

CHAPTER I

INTRODUCTION

A. Background

Thailand is known as Southeast Asian country with the highest LGBT population. According to The Bangkok Insight, in 2018, from 69 million people live in Thailand, about 4.2 million are part of LGBT (Angkulanon, 2018). Thailand is consistently praised as one of the most LGBT friendly countries in the world for become a safe destination for the LGBT people. According to the Huffington post, Thailand provides protection against gender expression. Thailand holds international transgender beauty pageants, offers quality genital reassignment surgery, and known as the first in Southeast Asia to criminalize gender-based discrimination (Natividad, 2021). It also has several public facilities that are LGBT friendly which attracts tourists who are part of the LGBT people, such as a hotel in Bangkok whose reception is managed by a transsexual and a gay nightclub located in Phuket (Amin, 2015).

There is a number of same-sex couples decided to get married in Thailand, even though there is no legal protection for same-sex marriage. However, Thai Civil Partnership Bill allows same-sex couples to legally register their marriage. The legal protection of same-sex marriage in Thailand is still considered by the parliament, which if later the draft is ratified, it will make Thailand the second country in Asia and the first country in Southeast Asia to allow for the registration of same-sex marriage (Regan & Olarn, 2020).

However, Thai society's tolerance means that gay, lesbian and transmen as well as transwomen have relatively free lives to live and express themselves as they are. Culturally, LGBT is not one of the Asian cultures, not even in Thailand. Being LGBT is considered as a deviant behavior and violate the heterosexual norms constructed in society. Therefore, a lot of people opposed the existence of this community and started to

stigmatize this sexual orientation, and gender identity or gender expression was an illness. It eventually led the society to the minimum acceptance to LGBT people. Meanwhile, World Health Organization (WHO) has actually mentioned that LGBT is not an illness. A team of American doctors seeking to abolish this classification found that: There is no scientific basis for the classification of mental illness related to sexual orientation, being LGBT is not a disease (Kutner, 2014). Later, as in 2002, Thai government stopped classifying homosexuality as an illness and in 2006 the military and colleges start accepting LGBT people (Liljas, 2014). A sociologist named Erving Goffman stated that stigma against a person or group of people could radically change their self-concept and social identity, then it assumed that LGBT people may emerge and increased due to social impact (Sinaga, 2018).

In LGBT issues, most people think that sex and gender are the same things. While, actually they have different concept. According to Webster's New World Dictionary, gender has a non-biological difference, such as the values and behavior of each individual to see or distinguish one gender from another, such as differences in the values and behavior of men and women. A person's gender refers to a person's masculinity or femininity or some of its aspects. Gender is understood as a trait that exists in each individual socially and culturally constructed by society (Umar, 2010). In contrast, sex is a biological difference between one gender and another. They are physically different and differ in their reproduction ability, women are the one who are able to have menstruation and pregnancy (Widyasari & Kholid). Gender has been used for the roles, characteristics, and stereotypes associated with members of a particular gender.

The idea of sex allows the grouping in artificial unity, anatomical elements, biological functions, behaviors, sensations, and pleasures, and it allows one to use this fictitious unity as a causal principle. Sex is able to use as a unique marker and as a universal signifier, which later leads to

heteronormative doctrine. Heteronormativity, which presumed bedrock of society, is the quintessential force creating, sustaining, and perpetuating the erasure, marginalization, disempowerment, and oppression of sexual others. Heteronormativity is violent and harmful to a range of people across the spectrum of sexualities, including those who live within its borders (Yep, 2003).

LGBT people all around the world, more or less, continue to face the same discrimination including the lack of employment opportunities, prejudice when accessing health care, housing, and even education. The mass killing of LGBT community continues in different country, such as homicide happened in Europe reported that 1083 transgender became the victim (Being LGBT in Asia: Thailand Country Report, 2014). Including Thailand, even though it has an image as a LGBT-friendly country, they do not even free from being discriminated. A report from the World Bank titled “Economic inclusion of LGBT groups in Thailand” proves that discrimination against LGBT people reach the high level. The discrimination remains prevalent when LGBT people look for jobs, access to healthcare service, education, even legal protection (Sabpaitoon, 2018). Transgender community faces the worst discrimination of all LGBT groups in terms of employment. According to Peter Chan, a property developer who owns PC Air airlines and employs transgender, Thailand has a population of 69 million people who are socially open-minded to modernization yet remain conservative. Quoted from The Guardian article, Chan said that transwomen did not have proper jobs. They work as entertainers or dancers because people does not want to accept them (Sari, 2015).

Kath Khangpiboon, a transwomen activist from Transgender Alliance (TGA) stated that high numbers of discrimination and sexual harassment towards LGBT people caused by the way society stigmatized them (Sinen, 2017). Yollada ‘Nok’ Suanyot, a transwoman who was elected as a member of parliament for Nan province in Thailand said, they

almost had no rights, even though they have had genital surgery but they had no legal recognition. They do not even have good health insurance, unable to get married, and if detained they will be detained in male detention cell (Sari, 2015). LGBT issues in Thailand need a highlight from the government to embrace them. Therefore, this study aims to find out the way Thai government policy addressing the LGBT issues in meeting their needs in society. This research focuses on the Thai government policy which happens to address LGBT issues.

B. Research Question

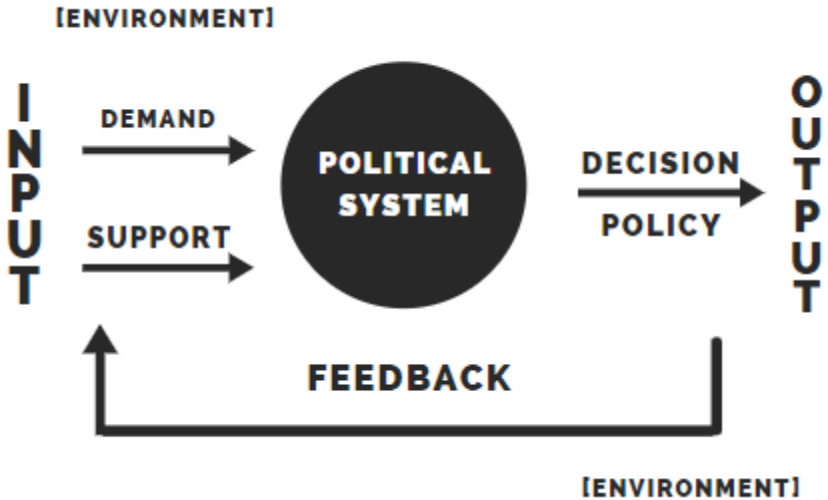
1. How does Thai government address LGBT issues?

C. Theoretical Framework

1. Model of Political System

David Easton is attempted to build an empirically oriented political concept, and it is done through several stages as his books released. Previously, he argues that political system has the need to develop in general and empirically oriented theory as the most economical way in the long run. Easton observes political life as a network of interactions of human behavior as a system. Through an article titled *The Analysis of Political Systems* which was published in *World Politics* in 1957, Easton proposes a point of view of an alternative approach to analyze political systems. This approach concerns with the understanding on how authoritative decisions are made and executed for a society. It is about to viewing each piecemeal aspects, and examine the operation of such institutions as political parties, interest groups, government, and voting (Easton, 1957). According to the attributes of the political system, Easton's Political System Theory including: (1) identification behavior in the form of units and borders, (2) input and output, (3) differentiation in the system, and (4) integration within the system (Mas'oad & MacAndrews, 2018). The model of political system illustrates in the scheme below:

Figure 1 Model of Political System



Source: Perbandingan Sistem Politik [p.5]

Based on the scheme above, overall decision-making process is a unified system where within the unity of the decision-making system consist of so many parts. The scheme describes that in the decision-making process there are several elements that affect the course of the decision-making process. The elements consist of inputs where it is divided into two; internal support and external demands, which came from the environment of the political system, specifically the internal environment and the external environment. The existence of inputs consisting of support and demands causes political actors in a country to make and adopt a policy both domestic and foreign policy.

Input in the form of demand come from society or a group of people demands their needs in urge to meet the fulfilment. It is referred as external demands, as it comes from the

environment around the political system. There are various systems in this environment, such as ecological systems, economic systems, religious systems, demographic systems, cultural systems and others. This demand will not easily turn into a political issue. This is because the demands only have the support of a small group of people who have little influence, and consequently the demands never get to the decision-making level. To better understand whether a demand can turn into a political issue, it is worth noting a few more things.

As it come from the political system itself, it is referred as internal demands (with input). This environment produces variables that influence the formation of demands that enter into the political system (Mas'oed & MacAndrews, 2018). Besides the input in the form of demands, for the sake of a political system to survive, it is necessary to have another type of input, which is an input in the form of support. To maintain the ongoing activities of the political system, it requires support which can be in the form of actions or views that can promote or otherwise hinder the activities of a political system. Without support, the demands made will not be met or conflicts of interest that arise will not be resolved. If a demand about is to resolved and possible to enter the decision-making level, the members of the political system that triggered the demand must make it a binding decision and the members who seek to influence the process must be able to gain support from others in the political system. Supportive attitude is when someone acts for or accepts the actions, interests, or goals of another party or person. Therefore, supportive actions or behaviors can be divided into two types. First, the form of action or behavior that supports it in a real and open way; and second, forms of supportive actions or behaviors that are not tangible from the outside, which are called views (Mas'oed & MacAndrews, 2018).

The form of real and open support can be in the form of actions or behaviors that can encourage the achievement of the

goals or interests of other parties or the parties. In a concrete form, support can be in the form of votes that provide support for the nomination of a political leader in an election; or it may be an action that defends a decision or policy established by a competent authority, such as a decision or discretion established by a court. While support in the form of actions or behavior that is visible from the outside is a supportive thought that can form an attitudes, tendencies, or interests of other parties or people. For example, loyalty to a particular political party, attachment to democracy and the enforcement of human rights, or patriotic spirit. Such circumstances do not constitute actual or overt actions or behavior; the situation is more indicative of the mood of the person concerned. Although it is not an act or behavior that is real and open, the implication is clear that the person concerned will carry out an activity or activity that is in accordance with their attitude (Mas'ood & MacAndrews, 2018).

As the key point, there is also political system where inputs are processed into a policy. Within the political system, there is an important function on converting the demands and endorsement until they become alternatives of general policy. It is called the aggregate of interest. In any international or state organization, the procedure for processing input into a policy depends on the bureaucracy prevailing within the International Organization or the country. The output of a political system is in the form of a political decision or policy. The typical output of a system is a decision on policy, so the highest responsibility lies with the government to adjust or balance the output in the form of decisions with inputs in the form of demands. Without the fulfillment of the existing demands, it will certainly relax the activities of all members of the system except those who have a fanatical patriotic spirit. However, in order to gain support from members of a system through positive encouragement, a government does not need to fulfill all of the existing demands, even though these demands are put forward by the most influential members. Yet,

the lack of discretionary decisions that benefit the system members, on the other hand, will destroy the system.

This model of political system will serve as a framework to analyze and explain Thai government policy making in considering the demand from LGBT community to fulfill the needs of LGBT people. As inputs, the demand from several LGBT community exists in Thailand. They do campaign and dialogue to deliver their demands which are about LGBT people equal treatment in society and protection from any kind of discrimination. The United Nations through OHCHR and UNDP whose support those LGBT community in urging Thai government to issue the Third Gender Bill.

Before the demands can be met by the government, these demands received support from various parties, both from the government and outside the government. The support coming from the government is the government's interest to protect the country's image as an LGBT-friendly country, as well as their tourism campaign which using this notion to bring more LGBT tourists. The fact that Thailand's ratification of 7 out of 9 treaties, which makes the government obligated to ensure that all individuals within Thailand's territory must be under their protection from all forms of unfair treatment referred to in the agreement, also become the government's support. Both inputs after received by the government and entered into the political system, eventually resulted an output as the ratification of Gender Equality Act B.E. 2558 in 2015.

2. Practical-Strategic Gender Needs Concept

Leading on from the fact that women and men have different roles based on their gender, they will also have different gender needs (Unit-9: Practical Gender Needs and Strategic Gender Needs, 2017). These needs are classified as either Strategic or Practical needs. The expected roles of someone are to behave and respond in a particular way are categorized as productive roles, reproductive roles, community roles. Gender roles are affected by age, class, race, ethnicity,

religion, geographical, economic, and political environment. Practical Gender Needs arises from the actual conditions experienced by women and men as their gender roles assigned to them in society (Gender Needs, n.d.). This need refers to what women or men perceive as immediate necessities, such as water, health care and insurance, regular employment, wages, and so on. Basically, practical gender needs also refers to human survival needs, which considered throughout expected roles in particular society. Meanwhile, Strategic Gender Needs are the interventions addressing strategic. This need focuses on fundamental issue related to women's subordination and gender inequities. Strategic gender needs are often related to structural changes in society regarding someone's status and equity including legislation for legal rights, reproductive choice, and participation in decision making. They vary according to the particular social, economic and political context in which they are formulated. Usually, they concern equality issues such as prevention of sexual harassment in the workplace, protection from gender-based discrimination, guarantee of equal wages, equal access to public participation, etc.

D. Hypothesis

Thai Government policies in addressing the LGBT issues are:

1. Practical Gender Needs
 - a. To meet the reproductive role:
 - Thailand's Constitution (2017) regarding people's rights to health access on section 47,
 - Universal Health-care Coverage Scheme (UHCS) (2001) provide health care coverage.
2. Strategic Gender Needs
 - a. To meet the productive role:
 - Labor Protection Act B.E. 2541 (1998) and 2551 (2008) regarding equal wage on section 53,
 - b. To meet the reproductive role:

- Constitution of the Kingdom of Thailand B.E. 2550 (2007), regarding equal rights between men and women on section 30,
- Gender Equality Act B.E. 2558 (2015) regarding legal protection from gender-based discrimination on section 17,
- Labor Protection Act B.E. 2541 (1998) and 2551 (2008) regarding equal treatment in a workplace on section 15,
- Labor Protection Act B.E. 2541 (1998) and 2551 (2008) regarding legal protection towards sexual harassment in workplace on section 16.

E. Method of Research

1. Type of Research

This research uses a descriptive analysis which researches on facts aiming to make a descriptive picture in a systematic, factual, and accurate about the facts, trait, and relationships on the phenomena researched.

2. Type of Analysis

The writing on this research uses an analytical descriptive type, and produces descriptive analysis regarding spoken and written words and behavior that can be observed from the object of research which supposed to answer the problems based on the phenomena and data collected.

3. Data Collecting Technique

This research uses library research which is done by collecting data from the literature related to the object of research and then analyzing it. The main sources of literature come from books, articles, journals, papers, newspapers, and internet sites related to the object of research.

4. Type of Data

This research uses secondary data which are collected from various sources and literature related to the problem under study. Secondary data are cited from other reliable sources.

F. Research Purpose

This research aims to discover the government's active role in addressing LGBT issues, through the demand and support from various actors.

G. The Guideline

1. Chapter I: This chapter consists of Background, Research Question, Theoretical Framework, Hypothesis, and The Guideline,
2. Chapter II: This chapter provides an explanation regarding the history of LGBT in Thailand and Thai citizen's response towards LGBT exist in Thailand,
3. Chapter III: This chapter explains about Thai Government's policy in addressing LGBT issues,
4. Chapter IV: This chapter is a concluding chapter.