

ABSTRAK

PERBANDINGAN PENGATURAN GENDER BAGI TRANSGENDER DI INDONESIA, RUSIA, THAILAND DAN AMERIKA SERIKAT

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Status hukum individu transgender ditinjau menurut hukum hak asasi manusia internasional dan sistem hukum nasional Indonesia, Rusia, Thailand, dan Amerika Serikat memiliki keragaman yang luas. Di tingkat internasional, hak-hak transgender berasal dari instrumen hak asasi manusia seperti Deklarasi Universal Hak Asasi Manusia, Kovenan Internasional tentang Hak Sipil dan Politik, Kovenan Internasional tentang Hak-Hak Ekonomi, Sosial, dan Budaya, Konvensi Penghapusan Diskriminasi terhadap Perempuan, Konvensi tentang Hak-Hak Anak yang menekankan non-diskriminasi, martabat, privasi, dan pengakuan hukum atas identitas gender. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan konseptual dan pendekatan perbandingan yang dilakukan terhadap instrumen hukum hak asasi manusia internasional, serta melakukan perbandingan dengan sistem hukum nasional Indonesia, Rusia, Thailand, dan Amerika Serikat. Di Indonesia, status transgender tidak dikriminalisasi di tingkat nasional, namun pengakuan hukum atas identitas gender terbatas kepada status transgender sebagai pria atau wanita. Rusia mewakili pendekatan hukum yang restriktif, di mana undang-undang secara eksplisit melarang perubahan gender secara hukum dan membatasi ekspresi publik terkait identitas gender. Thailand ditandai dengan penerimaan sosial parsial terhadap individu transgender, namun kurang memiliki pengakuan gender secara hukum yang komprehensif. Amerika Serikat menunjukkan hukum yang beragam, di mana hak-hak transgender sangat bervariasi antara yurisdiksi federal dan negara bagian.

Kata Kunci : Transgender, Gender, Hak Asasi Manusia Internasional

ABSTRACT

COMPARISON OF GENDER REGULATIONS FOR TRANSGENDER IN INDONESIA, RUSSIA, THAILAND AND THE UNITED STATES

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The legal status of transgender individuals, reviewed under international human rights law and selected national legal systems, namely Indonesia, Russia, Thailand, and the United States, exhibits wide diversity. At the international level, transgender rights primarily derive from human rights instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Yogyakarta Principles, which emphasize non-discrimination, dignity, privacy, and legal recognition of gender identity. This research employs a normative legal research method with a legislative approach, a conceptual approach, and a comparative approach to international human rights legal instruments, as well as comparisons with the national legal systems of Indonesia, Russia, Thailand, and the United States. In Indonesia, transgender status is not criminalized at the national level, but legal recognition of gender identity is limited to transgender status as male or female. Russia represents a restrictive legal approach, where laws explicitly prohibit legal gender reassignment and restrict public expression of gender identity. Thailand is characterized by partial social acceptance of transgender individuals, but lacks comprehensive legal gender recognition. The United States exhibits diverse laws, with transgender rights varying widely between federal and state jurisdictions.

Keywords : Transgender, Gender, International Human Rights