
CRIMINAL LAW POLITICS RENEWAL OF THE NATIONAL KUHP AGAINST THE CRIMINAL ACTIONS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER (LGBT)

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ABSTRACT

Introduction: LGBT issues have returned to the surface following the World Pila event in Qatar, the earthquake in Cianjur and the ratification of the Draft Indonesian National Criminal Code. This study aims to analyze: Regulation of Lesbian, Gay, Bisexual, Transgender (LGBT) Obscene Acts in positive national Law, Legal Politics of Indonesian Criminal Law Renewal of Lesbian, Gay, Bisexual, Transgender (LGBT) Obscene Acts of Crime in law positives to come. **Method:** This study uses a normative juridical method. **Result:** 1) The crime of committing an act of violating decency with the same sex or often referred to as LGBT, the regulations in Article 292 of the Criminal Code are Positive Dutch Colonial heritage when studied and analyzed, these regulations are multi-interpretable, giving rise to various pros and cons in society, which interpret that fellow adults or fellow children can do LGBT if it is done voluntarily. 2) Legal Politics Renewal of Indonesian Criminal Law The Criminal Act of Lesbian, Gay, Bisexual, and Transgender (LGBT) Obscene acts in positive law will come according to the concept of Article 420 of the Criminal Code Bill-Sep-2019 by ignoring the three main pillars of the Nation, namely the Proclamation, Pancasila and the 1945 Constitution of the Republic of Indonesia, articles which are multi-interpreted and winged, so that these articles are not following the Nation's values which are based on the Basic values of Belief in the One and Only God. **Conclusion:** Legal Politics Renewal of Indonesian Criminal Law the Criminal Acts of Lesbian, Gay, Bisexual, and Transgender (LGBT) Obscene acts in positive law will come according to the concept of Article 420 of the Criminal Code Bill-Sep-2019 by ignoring the three main pillars of the Nation, namely the Proclamation, Pancasila and the 1945 Constitution of the Republic of Indonesia.

Keywords: Legal Politics, Obscene Acts, LGBT, Children, Renewal of the National Criminal Code.

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INTRODUCTION

The 2022 World Cup event in the State of Qatar this year is not only exciting about the achievements of the country and the footballers of the participating countries but also related to the legal politics of the State of Qatar, which adheres to Islamic Law strictly rejecting and prohibiting free sex and Lesbians, Gays, Bisexual, and Transgender (LGBT) for players and official teams participating in the world cup including the audience. The Government of Qatar's firm stance is, among other things, related to the provision that all players and official teams participating in the World Cup, including spectators who wish to stay at hotels and inns in Qatar, must show a marriage certificate, including the use of LGBT attributes and symbols. Using the "rainbow" tire as a symbol of LGBT is also prohibited, and FIFA approves this as the highest football association in the world. The issue of the Qatar Government's strict ban on Lesbian, Gay, Bisexual and Transgender (LGBT) at the 2022

World Cup Grand Event in Qatar has received support from various parties, including FIFA and famous footballers such as Ronaldo and Neymar.

LGBT is an association of homosexuals, and the acronym LGBT comes from the words: Lesbian, Gay, Bisexual, and Transgender/Transsexual (Kusnadi & SEPTIAN, 2020). Lesbian/lesbianism is taken from the name of the island of Lesbos. In that area, women like the same sex, so a woman tends to be attracted to other women. This is identified with lesbos/lesbi people. Lesbians bind themselves personally (psychologically, physically, and emotionally) with fellow women (Ismail, 2022). Gay is a term for men who like men. Gay people fulfill their sexual needs by manipulating their partner's genitals orally by inserting their genitals into their mouth (oral eroticism) and sexual stimulation using their lips (fellatio) and tongue (cunnilingus) (Dilla, 2018). Another method is manipulating the genitals between the thighs (coitus interfemoral). In 2015, the CIA released the results of a survey on topicsmalaysia.com, which stated that the LGBT population in Indonesia is the 5th largest in the world after China, India, Europe and America (Pratama, n.d.). In addition, several independent domestic and foreign survey institutions state that Indonesia has 3% of the LGBT population. This means that out of 250 million people, 7.5 million are LBGT, or more simply than 100 people who gather in one place. Three of them are LGBT (SANTOSO, 2016).

Indonesia's position, which ranks fifth in the world with an LGBT population, encourages concern. The Indonesian Ulema Council (MUI) by issuing a recommendation against LGBT in MUI Fatwa Number 57 of 2014 Concerning Lesbians, Gays, Sodomy, and Obscenity to the DPR-RI and the Government; MUI's efforts are in line and are an embodiment of Article 29 paragraph (1) of the law The 1945 Constitution of the Republic of Indonesia (UUD-NRI 1945) affirms that "The State is based on Belief in the One and Only God",

The Indonesian Criminal Code (KUHP) inherited from the Dutch colonial rule regarding LGBT in Article 292 of the Criminal Code stipulates a prohibition against adults who commit obscene acts with other people of the same sex, who they know or should reasonably suspect are immature (Rozi, 2020). The phrase from the regulation of Article 292 of the Criminal Code describes that LGBT is only prohibited between adults and minors. In contrast, adults and adults and children and minors are not regulated. This is the case if the obscene act is committed voluntarily.

The Politics of Indonesian Criminal Law as reflected in the Concept of the Draft Law on the September 2019 Criminal Code (KRU-KUHP-Sep-2019), which has already been included in the Prolegnas agenda, was even declared to be left with the hammer by the DPR-RI "even though it still invites much debate because there are allegedly still many controversial articles, the KRU-KUHP-Sep-2019 also regulates LGBT.

Based on the background of the problems above, the purpose of this study was to find out and analyze the Politics of lesbian, gay, bisexual, transgender (LGBT).

METHODS

The approach method used in this study is a normative juridical approach, namely a normative approach, focusing on an inventory of positive law, principles and legal doctrine, legal discovery and legal history (Benuf & Azhar, 2020).

RESULTS AND DISCUSSION

1. Regulation of Lesbian, Gay, Bisexual, and Transgender (LGBT) Obscene Acts in the National Positive Law

The law protects, regulates and balances the overall interests of individuals in society (Nurhayati, 2020). All the conditions governing one person's free will can adapt to another's free will and comply with legal regulations regarding independence (Fatimah et al., 2022). This is a social phenomenon, no society does not know the law, so the law becomes an aspect of culture, namely religion, decency, customs, and habits; Law is a set of life instructions (commands and prohibitions -prohibition) that regulates order in society and should be obeyed by members of the community concerned because violations of these life guidelines can lead to action on the part of the Government (Supena, 2021), the existence of law is very necessary for regulating human life, in the absence of law, human life will be wild. Whoever is strong will win.

Positive Law is also called *ius constitutum*, which means a collection of principles and rules of written law which are currently in effect and generally or specifically binding and enforced by or through the Government or courts within the State of Indonesia (Jeddawi et al., n.d.), from now on explained in detail by the official website of the Supreme Court of the Republic of Indonesia, which states that positive law is a collection of written legal principles and rules that are currently in effect and generally or specifically binding and enforced by or through the Government or courts within the State of Indonesia. Positive Law can be classified into various kinds of groupings, among others, seen from its source, form, material content, and so on (Taufiq, 2021).

Sources of Law are classified into two forms: formal sources of law and material sources of law. Sources of traditional Law become standard determinants to form law (formerly *determinanten van de rechtsvorming*), determining the law's enactment (Taufiq, 2021). In contrast, material sources of law form law (*material determinanten van de rechtsvorming*), select the content of the law, this source of direction makes legal provisions made by the Government with the approval of the representatives of the community by bearing in mind the interests of living together for all its members in togetherness for an orderly, safe, and peaceful living space.

Every society in this world has its language and laws, and each language has its grammar and laws, which have its legal system. Positive Law is the legal system that applies at a certain time in a certain country. In more detail, positive law is the law that applies now to a certain community in a certain area.

According to its form, positive Indonesian law consists of written law (statutory regulations) and unwritten law (customary law). There are two sources of positive Law in Indonesia, namely sources of material Law and sources of formal law. The source of material law is the legal awareness of the community or legal awareness that lives in a society that is supposed to be (Hasibuan, 2016).

The Criminal Code (KUHP) is one of Indonesia's positive laws in criminal law; criminal law is included in public law (Harefa, 2019). Criminal law regulates the relationship between citizens and the state, focusing on shared or public interests. Historically, legal relations were initially

personal or private relations. Still, over time things were taken over by groups or tribes and finally, after the establishment of the state, taken over by the state and made public interest.

Criminal law is a law that has a special nature, namely in terms of sanctions; everyone who is dealing with the law will lead to something that binds a person's behavior in society, in which there are provisions about what should be done and what should not be done, or we often refer to as norms, as well as the consequences or often called sanctions (Kusuma, 2016). What distinguishes criminal law from other laws is the form of sanctions, this form of sanction is like punishment which has various forms of punishment, such as confiscation of property as a result of fines, deprivation of liberty for being sentenced to confinement or imprisonment, and even deprivation of life if decided or sentenced to death (Kusuma, 2016).

The Criminal Code, a positive law in Indonesia today, does not include a provision that explains the definition of a crime (*strafbaar feit*). Legislators have used the term "*strafbaarfeit*" to describe what is known as "crime" in the Criminal Code without providing any explanation as to what is meant by the words "*strafbaar feit*". The term "*feit*" in Dutch has "part of a reality," while "*Strafbaar feit*" can be translated as "part of a fact that can be punished" (Kusuma, 2016). So that in this way, it can be known that what can be punished is a human being as a person and not a reality or an action.

Today's criminal law in force in Indonesia is the codified criminal Law (KUHP). In the KUHP itself, there are no provisions or even a single article that formulates the meaning of a crime, so there are no definite limits regarding the sense and understanding of the term criminal action. Because of crime, various opinions try to interpret what is meant by the word crime.

Same-sex obscenity (LGBT) is included in the Delict of Decency in the Criminal Code, regulated in Chapter XIV Book II which is a Crime. Chapter VI, Book III is included in the type of Violation; chapter XIV, concerning Crimes against Decency, contains varieties of criminal acts of Decency (Article 281 up to Article 303 of the Criminal Code).

Same-Sex Obscene Acts (LGBT) are regulated in Article 292 of the Criminal Code, which reads:

An adult who commits an obscene act with another person of the same sex, who he knows or reasonably should suspect is not yet an adult, shall be punished by a maximum imprisonment of five years.

It is a crime to commit obscene acts with a minor of the same sex or which in the doctrine is also often referred to as homosexuality.

Article 292 of the Criminal Code protects minors from people known as "homosexuals" or "lesbians" in the Indonesian Dictionary, "homosexual" and "lesbian" are loaded with the meaning of being attracted to people of the same sex (homosexuals), being a lesbian is a woman who loves lust for the same sex. For underage people, it needs to be protected from homosexual or lesbian adults because it is very dangerous for their development.

The element of committing an act of violating decency in the formulation of the criminal provisions stipulated in Article 292 of the Criminal Code, by itself, the act of having sex as intended, namely the act of violating decency, must be carried out by people of the same sex. Hence, there is no reason to talk about actions engaging in sexual intercourse, and it may only be somewhat appropriate if, in this case, people only talk about having unnatural sexual intercourse.

The act of committing an act violating decency in the formulation of the criminal provisions stipulated in Article 292 of the Criminal Code is not only limited to acts commonly committed by homosexuals, namely having same-sex sexual relations such as through the anus or rectum, but also acts such as committing sexual intercourse through the mouth, playing with genitals and so on (Sardol, 2022).

Crime by giving or promising to give money or goods or by abusing existing relationships by deliberately moving a minor to commit acts that violate decency or allowing such actions to be carried out by the little with himself by the legislators has been regulated in Article 293 of the Criminal Code which is written:

- 1) Any person who, by giving or promising money or goods, abuses a carrier arising from a relationship of circumstances or by deception deliberately moves a person who is not yet mature and well-behaved to commit or allow obscene acts to be carried out with him, even though he is not yet mature, he knows or should reasonably suspect, is threatened with a maximum imprisonment of five years.
- 2) The prosecution is only based on the complaint of the person against whom the crime was committed.
- 3) The timeframe referred to in Article 74 for this complaint is nine months and twelve months, respectively.

The crime of violating decency with their children, with their step-children, with their adopted children or with a minor whose supervision, education or management is entrusted to the offender by the legislators has been regulated in Article 294 of the Criminal Code, which is written:

- 1) Whoever commits an obscene act with his child, step, adopted child, a child under his care who is not yet an adult, or with a minor whose care, education or care for him who is not yet an adult shall be punished by a maximum imprisonment of 7 years.
- 2) Punished with the same punishment:
 - a. Officials who commit obscene acts with people who, because of their position, are subordinates or with people whose care is entrusted or entrusted to them.
 - b. Managers, doctors, teachers, employees, supervisors, or errands in prisons, state jobs, educational institutions, orphanages, hospitals, mental hospitals or social institutions who commit obscene acts with the people put in them.

The crime of committing an act that violates decency with the same sex or is often referred to as LGBT, the regulations in Article 292 of the Positive Criminal Code of the Dutch Colonial heritage, when studied and analyzed, these regulations are multi-interpretable, giving rise to various pros and cons in society, which interprets that LGBT can be done by fellow adults and fellow children if done like and like.

2. Legal Politics Renewal of Indonesian Criminal Law Criminal Acts of Lesbian, Gay, Bisexual, Transgender (LGBT) Obscene Acts in the coming positive law

Indonesia is currently experiencing the dynamics of globalization. Globalization has a large impact on situations and conditions, social relations, and cooperation between nations, which takes place quickly so that there is a mutual transfer of lifestyles, cultural values, methods of

thinking, role models, knowledge and others through relatively fast contact. . It is in such an atmosphere and communication that the problems of global politics, global economy, global culture, and international security and defense developments, including the views of some people who deviate sexually by carrying the rainbow flag "LGBT", the latest that has gone viral on international social media. Is a ban on the use of LGBT and LGBT symbols in the country of Qatar in the Football World Cup event organized by FIFA; the Qatar Government's rejection of LGBT in the event has the support of FIFA and several world footballers such as Ronaldo and Neymar.

LGBT in Indonesia itself has been widely reported, most recently regarding the earthquake disaster in Cianjur, West Java Province, which was associated with the actions and existence of LGBT in Cianjur and concurrent with natural disasters; it was found that there was an LGBT participant, one of those caught was still a child and still a student. The rise of LGBT coverage in Indonesia started with the legalization of same-sex relationships in several countries, so it is possible that LBGT also appeared in Indonesia. This LGBT existed at the time of Prophet Lut when many people of Prophet Lut committed religious deviations. LBGT is a deviation of sexual orientation contrary to human nature, religion and the customs of Indonesian society. Indonesia is based on Belief in One Almighty God as stated in the First Precepts of Pancasila and Article 29 paragraph (1) of the 1945 Constitution, which reads: "The state is based on Belief in One Supreme God." This means that the legal politics of forming laws and regulations in Indonesia should be in line with the basis of the country.

Legal Politics is identified as a study in the realm of Constitutional Law (HTN), while in the domain of Criminal Law, the term "Criminal Law Policy" is more often used, which is divided into 3 (three) parts, namely (1) Formulating Policy; (2) Applicative Policy; and (3) Administrative Policy, the term "Criminal Politics" is also used. When hearing the term "legal politics " (Rahman Syamsuddin, 2019), it has become a common mistake to interpret it as part of political science. This common mistake does not only occur among students of the Faculty of Law. Even among law graduates, there is still such a view, with the argument that law and politics are inseparable, so that it is considered that law is a political product and is produced through the configuration of political parties in the DPR so that the product Many of these laws ended and were annulled by the Constitutional Court because they conflicted with Pancasila and the 1945 Constitution.

Legal Politics etymologically, the term is an Indonesian translation of the Dutch term *rechtspolitiek*, which is a formation of two words, *recht* and *politiek* (Fitri, 2022). In terminology, legal politics can be defined as the activity of choosing and the means to achieve certain social and legal goals in society. Legal politics can also be interpreted as a basic policy that determines the law's direction, form, and content to be formed. From another perspective, the problem of legal politics is about values, their determination, development, and the provision of legal forms. In other words, national politics is one factor that influences the formation of a good national legal system. The term Politics of Law referred to should not be confused with the term that appears last, namely *Politik Recht*, because, according to Hence van Maarseveen both have different meanings.

The Dutch dictionary written by Van der Tas defines the word "politiek" to mean "beleid ". The word *beleid* itself in Indonesian means policy. From this explanation, legal politics can be

interpreted briefly as legal or legal policy (Hamzah, 2019). Abdul Hakim Garuda Nusantara stated legal politics could be said to be a legal policy that is to be implemented or implemented nationally by a certain country's Government which includes: (1) Consistent implementation of existing legal provisions, (2) Legal development with the core of renewal on existing laws and making new laws, (3) Affirming the function of law enforcement agencies and coaching their members, and (4) Increasing public legal awareness according to the perceptions of policy-making elites (Chandra, 2014). According to Bagir Manan, in a country, there are legal politics, some permanent and some temporary (Ramdan et al., 2019). Legal politics that are permanent are related to legal attitudes, which will always form the basis of policies for establishing and enforcing laws. In contrast, temporary legal politics are policies that are determined from time to time according to need.

Bernard L. Tanya constructs legal politics as it should be, which is not always identical to what it is (Tripa, 2019). What ought to what is. Legal politics is not passive with what is there but actively seeks what should be. Bernard added that legal politics is marked by demands to choose and take action. As legal politics concerns ideals or hopes, a legal vision must be determined first, and it is in the path of that vision that the form and content of law are designed to realize this vision.

Besides containing meaning, the definition of legal politics in principle also includes the objectives and scope of legal politics itself. Legal politics has been agreed upon as the basis for forming a national legal system which in its embodiment is a system of laws and regulations. Thus, creating a national legal system should also be directed to legal politics' objectives.

Referring to the objectives to be achieved from the study of Legal Politics, namely the goals of the state, the consequence is that there is not one part of the administration of the state starting from the center to the regional and village levels which carry out the agenda partially without being based on mutually agreed legal corridors.

Referring to the views above, it can be concluded that the legal and political understanding described in the opinions of jurists is inappropriate if it only leads to the formation of statutory regulations. Even though it uses the premise that the construction of statutory rules is statutory politics, it is part of legal politics. Legal Politics is an archetypal determination in forming basic values, which are basic guidelines for determining the development of national law based on national philosophy and national interests. Thus, the original Indonesian Legal Politics is appropriate if it is placed within the three main pillars of the Nation, namely the Proclamation, Pancasila and the 1945 Constitution of the Republic of Indonesia (Hartanto, 2015). The proclamation is a joint assessment or consensus of all the Indonesian people to be free from intervention and the colonial nature of foreign legal systems and to strengthen the original Indonesian legal system (Isdiyanto, 2021). Pancasila is a legal philosophy that is placed as a source of all sources of law originating from the people's values of the Indonesian Nation, so it must be prescriptive towards the rules below it. At the same time, the 1945 Constitution of the Republic of Indonesia embodies the Indonesian Nation's legal philosophy into a normative form that is prescriptive in *abstracto* (things that are concrete, both prescribing and implementing).

The Politics of Law contains studies on the legal science system, namely Legal Philosophy, Legal Theory and Legal Science (Legal Dogmatics), which always question the ontological, epistemological, and axiological aspects of the problems in the formation of national law. Legal Politics is not in a position to formulate and make legislation because it is the domain of the study of the Legal System. However, Legal Politics has the field of designing and planning the direction of law formation; even the scope of Legal Politics must touch upon the realm of determining and forming its paradigm.

The term criminal law politics is a translation of the term penal policy, criminal law policy or strafrechts politiek. Disciplinary policy is a science and art which ultimately has a practical objective to enable positive legal regulations to be better formulated and to provide guidance not only to legislators, the courts that implement laws, and administrators or executors. Sentence.

According to Sudarto, the politics of criminal law is an effort to realize criminal statutes and regulations that follow the circumstances and situations at a certain time and for the future. Thus, seen as part of legal politics, criminal law politics means how to seek or make formulate a good criminal law; therefore, carrying out the politics of criminal law means trying to realize regulations at one time and for the future. Efforts and policies to make good criminal law regulations cannot be separated from the goal of crime prevention.

Renewal of Criminal Law (penal reform) is part of the policy/politics of criminal law or disciplinary policy. According to Barda Nawawi, the background and urgency of carrying out criminal law reform are reviewed from socio-political, socio-philosophical, and socio-cultural aspects or various parts of policy (especially social policy, criminal policy and law enforcement policy. According to him, the nature of criminal law reform can be seen from 2 aspects: the policy angle approach and the value approach angle.

If viewed from a policy angle approach, then; a. as part of social policy, criminal law reform is essentially part of efforts to overcome social problems in the context of supporting national goals; b. as part of the criminal policy, reforming the criminal law is essentially part of efforts to protect society (especially efforts to deal with the crime); c. as part of the law enforcement policy, criminal law reform is essentially part of an effort to renew the substance of the law.

When viewed from a value approach, criminal law reform is essentially an effort to review and reassess the socio-political, socio-philosophical and socio-cultural values that underlie and provide content for the normative and substantive content of the aspired criminal law.

The reform of the Criminal Code cannot be separated from the concept of developing national law. And if traced, the concretization of reforming the Criminal Code can be seen in the sixties. In 1964, the resolution resulting from the 1963 National Law Seminar on the need to take steps to reform the Criminal Code immediately emerged as a significant issue. It resulted in the draft law being proposed at the Provisional People's Consultative Assembly (MPRS) session.

The development directives in the field of law concerning legal material/substance and legal establishment, as stated in the 2005-2025 Long Term Development Plan, also have the same core sense as the GBHNs produced during the New Order era. As described in the attachment to Law Number 17 of 2007 concerning the 2005-2025 National Long-Term Development Plan in

Chapter IV. 1.3 Concerning the 2005-2025 Long-Term Development Direction – Realizing a Democratic Indonesia Based on Law.

This research was written one week (seven days before the KRU-KUHP) and was passed into law by the Republic of Indonesia's House of Representatives (DPR RI). Still, because the Government had not promulgated the new Criminal Code, the authors conducted a study based on the KRU-KUHP-Sep- 2019.

The crime of committing an act that violates decency with the same sex or often referred to as LGBT, in the Draft Criminal Code September 2019 (KRU KUHP-Sep-2019), is regulated in Article 420 RUU KUHP-Sep-2019 which reads:

- 1) Everyone who commits obscene acts against other people who are different or of the same sex:
 - a. In public shall be punished with imprisonment for a maximum of 1 () year, 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.
 - c. Published as pornographic content shall be imprisoned for 9 (nine) years.
- 2) Every person who uses violence or threats to force another person to commit obscene acts against himself is imprisoned for a maximum of 9 (nine) years.

The article's readings are considered as articles that are still included in controversial articles that are still being debated in society and sparked a wave of protests because the public thinks the articles to have multiple interpretations and wings, so there is an opinion that the article is more about protecting and liberating LGBT people developing in Indonesia. Because if the act of LGBT is consensual, then it will not be subject to criminal sanctions, in other words allowing LGBT actions in Indonesia. Regardless of whether or not it conforms to the concept of Article 420 of the Criminal Code Bill-Sep-2019 with the three main pillars of the Nation, namely the Proclamation, Pancasila, and the 1945 Constitution of the Republic of Indonesia, this multi-interpreted and winged article is very different from the provisions and firmness of the Qatari Government which prohibits and does not fear of being abandoned by fans or football fans who will be present at the grand event in Qatar which swallows a very large budget and is even declared to be a "World Cup with Huge Expenses in the History of the World Cup", but the Qatari Government is not afraid of experiencing material losses compared to losses in values moral and moral values that will be destroyed if they liberate LGBT in their country.

The values contained in the Proclamation, Pancasila and the 1945 Constitution of the Republic of Indonesia are the basic values of the Indonesian Nation, which must be maintained in practice, both in the life of the people and the development of the country from various aspects, including legal action, because the Proclamation, Pancasila and the Constitution NRI 1945 are noble values of the Nation that must be upheld and not to be defeated by only a handful of people who are chosen to represent, because the election of someone to describe what they represent does not mean that the person who represents gives up all their rights in absolute terms to those who represent them, and representatives who represent the people does not represent the interests of the group and its group, meaning that the interests of the

representative must take precedence, not over the group and class of place but the representative who gets the benefits of those who choose him to represent.

CONCLUSION

The crime of committing an act that violates decency with the same sex or is often referred to as LGBT, the regulations in Article 292 of the Positive Criminal Code of the Dutch Colonial heritage, when studied and analyzed, these regulations are multi-interpretable, giving rise to various pros and cons in society, which interprets that LGBT can be done by fellow adults and fellow children if done like and like. Legal Politics Renewal of Indonesian Criminal Law The Criminal Act of Lesbian, Gay, Bisexual, and Transgender (LGBT) Obscene acts in positive law will come according to the concept of Article 420 of the Criminal Code Bill-Sep-2019 by ignoring the three main pillars of the Nation, namely the Proclamation, Pancasila and the Constitution NRI 1945, an article that is multi-interpreted and winged, so that the article is not following the Nation's values which are based on the Basic values of Belief in the One and Only God.

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