

Same-Sex Marriage from the Perspective of Legal Instruments, Human Rights and Hindu Religion

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Abstract

The purpose of this research is to analyse the anti-discrimination struggle against LGBT from a legal and human rights perspective and same-sex marriage from a Hindu legal perspective. This research is normative juridical research carried out using a statutory regulation approach and a legal concept approach. The analysis was carried out qualitatively. The phenomenon of same-sex marriage has indeed become controversial in various countries, including Indonesia. The struggle for anti-discrimination treatment for LGBT people has become one of the focuses of the human rights struggle. Various national and international legal instruments have regulated the right to equal treatment for everyone. However, this right cannot fully become the basis for legitimacy for the legality of same-sex marriage. Law Number 1 of 1974 concerning Marriage regulates that marriage is carried out by a man and a woman as husband and wife. Viewed from the perspective of Hindu law, the Manawa Dharmaśāstra states that marriage is carried out by a man and a woman to produce offspring.

Keywords: *Same-sex marriage; law; human rights; hinduism.*

Introduction

Since the beginning of human creation as written in various human historical records and holy scriptures, God created humans in pairs, namely male and female, by being created in pairs human being could continue their descendants and build their civilization on earth. The development of human civilization builds traditions that guide human life in their social environment. The formation of traditions from good human habits is aimed at social control so that the continuity of human life continues and the creation of peace and tranquillity. The desire to continue offspring is the goal of marriage (Harahap, 2018:27-31).

With the increasing development of human civilization which is supported by developments in technology, information and transportation as well as the influence of globalization, this has led to a shift in norms in society where a phenomenon has emerged where a group of people has a deviation in the sexual orientation of someone who likes the same sex. This group is called LGBT. LGBT itself consists of lesbians, namely women whose sexual orientation likes other women, gay is a group of men whose sexual orientation likes men, bisexual is a bisexual group whose sexual behaviour can be carried out with men and women, while transgender is a group of people who denying the nature of their birth where men change their identity as women and vice versa. The term LGBT has been used since the 1990s, where this term was used to change the phrase "gay community" because the term better represents various forms of sexual orientation deviant groupings (Sinyo, 2014: 8).

LGBT itself is not something new in Indonesia because there have been many discussions about efforts made to accommodate the existence of the LGBT community as sexual minorities due to their sexually deviant behaviour, such as what happened in Yogyakarta in 2006. The meeting gave birth to a principle regarding "Yogyakarta Principles Concerning the Implementation of International Human Rights Relating to Sexual Orientation and Gender Identity. "The LGBT meeting ensures the protection of the rights of sexual minorities in order to create an international human rights framework for people with certain sexual orientations and gender identities beyond men and women (Cristhoper Isike, 2016: 22; Uwem, 2024). LGBT people feel many losses where the government, society, social culture and customary norms reject their existence and sociologically, Indonesian society is unable to accept their deviant behaviour (N.E. Serra, 2013: 583). As a result, negative attacks by the public occurred on various media platforms. Stefano Verrelli et al. said: "More frequent exposure to negative media messages about same-sex marriage is associated with greater psychological distress." (Verrelli, 2019: 336-346) (Regular exposure to negative media messages about same-sex marriage is associated with greater psychological distress).

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The phenomenon of same-sex marriage intersects with religious norms that are firmly held by society, especially in Indonesia, and gives rise to rejection from the majority of society which creates large-scale social sentiment. The greater the rejection from society, the more human rights activists emerge who speak out for the rights of LGBT people. Human rights are the rights that people have from the time they are in the womb until death and every person has human rights. Human rights are guided by values in society's traditions. Based on norms and habits in the social environment of society that are generally accepted. The basic legal provisions in the 1945 Constitution are found in the chapter on the Meaning of Marriage which is not recognized as a legal marriage between a man and a woman. Article 27 paragraph (1) "every citizen has the same position before the law and government and is obliged to uphold the law and government with no exceptions." These two articles are used as a reference for LGBT sexual deviants to enter into a legal marriage and form a family.

The birth of human rights was based on the Universal Declaration of Human Rights (UDHR) in a UN convention, namely the Universal Declaration of Human Rights (UDHR) in 1948. In the UN declaration, there are five types of human rights possessed by humans in Articles 3-21 of the UDHR, namely: Personal rights, legal rights, civil rights, and political rights. Human rights are the rights of all humans in equality which is the "inherent dignity of the human person" which tries to humanize humans with daily living standards by getting the same rights as other people. Even though the Indonesian people and government are intolerant of LGBT, the rejections that occur can still be said to be softer compared to other countries which firmly reject the existence of LGBT and the perpetrators are prosecuted criminally and are referred to as criminal acts, for example what happened in Iran. LGBT people in Iran will be subject to punishment with the death penalty

Back to discussing sexual deviations, especially about Lesbians and Gays, where there was a polemic in Bali because there was a same-sex couple, namely Gays, who got married in one of the villas in the Ubud area with *upakara* attributes in a Hindu religious ceremony. This creates conflict among the community, because for the Hindu community in Bali, all forms of religious rituals and ceremonies are sacred and are not appropriate for this purpose. In Article 1 of the Marriage Law, it is clearly regulated that what is meant by marriage is the spiritual and physical bond between a man and a woman as husband and wife whose aim is to form a happy family based on belief in the Almighty God. Based on these regulations, marriage can only be performed by a man and a woman and not by a same-sex couple, whether lesbian or gay. Based on research results, recognized religions in Indonesia, namely Hinduism, Islam, Catholic Christianity, Protestant Christianity and Buddhism, all reject deviant sexual behaviour from LGBT people because none of the teachings of these religions justify deviant sexual behaviour. In this research, we will focus on the Hindu legal perspective on same-sex marriage (lesbian and gay) seen from Hindu law with the subject of marriage with sexual deviations (lesbian and gay) from a Hindu religious perspective.

Research on same-sex marriage has been written before by several researchers. Timbo Mangaranap Sirait in his research entitled "Examining the Acceptability of Same-Sex Marriage in the Indonesian Constitution" found that in irrational natural law, same-sex marriage is considered contrary to Godly morality, therefore, same-sex marriage cannot be accepted. Judging from the Indonesian constitution, same-sex marriage is also prohibited because the purpose of marriage according to Pancasila is to ensure sustainable human continuity. Syafi'in Mansur researched "Homosexuality in the Perspective of Religions in Indonesia." In this research, it was found that the attitudes of religions in Indonesia, including Islam, Christianity (Catholic and Protestant), Hinduism, Buddhism and Confucianism, regarding homosexuals prohibit same-sex marriage. This is contrary to the struggle of human rights activists who are fighting for the recognition of same-sex marriages. Research by Roby Yansyah, Rahayu, entitled "Globalization of Lesbian, Gay, Bisexual and Transgender (LGBT): Human Rights and Religion Perspectives in the Scope of Law in Indonesia identifies the view of LGBT rights from a religious perspective, and the law in Indonesia regulates deviant behaviour based on the interests of protecting human rights and respecting religion. LGBT people are indeed unacceptable according to religious teachings, but their human rights must still be protected from all forms of discrimination, bullying and various other forms of violence. Previous studies did not specifically discuss Hindu views. This research will discuss views on same-sex marriage from the perspective of legal instruments, human rights and Hinduism.

Research Methods

Scientific research related to rules and norms requires theoretical maturity and understanding of the rules themselves. This research was carried out normatively with research sources from primary legal materials, namely statutory regulations and secondary legal materials, namely libraries and literature related to the object and subject of research using a conceptual analysis approach. The approach is also carried out using a legal and regulatory approach that examines same-sex marriage, both in international legal instruments, national legal instruments and in the study of Hindu law. The analysis was carried out qualitatively and the results of the discussion were carried out descriptively analytically.

Results and Discussion

Anti-Discrimination Struggle against LGBT from a Legal and Human Rights Perspective

Sexual deviance is a form of sexual orientation that deviates from sexual orientation which is generally heterosexual, sexual orientation is related to sexual attraction to the same sex or the opposite sex. Heterosexual There are various forms of behaviour that can be categorized as sexual deviation, namely fetishism, homosexuality, sadomasochism, masochism, voyeurism, paedophilia, bestiality, incest, necrophilia, zoophilia, sodomy and frotteurism. Fetishism: sexual satisfaction obtained by carrying out one's own sexual activities such as masturbating or masturbating with inanimate objects. Homosexuals are sexual deviations which are included in homosexuals, namely lesbians and gays where sexual satisfaction is obtained from partners of the same sex. A lesbian person will choose not to marry except with a lesbian partner and the frequency of lesbianism is quite high based on Jeffcoate's research, around 25%, while Kinsey recorded around 28%. Sadomasochism is a sexual deviation that occurs in someone where the person can only feel sexual satisfaction after hurting their partner during sexual intercourse. Masochism: this type of sexual deviation occurs in someone who will only get sexual satisfaction if before having sexual intercourse they are tortured first by their partner. Voyeurism is a sexual disorder where a person gets sexual satisfaction after peaking at other people having sexual relations with other people or seeing other people naked, such as when bathing and the like. Podophiles are adult men who like to have sexual relations with children. Bestially where someone enjoys sexual relations with non-humans but has sexual relations with animals such as dogs, cows, horses and others. Incest is a form of sexual relations carried out with family members who are related by blood. Necrophilia is a form of sexual disorder in which a person enjoys sexual relations with corpses. Zoophilia is a form of sexual disorder where a person gets stimulated by seeing animals having sex. This is normal human sexual orientation, where a man has a sexual attraction to a woman and vice versa, a woman has a sexual attraction to a man.

Problems related to sexual deviation have been a long debate in human history. In the international world, the beginning of the LGBT movement came from Western countries, the first of which was the "Gay Liberation Front" (GLF), founded in London in 1970. In Indonesia, the movement also began to grow. from academics and feminist activists who demand the legality of LGBT, the movement of feminist activists is looking for gaps in the fields of politics, theology and psychology.

The demand for LGBT legality at the political level can be seen in the efforts being made in the political field, namely efforts to pass laws that provide loopholes for same-sex marriages, of which the Gender Justice and Equality Bill (RUU KKG) is still currently being implemented. polemic discussions in parliament. The LGBT+ Intersex and Queer Forum (LGBTIQ) submitted a request to the President to guarantee the elimination of discrimination for LGBT people and provide sanctions for state officials who discriminate against LGBT. At the international level, the United Nations has issued various international legal instruments regarding anti-discrimination policies against LGBT people, namely United Nations Resolutions - Sexual orientation and gender identity, Protection against violence and discrimination based on sexual orientation and gender identity (adopted 30 June 2016) , Human Rights Council resolution Human rights, sexual orientation and gender identity (adopted 17 June 2011), Human Rights Council resolution and Human rights, sexual orientation and gender identity (adopted 26 September 2014) - A/HRC/RES/27/32

The feminist movement seeks to change the basic nature of religion which is absolute, absolute and cannot be changed into an understanding which is relative and can be changed based on developments over time. Feminism and the LGBT community try to link the basic rights of LGBT people as citizens with theological

interpretation and justification. The categorization of LGBT as sexual deviation is the basis for human rights activists to fight for anti-discrimination behaviour for LGBT. Sexual deviance in a person can be caused by several factors taken from the perspective of psychoanalysis, behavioural psychology and cognitive point of view, which can be described as follows:

Overview of Psychoanalysis

sexual. Sodomy is a form of sexual disorder in which a man likes to have sexual relations with his partner through his partner's anus. Frotteurism is a form of sexual satisfaction obtained by a man by rubbing his genitals on a woman's body in public places.

From a psychoanalytic perspective, sexual deviations that occur in a person can be caused by paraphilia. Paraphilia is a form of self-protection that is formed from fear due to a trauma that becomes an ego. This pattern of sexual deviation occurs because of the aim of revenge for previous incidents experienced by both children and adolescents, especially as a result of being victims of sexual harassment. Sufferers of this paraphilic disorder have sexual deviations that lead to fetishism, voyeurism and paedophilia.

Review of Behavioural Psychology

A review of sexual deviations based on the Behavioural Psychology approach generally occurs in men who are closed, quiet and aloof, so that as a result of this behaviour it will be difficult for them to have social interactions and establish relationships with the opposite sex. Sufferers of sexual deviations caused by Behavioural Psychology will receive sexual stimulation through unusual objects, such as masturbating by looking at sensual photos. Forms of sexual deviation due to Behavioural Psychology are Fetishism and Voyeurism.

Cognitive Review

Viewing sexual deviations cognitively is based on a disturbed thought pattern so that it develops a mindset that always blames other people as the cause of committing these deviations, one form of which is sexual deviation voyeurism, where the perpetrator has the mindset that he is peaking at other people, thus causing sexual stimulation because It was the person being spied on who gave him the opportunity to peek.

Same-sex marriage in Indonesia is seen as inconsistent with religious norms and rules and is unnatural behaviour. Kartono is of the view that sexual impropriety "sexual perversion" includes sexual behaviour or sexual fantasies to achieve orgasm or sexual satisfaction outside of natural sexual relations, both in heterosexual and homosexual sexual relations, including with immature people, which is contrary to the behaviour of social society in generally. The existence of the LGBT community is seen to have tarnished religion and the Marriage Law and has had many negative impacts due to LGBT behaviour, especially as it is considered the biggest cause of the spread of HIV-AIDS. The negative consequences of homosexual behaviour from a medical perspective are that sexual deviations committed by homosexuals can cause several diseases such as AIDS, anal cancer, syphilis, gonorrhoea and herpes. Viewed from a psychological point of view, the negative influence of homosexuality is neurasthenia syndrome, namely symptoms of mental illness, resulting in depression, isolation, irritability and closedness and resulting in decreased brain function which has an effect on decreased thinking power.

As a country that cannot tolerate the existence of LGBT, we must find an appropriate formulation in dealing with LGBT problems. The important effort that needs to be made is not to take extreme denial, such as discrimination against LGBT people, but to take a persuasive approach in protecting LGBT people from human rights violations and by seeking specific healing and rehabilitation solutions for them, such as by establishing "Healing Centers" where they will receive professional counseling by receiving psychological, psychological or behavioral therapy and religious spiritual guidance in accordance with their respective religions and beliefs, in the hope that this approach will shape their deviant sexual behavior in the right direction. true based on fairness in Indonesian society. LBGT is a social fact that exists in society so the government needs to provide equal protection (equality) before the law if the state wants LGBT recognition or firmly determines in a clear legal regulation the rejection of same sex marriage because it is not in accordance with the Constitution and Pancasila.

The debate regarding the legality of same-sex marriage is currently controversial. According to Raifman "...same-sex marriage policies may reduce the stigma experienced by adolescents who are sexual minorities.

On the other hand, same-sex marriage laws could negatively affect the mental health of adolescents who are sexual minorities.” (...same-sex marriage policies can reduce the stigma experienced by sexual minority youth. On the other hand, same-sex marriage laws can have a negative impact on the mental health of sexual minority youth). Furthermore, Van der Toorn, et.al said "Empirically speaking, religious opposition to same-sex marriage could stem from various sources. Given that religion offers believers a well-defined moral framework that entails specific attitudes toward social groups, beliefs, and behaviours, it is possible that attitudes toward same-sex marriage simply reflect religious prescriptions.” (Empirically, religious opposition to same-sex marriage can stem from a variety of sources. Given that religion offers its adherents a well-defined moral framework that requires specific attitudes toward social groups, beliefs, and behaviour, it is possible that attitudes toward same-sex marriage simply reflect religious prohibitions).

Same-Sex Marriage from a Hindu Legal Perspective

In a view, VE Korn stated that in Bali it is not certain when a marriage is considered valid. This relates to a series of ceremonies and *upakara* that must be prepared, so as to provide clarity on when a marriage can be said to be valid in Bali, the Raad Kerta Court which existed in Dutch times decided that a marriage in Bali was said to be valid after the *mebyakala* ceremony was carried out. The jurisprudence of the Raad Kerta court then received support from Parisada Hindu Dharma Indonesia where a marriage was declared valid in a Hindu religious marriage ceremony in Bali after the *mebyakala* ceremony was carried out with the *pembyakala banten* ceremony. In the book *Manava Dharmasastra* Chapter IX Sloka 10 it is stated "*Anyonyasyawayabhicaroghaweama rnantikab, Esa dharmah samasenajneyah stripumsayoh parah*" that a husband-and-wife relationship should be carried out with loyalty that lasts until death because loyalty is the highest punishment for husband and wife in a marriage. Hinduism has the concept that marriage is an obligation and if this obligation is not carried out then it will be a sin and this sin is not only for those who are not married but also includes their parents and ancestors who are punished. Sexual pleasure in the teachings of Hinduism is one of the life goals of *purushartaba* (*darma, arta, kama and moksa*) and sex is a good thing to do within a valid marriage bond because Hinduism believes in the process of reincarnation.

Marriage in the Hindu religious order with ceremonies and *upakara* existed long before the issuance of Marriage Law Number 1 of 1974, but despite this the terms and conditions regarding marriage both in Hindu religious teachings and in the marriage, law are in synergy and do not conflict with each other. with others, which can be seen as follows:

Agreement from the prospective bride and groom and permission from the parents of the prospective bride and groom.

- In *Manava Dharmasastra* Chapter III Sloka 35, which reads "*Adbhirewa dnwijagryanam kanyadanam wicisyate, itaresam tu wamanam itaretarkamyay*" which means marrying a daughter from the Brahmin class is preceded by sprinkling holy water and approved then this marriage can take place, but if the marriage occurs in chess other colours, then the marriage can only be carried out on the basis of the will or agreement of the person to be married with the mutual consent of the families of both parties.

- Article 6 The Marriage Law stipulates that for a marriage to be valid, there must be the consent of the future spouses and the approval of both families.

Old Enough.

- In Hindu law it does not specifically state the age limit for a man to be considered old enough to marry, but in *Manava Dharmasastra* Chapter IX Sloka 89-90, it states that a woman who is fit for marriage is after 18 years of age, but if After reaching this age, the woman does not marry and prefers to live with her parents, so when the woman is 21 years old, her parents can marry her off to a man of equal standing chosen by her parents.

- In article 7 paragraph (1) According to the Marriage Law, the age limit for marriage is 19 years old for men and 16 years old for women. However, men and women who marry before this age can still marry if they receive approval from a court or other official appointed by the family, as long as there is no law prohibiting it.

Prohibited Marriage.

- In the book *Manava Dharmasastra* Chapter III Sloka 5-11, marriages that are prohibited and must be avoided are marriages carried out with:

- a. siblings or male relatives from the mother's or father's lineage,
- b. marriages carried out without paying attention to the order of sacred ceremonies regulated in the Vedas,
- c. marriages that do not have male offspring,
- d. marriages carried out by people who do not study and believe in the Vedas,
- e. marriages carried out by family members whose limbs have thick hair,
- f. marriage with a family that has infectious diseases and
- g. Marriages carried out with women who do not have good ethics.

- Prohibited marriages under the Marriage Act are governed by the provisions of Sections 8 to 11 of the Marriage Act No.1 of 1974.

4) Administrative requirements

The Hindu religion does not provide special administrative provisions regarding marriage. Hindu religious marriages are carried out by people of the Hindu religion or people of other religions who have become Hindus using the *sudhiwidani* process.

The Book of *Manava Dharmasastra* Chapter III Sloka 21 which states: "*Brahmo daivastathaivarsab prajaptyaastathasurab, Gandharvogiancaaiwa paicacacca astamo'dhamab*" which means marriage is carried out in various ways, namely *Brahmana*, *Daiva*, *Rsi (arsa)*, *Prajapati*, *Asura*, *Gandharwa*, *Rakshasa* and *Paisaca (Pisaca)*. The meaning of marriage in Hinduism can be found in the *Manusmrti* Book which states that marriage is a sacred bond that is religious and obligatory because in Hinduism marriage aims to fulfil a person's obligations to his ancestors to continue the family lineage, having descendants in Hinduism can be a "penance" for the ancestors. and parents by giving birth to a "son". By giving birth to a son in Hindu religious beliefs, the person has saved the spirits of his parents and ancestors from the torment of the state and guided them to nirvana. Marriage in Hinduism is carried out in a marriage ceremony (*wiwaha*) with a *samskara* with dharma conditions and rules called *wiwaha samskara* and the laws of this *wiwaha samskara* are obligatory.

In *Manava Dharmasastra* we recognize several types of marriage in Hinduism, namely *Brahma Wiwaha*, in *Manava Dharmasastra* Chapter III sloka 27. This marriage is an honorable marriage where a woman is married by her family to a man who is virtuous, educated and wise. This marriage is carried out by the woman's parents by choosing a husband for their child. In Hinduism, it is also known as *Dewa Wiwaha*, in *Manava Dharmasastra* Chapter III sloka 28, namely the marriage of a woman which is carried out according to the wishes of her parents because the man who will marry her daughter has done a service to the girl and her family. material. *Arsa Wiwaha*, in *Manava Dharmasastra* Chapter III sloka 29 is a marriage where parents marry their daughter to a man who gives her something material. *Prajaptya Wiwaha*, in *Manava Dharmasastra* Chapter III sloka 27 is a marriage according to the Hindu religion which is based on the blessing of the families of both parties, both the woman and the man. *Asuri Wiwaha*, in *Manava Dharmasastra* Chapter III sloka 27 is a marriage using a dowry, where to be able to marry a woman, a man must give a certain amount of property to the woman. *Gandharwa Wiwaha* is a form of marriage where a man forcibly marries a woman using violence. This type of marriage is one of the marriages that is prohibited in Hinduism. *Paisaca Wiwaha* is a form of marriage in Hinduism where a man can marry a woman by raping the woman while she is sleeping or making the woman unconscious (drunk). This type of marriage is also prohibited in Hinduism.

It is human nature to be born as a man or a woman to have sexual desires and instincts to love each other and fulfil their life needs, because Ida Sang Hyang Widhi has said in *Manava Dharmasastra* Chapter IX sloka 96: "*Prnja nartha striyah srstah samtarnartham ca manavah, Tasmad sadabrano dharmah crutam patnya sabaditha*". This sloka means "women were created to be mothers, men were created to be fathers, in the Veda it is stated that religious ceremonies should be carried out together with husband and wife." Sexual deviations committed by lesbians and gays which lead to the desire to legally marry according to religion are philosophically contrary to the purpose of marriage in the Hindu religious scriptures, namely to obtain

offspring. Sexually, same-sex relations cannot result in natural penetration, namely the male's genitals entering the female's genitals so that fertilization occurs which can result in pregnancy in women. Pregnancy itself is a way to obtain offspring. Psychologically, the sexual orientation of lesbians and gays is limited to fulfilling sexual needs and sexual satisfaction, while the marriage recommended in Hinduism is a marriage carried out by implementing dharma and *swadharma* by exercising self-control, especially controlling the five senses or *kama*.

Returning again to marriages carried out by those who have sexual deviations, in the *Mahabharata* it is told that Arjuna became the "mistress" of a man who looked like a woman named Brihanala, as well as the story of Sri Kandi who was born as a woman but disguised herself as a man in war for killing Bhishma, seen from these two stupid behaviours in the *Mahabharata*, some people interpret this behaviour narrowly so that it justifies the sexual deviant behaviour that occurs today which is called LGBT. In the holy books of Hinduism, namely the *Manava Dharmasastra* and the *Kama Sutra*, same-sex marriage is a prohibited marriage so that lesbians and gays cannot carry out marriage ceremonies with the puja mantras contained in the *Veda*, likewise in the sacred *Smriti* literature there is not a single sloka that justifies a person's actions. who is part of LGBT but it is not stated that they should be oppressed. A person who becomes a Lesbian or Gay has the right to achieve moksha and there is no punishment for them if they return to the path of dharma by living their life with compassion and controlling their sexual desires, because in Hindu teachings sexual deviation committed by lesbians or gays is not a crime which harms other people but is personal as a sin that he himself will bear.

In the *Manava Dharmasastra*, there is no sloka that regulates gays, but you can find a sloka that mentions lesbians which is found in the *Manava Dharmasastra*, *Astamodyaya* chapter VIII alludes to the punishment of lesbians, lesbianism is mentioned as an activity carried out in the middle part of a *jaghana* woman which is carried out with his mouth is called *Auparistaka*. In *Astamodyaya* chapter VIII sloka 369, it is stated that the punishment for a girl who defiled another girl is to be fined 200 *pana* and sentenced to pay double the dowry. In the *Kama Sutra* page 130 it states that "*auparistaka* is also carried out by comfort women, maids, stoners, massage women who are not married and make this act their livelihood. In chapter VIII sloka 370 it is also regulated about LGBT, namely about bisexuals which is stated in the sloka that "a married woman defiles a girl or a woman who is not yet married, then immediately her head will be shaved or two of her fingers will be cut off and she will be paraded on a donkey around the city. Hindu religious believers argue that *auparistaka* is like the actions of a dog and a lowly human, contrary to the holy scriptures.

Conclusion

Gay and Lesbian is a deviation in sexual orientation that deviates from its natural nature where according to God's law men partner with women, while gay and lesbian homosexuals deny that nature by having same-sex sexual relations, until now Indonesia has not provided legalization regarding relationships. Same-sex marriage, especially same-sex marriage, in the Marriage Law, is recognized in the Indonesian legal system as a marriage governed by the provisions of Article 1 of the Marriage Law No. 1 of 1974. From a legal perspective, Hinduism also has the same view as the law. -marriage law where in the Vedas in the *Manava Dharmasastra* Book Chapter IX verse 96 it is stated that it is human nature to be born as a man or a woman to have sexual desires and instincts to love each other and fulfil their life needs. Both the *Manava Dharmasastra* and the *Kama Sutra* state that same-sex marriage is a prohibited marriage and the ceremony cannot be carried out with a marriage ceremony in Hinduism and it is not permitted to use the *puja mantra* contained in the *Veda Smriti*.

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