

## CHAPTER 5

### CONCLUSION, RECOMMENDATION AND LIMITATION

#### 5.1. Conclusion

Based on the research, it can be concluded that:

1. The Condition of LGBT Children rights appear that the actors of stigma and discrimination are quite diverse. The perpetrators did not only come from certain religious groups who attacked LGBT with accusations of corrupting morals and violating religion, but also from government officials, who should be protectors of children. There are still have a lot of discrimination cases happened and there is not any legal act for protecting the children. Meanwhile in Taiwan, LGBT's right has been regarded as some of the most progressive in East Asia and Asia in generally. Both man and woman same-sex sexual activities are legal, but, same-sex couples and households headed by same-sex couples are not yet eligible for the legal protections available to opposite-sex couples. For Children, there is Gender Equity Education Law which protects children from getting discrimination in education environment.
2. Taiwan is more openly toward LGBT protection. There are some reason behind that the first reason is that the attitude towards comrades is increasingly open, partly because of generational replacement. The second reason is the generational differences in attitudes toward comrades, partly explained by the improvement in educational attainment. The third reason

is that generational differences in gay attitudes can be partly explained by a more open attitude toward divorce, prostitution, and gender roles. The fourth reason is the generational differences in attitudes toward religious group, partly explained by the improvement in religion believer. The fifth reason is geopolitical imperatives in the face of “One China” policy, Taiwan tried to get out from that policy.

3. The main construction is to make All LGBT children should feel welcomed and safe at school, college and university so that they can reach their full potential. The Taiwan Gender equity education act’s General Provisions states the purposes of the act: "to promote substantive gender equality, eliminate gender discrimination, uphold human dignity, and improve and establish education resources and environment of gender equality”. This Taiwan act contains 5 Chapter that regulated different policies that helped a lot to minimum the discrimination toward LGBT student. All part of the Gender Equity Education Act has no act that is contrary to the Pancasila, the only things the act tried to protect are the right for the LGBT children that not allowed in Indonesia as a LGBT. According to Satjipto that law does not exist for its own sake, the progressive character is characterized by a tendency in critical reasoning and favor of justice and humanity. In the past, the cases regarding LGBT were rare 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.

## **5.2. Recommendation**

The recommendation from the writer is as long as the rules that will be made do not violate the rules above or others, then there is no harm in the regulation being ratified and enforced. Moreover the regulations that will be passed are for the benefit of children. The government must deftly draft a regulation related to discrimination against children due to differences in sexual orientation. By following the method or law that has been implemented in Taiwan, it is unlikely that LGBT freedom in Indonesia will become more popular, because the purpose of establishing this Law is only to provide protection to children so they can get the same education and opportunities. The enactment of this law does not directly agree that children are legally allowed to become LGBT, but there are parts of this law that explain the existence of education to children. In this case the educators can guide children and tell them the differences between us are not the reasons for discrimination and abuse, differences are accepted since we are all humans being. Thus, the enactment of this Law is not a scourge for Indonesia, but an innovation to be more open in the international arena. As we know the world is growing and different from before, the rules that govern must also be in accordance with the

changes that have occurred, therefore that there is a progression from that country.

### **5.3. Limitation**

During conducting this research, researchers have limitations, as follows:

1. LGBT Topic is a very sensitive topic for Asians, especially Indonesia. They tend to be closed to these things. So the writer only gets statistical data from the number of cases.
2. Limitations on access to the object of research, because the object of the research of the author is LGBT which tends to be closed in status and other objects are children that are very difficult to be used as interview object.
1. Limited access to literature studies from the Taiwanese law, most Social Science LGBT-related books are written in Traditional Chinese, which slightly complicates the author's understanding of the subject matter of a problem in the reading.