

ABSTRAK

LESBIAN, GAY, BISEKSUAL, DAN TRANSGENDER MENURUT UNDANG UNDANG DASAR 1945

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Penulisan skripsi ini bertujuan mengetahui kedudukan LGBT menurut Undang-Undang Dasar 1945. Penelitian ini merupakan penelitian hukum normatif dengan menggunakan pendekatan studi pustaka. Hasil penelitian dapat disimpulkan bahwa UUD 1945 tidak memberikan ruang terhadap kelompok LGBT di Indonesia, karena tidak dijaminnya pemenuhan hak bagi kelompok LGBT meskipun UUD 1945 secara komprehensif telah mengatur hak-hak seluruh warga negara yang dianggap telah mencukupi seluruh aspek kehidupan dalam bidang sipil dan politik serta hak atas kesejahteraan. Perilaku LGBT dianggap telah melampaui batasan dalam melaksanakan hak asasi manusia yang ditetapkan Pasal 28 J ayat (2) UUD 1945, yang mana pada prinsipnya dalam melaksanakan hak asasi manusia bukan berarti sebebaskan-bebasnya melainkan harus menghormati hak orang lain serta tidak boleh bertentangan dengan moral, nilai-nilai agama, keamanan, dan ketertiban umum dalam suatu masyarakat demokratis.

Kata Kunci : kedudukan, LGBT, dan UUD 1945.

ABSTRACT

LESBIAN, GAY, BISEKXUAL, AND TRANSGENDER ACCORDING TO THE 1945 CONSTITUTION OF INDONESIA

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The aims of the researched is to know how LGBT according to the 1945 Constitution of Indonesia. This research is a normative legal research using a doctrinal approach. The results of the study can be concluded that the 1945 Constitution of Indonesia does not provide space for LGBT groups in Indonesia, because it does not guarantee the fulfillment of rights for LGBT groups even though the 1945 Constitution of Indonesia comprehensively regulates the rights of all citizens who are considered to have fulfilled all aspects of life in the civil and political fields and the right to welfare. LGBT behavior is deemed to have exceeded the limits in implementing human rights as stipulated in Article 28 J paragraph (2) of the 1945 Constitution of Indonesia, which in principle in implementing human rights does not mean free but must respect the rights of others and must not be in conflict with morals, religious values, security and public order in a democratic society.

Keywords: position, LGBT, and 1945 Constitution of Indonesia.