ABSTRACT

COMPARISON OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) CHILD RIGHTS PROTECTION BETWEEN INDONESIA AND TAIWAN: A LEGAL CONSTRUCTION OF RIGHTS PROTECTION FOR LGBT CHILD IN INDONESIA

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The development of globalization era made the world community also increasingly recognize and understand how important Human Rights, especially toward LGBT Children right. Data released by various organizations and researches showed that there are a lot of LGBT Indonesian Students reporting ever experienced prejudice or discrimination based on SOGIE. Unlike Indonesia, Taiwan respects the rights of LGBT people. This can be known from article 7 of the Taiwan Constitution and this article is reinforced by Article 22 in the Constitution. Considering from the constitution, Taiwan Gender Equity Education Act has passed Legislative Yuan and promulgated by president. Based on this, the writer is interested in researching the enforcement of justice for the rights of LGBT children who are discriminated against to get education; this research uses a conceptual, juridical, theoretical framework. Research Method is normative legal research, where the technique of collecting data by means of library research is related to the issues under study and related regulations.

Based on the results of the research the writer shows that the condition of LGBT Children rights appears that the actors of stigma and discrimination are quite diverse, children get discrimination based on SOGIE. Meanwhile in Taiwan, Children, there is Gender Equity Education Law which protects children from getting discrimination in education environment. Taiwan is more openly toward LGBT protection. One of the reasons is geopolitical imperatives in the face of “One China” policy, Taiwan tried to get out from that policy. The main construction is to make All LGBT children should feel welcomed and safe at school, so that they can reach their full potential. The Taiwan Gender Equity Education Act has no act that is contrary to the Pancasila. According to progressive law theory, the cases regarding LGBT were rare in the past and most people do not care about LGBT presence. But now the rampant cases of discrimination in the educational environment make the rights of LGBT children neglected, even some of them have to quit school due to unfair treatment. Therefore, the law must have an orientation towards the child because the development of the law is based on the needs of the community, not the contrary.

Keyword: Children Right, LGBT, Legal Protection, Discrimination