hostile social environment (Sarahsita & Hidajat, 2017) . This *minority stress* manifests in the high prevalence of anxiety disorders, depression, suicidal ideation, and substance misuse among lesbian women compared to the general population; however, their access to competent and affirmative mental health services is severely limited (Davies, 2010) . Worse still, many lesbian women internalise this social stigma into *internalised homophobia*—self-hatred that hinders their ability to form healthy intimate relationships, access social support, or develop a positive identity.

The intersectionality of gender, sexual orientation, social class, and religious identity complicates the experiences of discrimination faced by lesbian women in Indonesia, where those from low-income backgrounds, rural areas, or conservative religious communities face even greater layers of marginalisation (LewoLeba et al., 2023) . Lesbian women from working-class backgrounds, for example, not only face discrimination in the workplace but also lack the financial resources to access legal services, mental health support, or to relocate to more inclusive areas, leaving them trapped in a cycle of poverty and vulnerability (Canu & Tahali, 2023) . Similarly, lesbian

women from strongly religious families are often forced to choose between their faith and their sexual identity, an existential dilemma not faced by their heterosexual peers.

Resistance to this structural discrimination and social norms does emerge through activist movements and civil society organisations, yet their efforts are frequently constrained by an increasingly narrowing civil space and real security risks (Kelly et al., 2026) . Lesbian communities attempting to hold meetings, public awareness campaigns, or peer support services frequently face intimidation, forced dispersal by faith-based organisations, or even physical violence that goes unpunished by the authorities (Yansyah & Rahayu, 2018) . Fear of these consequences forces many community initiatives to operate underground, which, whilst providing short-term protection, actually reinforces their invisibility and hinders their ability to engage in systematic and sustained policy advocacy.

Theoretically, structural discrimination and social norms against lesbian women in Indonesia can be understood through the lens *of heteropatriarchy*, namely a system of power that combines male domination over women with the assumption that heterosexuality is a universal norm that must be adhered to (Wieringa, 2002) . Within this system, lesbian women are viewed as a double threat: firstly, because they reject traditional gender roles that subordinate women to men, and secondly, because they reject the heterosexually defined reproductive obligations deemed a mandatory contribution to the nation's survival (Pugu & Aslan, 2025) . This understanding is crucial to revealing that discrimination against lesbian women is not merely a matter of individual intolerance, but a manifestation of broader power structures that must be dismantled through radical social and legal transformation.

The lack of comprehensive empirical data on discrimination against lesbian women further exacerbates the situation, as the absence of statistical evidence is often used by policymakers to disregard the urgency of reform (Komnas Perempuan, 2025). National recording systems, whether by the police, health agencies, or educational institutions, lack categories sensitive to sexual orientation; consequently, cases of discrimination and violence against lesbian women are poorly documented and do not feature on the public policy agenda (Dhamayanti, 2022) . This lack of data is not merely an administrative oversight, but a form of *epistemic violence* that erases the experiences of lesbian women from the state's official knowledge, leaving them as an invisible 'ghost population' in national development planning.

Ultimately, structural discrimination and social norms against lesbian women in Indonesia create a vicious cycle of injustice that is difficult to break without systematic legal and social interventions, as each dimension reinforces and perpetuates the others. Discrimination in education limits economic access, which in turn increases vulnerability to violence and reduces the capacity to access justice, whilst social stigma hinders the formation of the strong support communities necessary for collective advocacy. Breaking this cycle requires a holistic approach that not only reforms legal regulations

but also transforms social norms through public education, fair media representation, and the empowerment of marginalised communities to claim their rights as equal citizens.

Legal Framework and Human Rights Protection Efforts

Indonesia's national legal framework actually provides a sufficiently strong normative foundation for protecting the rights of lesbian women, starting with Article 28I(2) of theof the 1945 Constitution, which explicitly guarantees the right to freedom from discrimination on any grounds, including those not explicitly listed but which may be interpreted as encompassing sexual orientation through the principle *of the 'living constitution'* (Constitutional Court of the Republic of Indonesia, 2017). This constitutional guarantee is reinforced by Law No. 39 of 1999 on Human Rights, particularly Articles 3 and 5, which affirm that every person has the right to recognition, guarantees, protection, and fair legal certainty without discrimination, as well as Article 71, which imposes an obligation on the state to respect, protect, and fulfil the human rights of every citizen (State Secretariat of the Republic of Indonesia, 1999). However, a fundamental gap lies in the absence of explicit recognition of sexual orientation and gender identity as *protected categories* in secondary legislation, thereby opening the door to discriminatory interpretations by law enforcement officials and local policymakers.

As a State Party to *the Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) since 1984 through Law No. 7 of 1984, Indonesia has an international obligation to eliminate discrimination against women in all its forms, including discrimination based on sexual orientation experienced by lesbian women (State Secretariat of the Republic of Indonesia, 1984). The CEDAW Committee, in *General Recommendation No. 33* (2015), has explicitly stated that discrimination against women must be understood in an intersectional manner, encompassing factors such as sexual orientation and gender identity; consequently, State Parties are obliged to take legislative and administrative measures to protect lesbian women from violence, stigma, and social exclusion (CEDAW Committee, 2015). However, alternative reports from Indonesian civil society organisations indicate that the government has not yet fully incorporated these recommendations into national policy, meaning that protection for lesbian women remains partial and unsystematic (National Commission on Violence Against Women, 2025).

Similarly, Indonesia has ratified *the International Covenant on Civil and Political Rights* (ICCPR) through Law No. 12 of 2005, which in Article 2 , and Article 26 guarantees the right to non-discrimination and equality before the law for all individuals without exception (State Secretariat of the Republic of Indonesia, 2005). The UN Human Rights Committee, in *General Comment No. 34* and jurisprudential decisions such as *Toonen v. Australia* (1994), has interpreted that the term 'sex' in the ICCPR encompasses sexual

orientation and gender identity; consequently, the criminalisation of or discrimination against individuals on the basis of sexual orientation constitutes a violation of this covenant (Human Rights Committee, 2011). Nevertheless, this progressive interpretation has not yet been officially adopted by the Indonesian government or national judicial institutions, meaning that the ICCPR often remains merely a rhetorical instrument lacking any real enforcement teeth in cases of discrimination against lesbian women.

Regional instruments also provide an additional layer of protection through *the ASEAN Human Rights Declaration* (2012), which in Article 3 affirms the principle of non-discrimination; however, this declaration has structural weaknesses as it lacks binding enforcement mechanisms and is frequently criticised for being overly accommodating of 'regional' values that can be used to justify human rights violations in the name of local culture (Iswahyudi, 2025) . Furthermore, *the Yogyakarta Principles plus 10* (2017), although not a formally binding legal instrument, have become an authoritative standard in the application of international human rights law regarding sexual orientation and gender identity, specifically requiring states in Principle 2 to abolish all discriminatory provisions and adopt legislation protecting individuals from discrimination based on SOGIESC (Carpenter, 2020) . Indonesia, although it has not formally adopted these principles, has a moral and derivative legal obligation to align with these standards as part of its commitment to the international human rights system.

A significant legislative breakthrough occurred with the enactment of LawNo. 12 of 2022 on Sexual Violence Crimes (UU TPKS), which, for the first time in the history of Indonesian law, recognises various forms of sexual violence beyond forced sexual intercourse, including verbal, non-physical, and gender-based sexual harassment (Secretariat of the Republic of Indonesia, 2022). Article 5 of the UU TPKS explicitly states that victims of sexual violence are entitled to protection without discrimination, including on the basis of sexual orientation; although this phrase is not mentioned literally, it can be interpreted through the general explanatory notes which emphasise the principles of inclusivity and substantive justice (National Commission on Violence Against Women, 2025). The implementation of this Act presents a critical test for the protection of lesbian women, particularly in cases of *corrective rape* or sexual violence motivated by hatred towards the victim's sexual orientation, which were previously often not classified as *hate crimes* by law enforcement authorities.

However, on the other hand, there is a worrying regression in the law with the enactment of the new Criminal Code (KUHP) through No. 1 of 2023, which in Articles 411 and 412 regulates offences against public decency with ambiguous wording that can be broadly interpreted to criminalise consensual same-sex intimate relationships (Secretariat of the Republic of Indonesia, 2023). Although the government argues that these articles apply only to married individuals or in the context of violations of religious

norms that are part of *the 'living* law' within society, the lack of clarity in the operational definitions opens the door to selective criminalisation of lesbian women, particularly when combined with moral pressure from religious-based civil society organisations (Wi et al., 2024) . These concerns are not unfounded, given the history of the use of public decency provisions in the old Criminal Code to carry out raids, arrests and harassment against the LGBT community in various regions.

Morality-based local regulations, often referred to as Sharia-based local regulations or Public Order Regulations, constitute another layer of legal discrimination that indirectly targets lesbian women through bans on "deviant behaviour", "adultery" or "homosexual acts", which are defined in vague terms . More than 400 morality-based local regulations have been issued since the era of regional autonomy, many of which have been used as a legal basis for forcibly dispersing community gatherings, seizing property, and even imposing flogging on individuals suspected of being part of the LGBT community, despite the absence of concrete evidence of sexual activity (Umam, 2023) . This fragmentation of regulations creates *a patchwork of oppression* in which legal protection for lesbian women is heavily dependent on the political geography of the region where they live, resulting in their constitutional rights being inconsistent across Indonesia.

The role of independent state institutions such as the National Commission on Human Rights (Komnas HAM) and the National Commission on Women (Komnas Perempuan) is crucial in filling the gaps in formal legal protection through investigative functions, policy recommendations, and public education, although their recommendations do not carry legally binding force. In 2016, Komnas HAM released a comprehensive report on the situation of LGBT rights in Indonesia, documenting patterns of systematic violations and recommending the repeal of discriminatory regulations; however, these recommendations were largely ignored by both the central and regional governments (Komnas HAM, 2016). Similarly, the National Commission on Women (Komnas Perempuan) has consistently included issues of sexual orientation-based violence in their Annual Report (CATAHU), yet specific data on lesbian women remains extremely limited due to reporting barriers and the absence of SOGIESC-sensitive recording protocols (Komnas Perempuan, 2025).

Strategic litigation through the courts has also been pursued by human rights activists, albeit with mixed results and often unfavourable outcomes for the applicant groups (Iswahyudi, 2025) . *Judicial review*s of various discriminatory provisions often fail at the Constitutional Court due to judges' conservative leanings and arguments that regulations on sexual morality fall within the legislature's discretion (*open legal policy*), not the constitutional sphere (Constitutional Court of the Republic of Indonesia, 2017). However, some symbolic victories have been achieved, such as an administrative court ruling overturning a rector's decision to expel a student due to their sexual orientation,

demonstrating that space for progressive legal advocacy remains open, albeit narrow (Wi et al., 2024) .

Civil society and community-based organisations play a vital role in providing direct support services, documenting violations, and advocating for policies that are often inaccessible through formal channels, even though they operate within an increasingly restricted and high-risk environment (Kelly et al., 2026) . Organisations such as Arus Pelangi, Gaya Nusantara, and specific lesbian women's communities such as *Lesbian Voice* (pseudonym) have developed alternative reporting mechanisms, peer counselling services, and economic empowerment programmes that serve as a last resort safety net for many discriminated-against lesbian women (Wieringa, 2002) . However, reliance on international funding and the threat of forced dissolution by vigilante civil society organisations make the sustainability of these initiatives highly fragile, necessitating a legal framework that explicitly protects civil space and freedom of association for sexual minority groups.

The legal reforms required to strengthen protections for lesbian women must be multidimensional, starting with amendments toNo. 40 of 2008 on the Elimination of Racial and Ethnic Discrimination to include the categories of sexual orientation and gender identity, or, more ideally, the enactment of a comprehensive non-discrimination law aligned with the *Yogyakarta Principles plus 10* (Dhamayanti, 2022) . These reforms must also include a revision of the new Criminal Code to ensure that obscenity provisions cannot be used to criminalise consensual same-sex relationships, as well as the strengthening of law enforcement capacity through a mandatory training curriculum on SOGIESC rights developed in collaboration with the National Commission on Human Rights and civil society organisations (Hamzić, 2025) . Without explicit and systematic legislative reform, protection for lesbian women will remain dependent on the discretionary interpretation of officials, which is often biased and unpredictable.

In addition to legislative reform, institutional transformation within the public bureaucracy is also required to ensure that state services are accessible to lesbian women without discrimination, including through the removal of questions regarding heterosexual marital status from administrative forms, the provision of affirmative healthcare services, and the establishment of safe and confidential complaint mechanisms (UNDP, 2014). The Ministry of Women's Empowerment and Child Protection (KPPPA) must explicitly include lesbian women within the scope of women's protection programmes, whilst the Ministry of Health needs to issue technical guidelines on inclusive healthcare services for SOGIESC groups in line with WHO standards (Komnas Perempuan, 2025). This transformation requires not only regulatory changes, but also a shift in organisational culture, which is often deeply rooted in unspoken heteronormative values.

Ultimately, the effectiveness of the legal framework and efforts to protect the human rights of lesbian women in Indonesia is not merely measured by the existence of

progressive regulations on paper, but by the legal system's ability to deliver substantive justice, service accessibility, and redress for victims of violations. This requires a strong political commitment from the central government to consistently uphold the principle of non-discrimination across all levels of government, the courage of judicial institutions to interpret the law progressively in line with international human rights standards, and the active participation of civil society in monitoring policy implementation and documenting violations. Without synergy between legal reform, institutional transformation, and social mobilisation, lesbian women will remain second-class citizens whose constitutional rights exist only on paper, not in the reality of daily life.

Conclusion

Legal protection of the rights of lesbian women in Indonesia is in a paradoxical state, where constitutional guarantees and international commitments to non-discrimination are pitted against the reality of systematic structural discrimination and repressive heteronormative social norms. Although the 1945 Constitution, the Human Rights Act, CEDAW, and the ICCPR provide a strong normative foundation, the absence of explicit recognition of sexual orientation as *a protected category* in secondary legislation creates an interpretative loophole that allows state officials and non-state actors to perpetuate injustice without adequate legal accountability. This discrimination manifests itself across various spheres of life—education, employment, healthcare, and the judicial system—which cumulatively produce layered marginalisation and structural invisibility for lesbian women as citizens.

Heteronormative social norms, reproduced through the institutions of the family, religion, and the mass media, serve as a cultural foundation that reinforces and legitimises structural discrimination, creating a hostile social environment that forces many lesbian women to live in fear, conceal their identity, or internalise stigma as a form of chronic *minority stress*. The heteropatriarchal system, which views lesbian women as a dual threat—to male gender dominance and heterosexual reproductive obligations—means that discrimination against them is not merely a matter of individual intolerance, but a manifestation of power structures that must be dismantled through radical social and legal transformation. The lack of comprehensive empirical data further exacerbates the situation, as statistical invisibility is used to disregard the urgency of inclusive policy reform.

Therefore, efforts to protect the human rights of lesbian women require a holistic approach that goes beyond cosmetic legislative reforms, encompassing the enactment of anti-discrimination laws that explicitly cover sexual orientation and gender identity, revision of the new Criminal Code to prevent the criminalisation of consensual same-sex relationships, institutional transformation of the public bureaucracy to ensure state services are accessible without discrimination, and systematic public education to deconstruct heteronormative norms that perpetuate

stigma. A strong political commitment from the central government to consistently uphold the principle of non-discrimination across all levels of government, the courage of the judiciary to interpret the law progressively in line with international human rights standards such as *the Yogyakarta Principles plus 10*, and the strengthening of civil society space for civil society organisations to carry out advocacy and support services are indispensable prerequisites for realising substantive justice for lesbian women. Without synergy between legal reform, social transformation, and collective mobilisation, the constitutional promise of equality before the law will remain empty rhetoric that denies the full humanity of some Indonesian citizens.

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