

Transwomen in Pandemic: Rights, Access, and Exclusion

(Transpuan di Masa Pandemi: Hak, Akses dan Eksklusi)

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ABSTRACT: In the midst of restricted movement space for citizens during the pandemic, transwomen were faced with the fact that the State-stipulated emergency status did not necessarily make it easier for transwomen to access basic services, especially during emergency. This article uses the homo sacer theory proposed by Agamben to describe humans living on the threshold and the status of protection for life is unclear. This condition is a product of a state of emergency which is determined by the state as an excuse for an emergency that has turned into the foundation of violence and arbitrariness during an emergency. The type of qualitative research that we used serves to explain how the State excluded transwomen during the Covid-19 pandemic, and how transwomen groups were trying to fight for their own interests. The general conclusion in this study is that the State classifies transwomen as homo sacer, with implications for transwomen's basic rights not being fulfilled to obtain health services and social assistance during the Covid-19 pandemic. The author argues that the reluctance of the country's smallest unit to include transgender women in the Integrated Social Welfare Data (DTKS) illustrates the existence of symptoms of exclusion of the transgender group. To fight for their interests, transwomen must build networks with various non-governmental organizations and advocate for their own interests, both transwomen without ID cards and those who do not receive social assistance, although they generally work in the sectors most affected by the Covid-19 pandemic, namely in the informal sector.

ABSTRAK: Di tengah pembatasan ruang gerak warga saat pandemi, transpuan diperhadapkan pada kenyataan bahwa status kedaruratan yang ditetapkan negara tidak serta merta memudahkan transpuan mengakses layanan dasar terlebih di masa darurat. Artikel ini menggunakan teori homo sacer yang diajukan Agamben untuk menggambarkan manusia yang tengah berada pada ambang batas dan status perlindungan atas hidup yang tidak jelas. Kondisi demikian merupakan produk dari state of emergency yang ditetapkan negara sebagai dalih kedaruratan yang menjelma menjadi fondasi kekerasan dan kesewenang-wenangan di masa darurat. Jenis penelitian kualitatif yang kami gunakan berfungsi untuk menjelaskan bagaimana negara mengeksklusi transpuan di masa pandemi Covid-19, dan bagaimana upaya kelompok transpuan dalam memperjuangkan kepentingannya. Kesimpulan umum pada penelitian ini adalah bahwa negara menempatkan transpuan sebagai homo sacer yang berimplikasi pada tidak terpenuhinya hak-hak dasar transpuan untuk mendapatkan layanan kesehatan dan bantuan sosial di masa pandemi Covid-19. Penulis berargumen bahwa keengganan unit terkecil negara dalam memasukkan transpuan dalam Data Terpadu Kesejahteraan Sosial (DTKS) menggambarkan adanya gejala eksklusi terhadap kelompok transpuan. Untuk memperjuangkan kepentingan mereka, maka transpuan harus membangun jaringan ke berbagai lembaga swadaya masyarakat dan mengadvokasi kepentingan mereka sendiri baik para transpuan tanpa KTP maupun mereka yang tidak menerima bantuan sosial kendati umumnya mereka bekerja di sektor yang paling terdampak oleh pandemi Covid-19 yakni di sektor informal.

Keywords:

exclusion;
homo sacer;
rights;
transgender

Kata Kunci:

eksklusi;
hak;
homo sacer;
transpuan

Diserahkan/Submitted:

10-10-2022

Diterima/Accepted:

12-04-2023

Cara Mengutip/How to cite:

Wahyu, Muh., Abu Bakar, and Muhammad Saleh Tajuddin. "Transpuan di Masa Pandemi: Hak, Akses dan Eksklusi". *Jurnal HAM*. Vol. 14 No. 1, April 2023, 55-68. DOI. 10.30641/ham.2023.14.55-68

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1. Introduction

Due to the outbreak of the Corona Virus -2019 (Covid-19) disease in early 2020 in Indonesia, on 31 March 2020 the government declared a health emergency status through Presidential Decree (Keppres) Number 11 of 2020 concerning Stipulation of the Covid-19 Public Health Emergency. This step was taken in response to the increasing number of cases and deaths in various regions of Indonesia which had an impact on “political, economic, social, cultural, defense and security aspects, as well as the welfare of Indonesian people.” This Presidential Decree served as the forerunner to the emergence of other policies such as Large-Scale Social Restrictions (PSBB), obligation to wear masks, and lockdowns, with implications such as limited social space for residents. All activities were to be carried out from home, including working and studying, a mandatory rule for all. These restrictions applied to everyone, including trans women. As a result, the latter did not have the opportunity to develop nor express their skills.

In the midst of these restrictions on movement, transwomen are faced with the fact that the emergency status established by the state does not make it easier for them to access basic services and get assistance. Precisely when the emergency was enforced, state apparatus such as the RT and RW in Banten still denied trans women social assistance (*bansos*).¹ In fact, during the Covid-19 pandemic, the types of work that many transwomen are involved in experienced a considerable blow. The head of Sanggar Seroja, Rikky Muhammad Fajar, told *bbc.com* (2020) that the pandemic has caused transgender groups to lose up to 70% of their income.² Loss of income causes them to be unable to pay rent and choose to live in halfway houses or return to their families’ homes. The dilemma is that trans women who live in shelters or share rented houses with other trans women face an increased risk of transmission of Covid-19, while those who choose to return to their family homes are vulnerable to facing domestic violence, as reported by numerous informants.³

During an emergency, transgender as citizens become a vulnerable group. On the other hand state policies limit their space for movement and at the same time “going home” does not provide sufficient protection. The existence of stigma and problems with citizenship in the absence of an identity card (KTP) as formal recognition by the state further adds to the problems in transgender life. However, the absence of a KTP will make it difficult for trans women to access public services, especially vaccinations. Transwomen who were forced to follow government policies during the emergency period, such as restricted movement space, faced an ever increasing problem. This is made worse by lack of protection from the state, such as easier access to vaccinations and social assistance.

What transgender people are experiencing during the pandemic basically has not shifted (improved) from what they have been facing so far, but instead has gotten worse. As is known, in general, lesbian, gay, bisexual, and transgender (LGBT) groups in Indonesia have long experienced discrimination. Transwomen in the LGBT group are classified as transgender (T) with the highest significance of vulnerability to discrimination and persecution because their physical appearance is the most striking compared to the identity spectrum of other LGBT groups. This group also experiences discrimination and exclusion in other fields, such as employment, education, even by their own families. For trans women who live in the lower middle class, the streets are the only job market that can accept them. Discrimination and stigma that spread diseases such as HIV/AIDS mean that trans women do not have access to work in government agencies or in the private sector.⁴ The loss of opportunities to earn a better livelihood by working in the formal sector makes them live vagrants or sell themselves as sex workers on the streets to put food on the table.

From the above, this study explains how transgender women were excluded by the State during Covid-19 pandemic, and how they fought for their interests. The object hereof is focused on transwomen group because they are “more visible” in terms of physical appearance and therefore more vulnerable to discrimination.

- 1 Kudus Purnomo Wahidin, “Nasib Transpuan Di Masa Pandemi: Terpuruk, Tak Terjamah Program Pemerintah Terpuruk, Tak Terjamah Program Pemerintah,” *alinea.id*, 2021, <https://www.alinea.id/nasional/transpuan-di-masa-pandemi-terpuruk-tak-terjamah-pemerintah-b2c2J92Zt>.
- 2 Ayomi Amindoni, “Transgender: Perjuangan Transpuan Di Masa Pandemi Virus Corona-Hidup Seperti Orang Yang Mati Perlahan,” *BBC.com*, 2020, <https://www.bbc.com/indonesia/indonesia-52500732>.
- 3 Chaca, “Transpuan Tanpa Kartu Tanda Penduduk,” wawancara di Makassar 3 Agustus 2022.
- 4 Yohannie Linggasari, “Survei UGM: Pemerintah Belum Lindungi Pekerja LGBT,” *cnnindonesia.com*, 2015, <https://www.cnnindonesia.com/nasional/20150430211435-20-50420/survei-ugm-pemerintah-belum-lindungi-pekerja-lgbt>.

Many studies on the vulnerability of citizens have been carried out by scholars in Indonesia. Although the focus is not always on transgender people, the subjects studied are equally excluded by the state, including the study by Atnike Nova Sigiuro, et al. about the impact of implementing the PSBB for women, who found that the implementation of the PSBB during the Covid-19 emergency became a catalyst for the oppression of women and marginalized groups.⁵ Meanwhile, Adam Salsa Novarin and Shary Charlotte Henriette Pattipeilhy specifically spoke about Queer groups. The results of their research found that oppression and discrimination against this group still occur.⁶ In line with the studies, Cut Irda Puspitasari found that the suppression of LGBT people in Indonesia is related to the existence of religious views that increasingly and aggressively denominating LGBT groups.⁷ The same study by Daniel Tri Juniardo Tambunan found that religion has an influence on attitudes and views towards LGBT people.⁸ Siti Rokayah and Gunawan Widjaja said that during the Covid-19 pandemic, LGBT people were part of the issues that arose during the Covid-19 pandemic.⁹ Another study by Amelia Friska Cahyani, Fitriyah and Neny Marlina explained that the problem of transwomen who were unable to access social assistance during the Covid-19 pandemic could be overcome through the involvement of Pewaris as a non-governmental organization working to fight for the interests of minority groups. Heirs who act to represent the interests of trans women have succeeded in influencing decisions to provide social assistance, even though it was obtained from private groups. This is influenced by several factors such as social relations, organizational strength, and the character and style of private Covid-19 social assistance policies.¹⁰

None of the above literature has seriously nor specifically discussed how transgender women were treated during the Covid-19 pandemic. Likewise, there are no studies that have been on homo sacer with transgender women as objects of study during the pandemic, except for those which had looked at homo sacer in groups of people. Therefore, this study looks at the position of transwomen when faced with an emergency situation. For that we use the concept of homo sacer by Giorgio Agamben as an analytical tool. This concept traces the State's political practices when faced with a state of emergency on the one hand and citizenship conditions on the other. This concept is also used to emphasize that the study of discrimination and ignoring citizens' rights so far has oversimplified the problem, as if the State was oppressive, undemocratic, and persecutes minority groups.

In fact, even the country that we imagine is liberal and democratic can act as it pleases in a state of emergency, so it's not because the country is undemocratic or authoritarian. Therefore, homo sacer is relevant to explain the current condition of transgender women considering that Indonesia as a democratic country also practices undemocratic practices on the basis of a state of emergency.

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- 5 Atnike Nova Sigiuro, Abby Gina, and Dewi Komalasari, "Portrait of the Impact of Large-Scale Social Applications during the Covid-19 Pandemic on Women and Marginal Groups through an Interactional Feminism Approach," *Jurnal Perempuan* 25, no. 4 (2020): 295–308.
 - 6 Adam Salsa Novarin and Shary Charlotte Henriette Pattipeilhy, "Perspektif Feminisme Dalam Memahami Permasalahan Hak Asasi Manusia Kelompok Queer Di Kota Semarang, Indonesia," *Jurnal HAM* 11, no. 3 (December 11, 2020): 487, <https://doi.org/10.30641/ham.2020.11.487-504>.
 - 7 Cut Irda Irda Puspitasari, "Opresi Kelompok Minoritas: Persekusi Dan Diskriminasi LGBT Di Indonesia," *Takammul: Jurnal Studi Gender Dan Islam Serta Perlindungan Anak* 8, no. 1 (2019): 83–102, <https://jurnal.ar-raniry.ac.id/index.php/takamul/article/view/5644>.
 - 8 Daniel Tri Juniardo Tambunan, "Mendobrak Diskriminasi Lesbian Gay, Bisexual, Transgender (LGBT) Dalam Bingkai Agama Dan Kesetaraan Gender," *Jurnal Teologi Cultivation* 5, no. 2 (2021): 159–77, <http://e-journal.iakntarutung.ac.id/index.php/cultivation>[http://e-journal.iakntarutung.ac.id/index.php/cultivation.gays,bisexual,transgenderorcommonlycalledLGBT.LGBTbehavioriswidelyaddressedtopeople'slivesandveryoftenreceivesdisintegrationbehaviorinreligiousandsociallife.ThebasicproblemisthatLGBTlackofstatusamongcommunitiesandthatLGBTisreceivingviolenceanddiscriminationwithincommunities.LGBTpeoplealwaysfacednegative stigmaandhatredfromthesociety.Fromareligiousandgenderequalityperspective,LGBTismarginalized.Therefore,LGBTissuesneedattentioninframeandgenderequalityinordertobreakthebullyingofLGBTpeople.Thisstudyprovidesreligious sociologyandgenderequalityperspective toLGBTrights.Usingliteracystudy,throughthestudyand/or explorationofvariousjournals,books,researchresults,anddocuments\(bothprintedandelectronic\).](http://e-journal.iakntarutung.ac.id/index.php/cultivation.gays,bisexual,transgenderorcommonlycalledLGBT.LGBTbehavioriswidelyaddressedtopeople'slivesandveryoftenreceivesdisintegrationbehaviorinreligiousandsociallife.ThebasicproblemisthatLGBTlackofstatusamongcommunitiesandthatLGBTisreceivingviolenceanddiscriminationwithincommunities.LGBTpeoplealwaysfacednegative stigmaandhatredfromthesociety.Fromareligiousandgenderequalityperspective,LGBTismarginalized.Therefore,LGBTissuesneedattentioninframeandgenderequalityinordertobreakthebullyingofLGBTpeople.Thisstudyprovidesreligious sociologyandgenderequalityperspective toLGBTrights.Usingliteracystudy,throughthestudyand/or explorationofvariousjournals,books,researchresults,anddocuments(bothprintedandelectronic).)
 - 9 Siti Rokayah and Gunawan Widjaja, "Masalah-Masalah Dalam Covid-19 Dan Hak Asasi Manusia," *Cross-Border* 5, no. 1 (2022): 322–40.
 - 10 Amelia Friska Cahyani, Fitriyah, and Neny Marlina, "PERAN PERWARIS DALAM AKSES BANTUAN SOSIAL COVID-19 KELOMPOK TRANSPUAN DI KOTA SEMARANG," *Journal of Politic and Government Studies* 12, no. 1 (2022): 464–78.

The discussion is presented in two sub-discussions. In the first sub-discussion, the reality of transgender people is discussed under the shadow of state exclusion. In this sub-discussion, transwomen are described as homo sacrificial political figures, the citizenship dilemmas faced by transwomen, the impact of the pandemic on transwomen, and the Integrated Social Welfare Data (DTKS) for transwomen. The second sub-section discusses networking and advocacy for transwomen.

2. Research Method

This research is descriptive qualitative in nature and was carried out in the city of Makassar, bearing in mind that in this city there are transgender communities that are the object of research. Primary and secondary data were collected through observation, interviews and documentation.

Primary data is often referred to as raw data obtained by researchers from the source. This data is obtained from the first source, namely field notes or written documents. By using interview techniques with related parties, such as administrators or members of transgender or transgender communities who are not tied to the community, and the government.

As a support for primary data, secondary data is data taken from a second source. Researchers use secondary data to strengthen arguments by using literature studies from books, journals or papers that are in accordance with the substance of the research. The validity of a data in a study is also determined by secondary data collection.

Those interviewed were transwomen who live in Makassar, namely; 1). Chaca, 2). Chiesta, and 3) R, while from an institution that advocates for vulnerable groups interviewed by Eman Memay Harundja, namely the Head of the Sehati Makassar Community. From the government side, the author interviewed Suhartini who works at the Makassar City Social Service in the Social Rehabilitation Division. In accordance with research ethics, the mention of the names of transwomen as above was approved by the person concerned, however there was one informant who requested that his name be pseudonymized in the form of initials to protect the informant's privacy.

The data found from observations, interviews and documentation were then processed and given a specific code to facilitate sorting and selecting data, then analyzed using Giorgio Agamben's concept. The results of the analysis are then presented in narrative form of conclusion.

3. Discussion

3.1 Transwomen Under the Shadow of State Exclusion

3.1.1 Transgender: A Political Figure of Homo Sacer

Giorgio Agamben, one of the contemporary political philosophers, put forward a radical view of the democratic government system that is currently being used by many countries in the world with various characteristics of each. Agamben found that in an emergency, it would be very easy for a democracy to turn to a totalitarian regime. The state has the ability to normalize emergencies which are commonly understood as exceptions to the normality of a democratic order, so that in an emergency the executive power can suspend the law unilaterally, ignore constitutional procedures and justify violence, then ignore the citizens' rights to freedom.¹¹

Agamben uses the term homo sacer to describe the state of society in contemporary democracies. The state includes everyone in an order with various rules and restrictions. However, the state also exercises power based on the paradigm of administering an emergency status so that even within the legal order, violence and authority still occur.¹²

Agamben bases the state of the homo sacer figure starting from the process of exception or exclusion. According to him, the law in the exception of the highest authority applied to exceptional cases is no longer applied, and based on that case, thus the homo sacer belongs to God in the form of his condition as a person who cannot be sacrificed, and the homo sacer is still included in the community as a human being who is allowed to be sacrificed. killed. A life that cannot be sacrificed and that can be killed is considered holy.¹³

11 Agus Sudibyo, *Demokrasi Dan Kedaruratan: Memahami Filsafat Politik Agamben* (Serpong: Marjin Kiri, 2019).

12 Sudibyo.

13 Giorgio Agamben, *Homo Sacer* (Yogyakarta: IRCiSoD, 2020).

The European Court of Human Rights put forward a state of emergency as an extraordinary condition resulting from a threat to the community and population. The factors that influence the emergence of a state of emergency are classified into two: external and internal.¹⁴ Military invasions and confrontations can be classified as external threats, while natural disasters, rebellions, and the spread of viruses can be classified as internal threats.¹⁵ Such “compelling” conditions give the state the freedom to apply emergency law with procedures that go beyond the law in normal circumstances without ignoring democratic principles and by remaining true to its constitution.

The constitution has flexibility in dealing with emergency situations by giving full control to the head of state or government to assess and determine whether the country is in a state of emergency.¹⁶ As a rule of law, Indonesia upholds the protection of human rights for every citizen, which means that the state has limited authority to take or limit the freedom of its citizens. Some human rights that cannot be taken away by the state even in an emergency situation where fulfillment and respect for them cannot be contested, these rights are referred to as non-derogable rights. Human rights are the main rights that cannot be lost in humans and these rights are always defended from humans. This shows that human rights exist and must be respected by all human beings in the world and in any condition as the outward nature of every human being. However, emergency conditions that threaten the integrity of a country and threaten the stability of government also provide access to government officials to limit certain rights. Rights such as assembly and expression in public, or the right to speak. In essence, this right can be reduced or completely eliminated at a certain time with a time limit under coercive emergency conditions. These rights which can be restricted are known as derogable rights.

Real democracy demands a balance both in the structure of power and the relations that are built regarding how society should be managed with the right system of relations and structures. But in today’s contemporary political conditions, the question regarding the above is even more blurred.¹⁷ Giorgio Agamben, a well-known philosopher from Italy, gave his radical view of democracy as a political system which is expected to uphold equality and legal certainty for all citizens with the principles of separation and control of power, justice and protection against violence, but Agamben was adamant that this is not the case. Talking about the reality of contemporary political conditions that are developing, in an emergency situation, democracy is actually suspended, the disappearance of legal certainty, the separation of centralized powers in the hands of the executive, and the loss of respect for the rights of civil society are the face of today’s democracy. Emergencies such as civil wars, invasions, and terrorism are common catalysts. As a result, according to Agamben, the condition of bare life is inevitable in today’s society, where there is ambiguity in the status of a person who is politically as well as legally excluded.

Agamben put forward his thesis related to homo sacer, namely humans who are living on the threshold with unclear life protection status. Homo sacer is a human being who is excluded by state law as well as divine law. In our view, transwoman is one of the manifestations of homo sacer in this modern era. Life as a trans woman in Indonesia is always associated with stigma and discrimination in society so that cases of violence that befell them are no longer an open secret. This condition is consistent with Agamben’s assumption about bare life, where humans or groups of people have no political significance and are constantly exposed to violence.

When the pandemic hit Indonesia, the state used the excuse of a state of emergency as a justification for excluding vulnerable groups, including trans women. A pandemic is a state of emergency in which the state uses all its power tools to act, including ignoring the formal rules it has produced. The state of emergency also blurs the boundaries of the rights and obligations of citizenship. On the one hand all citizens are required to comply with emergency regulations such as the PSBB, but on the other hand the state ignores the rights of its citizens, especially transwomen which should be obtained and guaranteed by the state, for example the right to receive social assistance and vaccinations.

14 Osgar S Matompo, “Restrictions on Human Rights in an Emergency Perspective,” *Media Hukum* 21, no. 1 (2014): 57–72.

15 Binsar Gultom, *Pelanggaran HAM Dalam Hukum Keadaan Darurat Di Indonesia Mengapa Pengadilan HAM Ad Hoc Indonesia Kurang Efektif* (Jakarta: PT. Gramedia Pustaka Utama, 2010).

16 Arthur Henry; J.G.Merrills Robertson, *Human Rights In Europe A Study of The European Convention on Human Rights* (Manchester: Manchester University Press, 1994).

17 Sukri, “Keniscayaan Konflik Dalam Masyarakat Demokrasi,” *Jurnal Politik Profetik* 04, no. 2 (2016): 153–70.

Politically, the transgender movement or LGBT groups are not taken into account, they even tend to be far from the political arena in Indonesia today. As a result, various political policies have kept transwomen groups away from the attention of the government. Various acts of violence that are also common for trans women stem from their gender expression which is more conspicuous than other LGBT groups making them easy to identify. As a result, transgender people have a high vulnerability to experience discrimination and repression.

Even though Indonesia is not a religious state, it is clear that religion is an integral part of the social life of the Indonesian nation. Religion is always present in society and becomes a belief that is inherent in the human body, so that religion has a core value in establishing social norms. Exclusion and discrimination against waria often appear in the name of religion. Islam as the majority religion embraced by the people of Indonesia clearly has the greatest influence. This includes views on gender identity and expression in Indonesia. Therefore, this kind of stunting further shows that transgender women experience two exclusions, namely exclusion from divine law and worldly law (rules made by State authorities).

3.1.2 Transgender and Citizenship Dilemma

Since the official health emergency was declared by President Jokowi on March 13 2020 due to the outbreak of the Covid-19 pandemic virus, various policies have continued to be carried out such as the PSBB to prevent the mobility of citizens which has the potential to expand the spread of the virus. Penutupan berbagai pusat-pusat keramaian yang juga berpotensi menyebarkan virus, hingga melakukan vaksinasi untuk membentuk kekebalan tubuh terhadap infeksi Covid-19. Sejak 13 Januari 2021, vaksinasi dimulai ditandai dengan penyuntikan dosis vaksin kepada Presiden Jokowi, hal ini juga menandai proses vaksinasi bagi seluruh warga negara untuk membentuk *herd immunity* atau kekebalan kelompok terhadap virus Covid-19.¹⁸

The government stipulates Presidential Regulation Number 99 of 2020 concerning Procurement of Vaccines and Implementation of Vaccinations in the Context of Mitigating the Covid-19 Pandemic. In this regulation, Article 13 Paragraph 2 letter b provides directions to the Ministry of Health to determine criteria and priorities for vaccine recipients. The Ministry of Health then immediately issued a derivative regulation, namely Regulation of the Minister of Health Number 84 of 2020 concerning Implementation of Vaccinations in the Context of Mitigating the Covid-19 Pandemic. The regulation contains the criteria and targets for vaccine recipients by looking at the National Identity Number (NIK) as well as names and addresses through the one-data Covid-19 vaccination information system.

Targeting vaccine recipients with NIK requirements as a condition is a source of problems for citizens.¹⁹ Vaccines as a citizen's right to receive protection from viral infections during a pandemic have actually encountered a "dark room" that the state cannot afford to protect its citizens who do not have a NIK.

The implication is that citizens who have not been able to access public services, especially to obtain a NIK, will be neglected by their basic rights. In fact, the fulfillment of basic rights such as health services is the obligation of the state.

In the case of transwomen in Makassar City, Chaca (28) is an example of a transwoman who could not access vaccines to prevent transmission of Covid-19, because she does not have a NIK. Chaca, who currently works as a make-up artist at a salon in the Mannuruki Village, Makassar City, was constantly afraid of being infected with the virus during the pandemic.²⁰

Everyone is definitely (fearful), especially like me who doesn't have data. It's just that making an ID card is really difficult, to ask other people for help, and this keeps going on and on. I'd been sick, had flu fever, and just slept in my room for a week or two, bought medicine at the pharmacy next door, didn't think about going to the hospital. If there is a file I will definitely go to the hospital, how can it be that I don't want to be healthy, I definitely need a hospital, but what can I do, I'll just stay at home.²¹

18 Dyah Puspita Wisnuwardani, "Vaksinasi COVID-19, Upaya Indonesia Proteksi Diri Agar Virus Corona Pergi," *Liputan6.com*, 2021, <https://www.liputan6.com/health/read/4459657/vaksinasi-covid-19-upaya-indonesia-proteksi-diri-agar-virus-corona-pergi>.

19 Alfian Putra Abdi, "Derita Transgender Di Tengah Covid-19: Tak Ada KTP, Tak Ada Bantuan," *Tirto.id*, 2020, <https://tirto.id/derita-transgender-di-tengah-covid-19-tak-ada-ktp-tak-ada-bantuan-eN8k>.

20 Chaca, "Transpuan Tanpa Kartu Tanda Penduduk," interview in Makassar on 3 August 2022.

21 Chaca, "Transpuan Tanpa Kartu Tanda Penduduk," interview in Makassar on 3 August 2022.

The absence of a NIK, as experienced by Chaca as a trans woman, is not a deliberate factor in not recording e-KTP. Transwomen like Chaca have run away from home since their teens because of the family's opposition to their so-called "inappropriate" gender expression.²² Acts of discrimination, even violence that they experienced by their own families, became the reason why they fled when they were able to support themselves and were no longer dependent on their families. As a result, many of them did not record their e-KTP or did not have population documents at all when they left their hometowns and chose to try their luck in urban areas.²³ For example, data collected in 2017 in Yogyakarta revealed that out of 325 transwomen, around 200 transwomen did not have Citizenship ID/KTP.²⁴ In Chaca's case, he admitted that he had been abandoned by his parents since childhood. The informant grew up in someone else's family which also did not include it on the Family Card.

During a pandemic when citizens like Chaca needed protection from the spread of disease, the state did not provide access. In Agamben's point of view, this context presupposes "exceptional circumstances" which have implications for the non-applicability of the legal order and state obligations that can be suspended as long as other countries have interests.²⁵ That is, the state can take actions that are contrary to the laws it creates on the grounds of a state of emergency. Therefore, for reasons of a state of emergency, the State uses this as a justification for excluding unwanted vulnerable groups, as is the case of Chaca.

Chaca admitted that she had tried to register himself to be vaccinated, but the vaccination officer refused because she did not have any official documents.²⁶ Chaca as an individual who identifies as a trans woman finds a dilemma point in her citizenship status. Chaca, who was born and grew up in this country, does not have access to his rights, namely protection from the state against the threat of the Covid-19 virus which was the reason for imposing an emergency status. On the other hand, Chaca had to comply with the government's political and economic policies during the pandemic which were clearly detrimental to her, such as the PSBB and curfews which automatically limited her space for movement. When referring to Agamben,²⁷ the establishment of an emergency status became a catalyst for the status of transwomen who do not have official documents to become homo sacers during a pandemic. In addition, when the state imposed what Agamben called Camp or restrictions in the form of PSBB, the state increasingly strengthened "sovereign power" to decide who should be defended and who could be abandoned (*homo sacer*).

3.1.3 The Impact of Pandemic on Transwomen

In addition to the government's vaccination policy, accelerating economic recovery is also one of the government's programs during the pandemic. The establishment of the PSBB policy to prevent transmission of the virus had an impact on reducing social mobility, so much so that various sectors became paralyzed. The government distributed social assistance (bansos) during the pandemic as a social safety net for the community so they could survive during the pandemic.

One of the sectors most affected and in need of social assistance is workers in the informal sector. The Informal Sector is a group of micro-enterprises that build their own economic sector, these business groups produce and distribute goods or services in order to create jobs and create opportunities for profit and income.²⁸ Businesses in the informal sector that do not require formal education and do not require large capital to run a business are the sectors trans women generally work in to make a living. Jobs such as barbers in salons, providers of facial make-up services, or masters of ceremonies at public events are carried out by transwomen in Indonesia.

22 Chaca, "Transpuan Tanpa Kartu Tanda Penduduk," interview in Makassar on 3 August 2022.

23 Amindoni, "Transgender: Perjuangan Transpuan Di Masa Pandemi Virus Corona-Hidup Seperti Orang Yang Mati Perlahan."

24 Diego Garcia Rodriguez, "Research on the Impact of COVID-19 on LGBT + Individuals in Indonesia, Nigeria, and Sri Lanka," 2022, https://www.wfd.org/sites/default/files/2022-11/the_impact_on_covid-19_on_lgbt_individuals_in_indonesia_nigeria_and_sri_lanaka_0.pdf.

25 Sudibyo, *Demokrasi Dan Kedaruratan: Memahami Filsafat Politik Agamben*.

26 Chaca, "Transpuan Tanpa Kartu Tanda Penduduk," interview in Makassar on 3 August 2022.

27 Sudibyo, *Demokrasi Dan Kedaruratan: Memahami Filsafat Politik Agamben*.

28 Annisa Ilmi Faried et al., *Sosiologi Ekonomi* (Medan: Yayasan Kita Menulis, 2021).

We found that trans women who generally work in the informal sector are rarely reached by social assistance during a pandemic. We interviewed Chiesta (22), a transwoman who works as a Drag Queen²⁹ in wedding parties. During the pandemic, Chiesta admitted that she did not receive social assistance from the Makassar City government. She admits that she can earn millions of rupiah through her profession as a Drag Queen, but since the pandemic she has had no income at all.

Before the pandemic, my calculations were that if one job was 500K, one month sometimes four and sometimes five times. At the very least, sometimes you can even get a show that costs one million or two million depending on what event and who is inviting. During the pandemic there was absolutely no income, only got another job in 2021, and even then it was only one time and that was someone from KSM.³⁰

Chiesta feels that the reason he and his family are not included in the list of social assistance recipients is because his parents had the academic title “Drs.”, which for some people is assumed to be educated and have an income. In fact, his parents are not workers, but unemployed. According to Chiesta, the social assistance she received came from the transgender community, not from the government.

Not only Chiesta, a trans woman, let’s call her R (25), also experienced difficulties at the beginning of the implementation of the health emergency status. R, who is a trans woman from Wajo Regency, finds it difficult to return to her hometown. The fear of the Covid-19 infection that he might receive and transmit if he returned to his hometown, made R survive for three months in Makassar City. As a migrant citizen, R is not registered as a social assistance beneficiary. R testified that he was not the only one who did not receive social assistance - other transwomen who are native Makassar residents also did not receive social assistance as they should.

As for Makassar (Transwomen) people, none of them have been reached. That’s why many friends confide in, because they don’t know where to complain anymore, because the government doesn’t pay attention to them. Even though we are also very affected and many of our friends who work in the informal sector are ‘at home’, because many offices are reducing employees. And that is a crisis we really feel, everyone from the LGBT community is suffering.³¹

At least we found two causes of transwomen not being able to access the distribution of social assistance for Covid-19. First, the exclusion of trans women from the priority group of Social Assistance recipients. Agamben said that a state of emergency would encourage the state to “abandon” and ignore juridical products as long as they were deemed to be hindering the larger interests of the state during times of crisis.³² The abandonment referred to by Agamben is reflected in the attitude of the Makassar City government which does not make transwomen a priority group for receiving Social Assistance. We interviewed Suhartini (38), one of the Young Expert Social Workers in charge of Social Rehabilitation at the Makassar City Social Service. Duties and Authorities in the Social Rehabilitation Sector according to Regional Regulation Number 22 of 2005 concerning the Formation, Organizational Structure and Work Procedure of the Makassar City Social Service carry out coaching for street children, rehabilitation for homeless people, beggars, prostitutes, disabled people and rehabilitation for delinquent children and drug victims. According to informants, transwomen are classified as prostitutes in the social service development group. Even so, even though trans women are considered prostitutes, they are not a priority target for social assistance.³³ Second, there is a lack of communication between the Makassar City Social Service and transwomen groups in Makassar City. This problem will be explained further in the next section.

3.1.4 Transwomen and DTKS

Integrated Social Welfare Data (DTKS) is a database that stores data on people or individuals who need social welfare services such as recipients of social assistance, potential development and social welfare resources

29 Drag Queen merupakan laki-laki yang menggunakan busana perempuan dan biasanya busana yang digunakan adalah pakaian glamor. Akan tetapi tidak bermaksud untuk menjadi perempuan atau mengubah tubuhnya menjadi perempuan. Lihat Wahyu Tri Muryani and M G Bagus Ani Putra, “Hubungan Romantis Pada Pelakon Drag Queen (Studi Kasus Pada Pelakon Drag Queen Homoseksual Di Surabaya),” *Jurnal Psikologi Kepribadian Dan Sosial* 1, no. 02 (2012): 92–98.

30 Chiesta, “Transpuan Bekerja Sebagai Drag Queen Di Pesta Nikahan,” wawancara di Makassar 7 Agustus 2022.

31 “R,” “Transpuan Tidak Mendapat Bansos Covid-19,” wawancara di Makassar 3 Agustus 2022.

32 Sudibyo, *Demokrasi Dan Kedaruratan: Memahami Filsafat Politik Agamben*.

33 Suhartini, “Pekerja Sosial Ahli Muda Dinas Sosial Kota Makassar Bidang Rehabilitas Sosial” (2022).

to social empowerment. Previously, DTKS was an extension of the Integrated Based Data Management (PDBT) program until it was changed by the government through Minister of Social Affairs Regulation No. 5 of 2019 concerning DTKS Management. The data update carried out in 2016 was transferred from the Central Statistics Agency (BPS) as the person in charge of PDBT to the Ministry of Social Affairs in 2016. The Ministry of Social Data and Information Center has begun to develop SIKS-NG, an integrated information system to provide accurate and up-to-date data related to households requiring social welfare services.

The Advent of the Covid-19 Pandemic in early 2020 made DTKS one of the foundations of the social safety net program in handling and accelerating national economic development due to the outbreak. This also became an alternative for the Ministry of Social Affairs to update information coverage data in the database available at DTKS. The success rate of transforming the social welfare service recipient system has an important role in implementing social protection-based programs in the future, including alleviating poverty and empowering social potentials.

The not up-to-date DTKS is a separate problem. In October 2020 the Ministry of Social Affairs explained that the updated data for DTKS was only 39.1%. This is also influenced by changes in the rules that were previously presented in the form of households into individual units. This change is regulated through Kepmensos Number 12/HUK/2021 Concerning DTKS for 2021. As a result, SIKS Dataku data, which originally included 24 million households in 2020, has now become 140 million individuals in May 2021 who have not been registered with DTKS.³⁴

Looking at the updated data, this shows a decrease compared to the October 2020 DTKS, which was 39.11% in May 2021, dropping to 19.05%. Even though there are differences in units between the two, it can be seen that there are still 80.95% or as many as 113,725,924 people who have not updated their data in May 2021. In the May 2021 DTKS, Sulawesi had the largest percentage of data updates, namely 21.77%.³⁵

This is a serious problem, considering that the distribution of Covid-19 social assistance originates from DTKS as stipulated by Decree of the Minister of Social Affairs Number 54/HUK/2020 concerning Implementation of Basic Food Social Assistance and Cash Social Assistance in Handling the Impact of Covid-19. On one hand, this dilemma pushes local governments to accelerate the distribution of social assistance, and on the other hand the data used as the basis for social assistance distribution needs to be improved to ensure the accuracy of distribution, both distribution data and targets. Ideally, these two things can be done simultaneously, since the focus was only on distributing social assistance. However, the DTKS database comes from NIK, which became a problem for some transwomen so far, as experienced by Chaca.

The next problem we found was that the process of submitting individuals or families through the RT and RW as the smallest unit in the collection of data on recipients of Covid-19 social assistance was prone to not being on target, especially for vulnerable transgender groups. We consider that vulnerable groups such as transwomen and other groups should be submitted directly by the Social Service through the Social Rehabilitation Division. Considering that apart from the administrative problems that trans women often suffer from as previously mentioned, stigma is also one of the reasons trans women are reluctant to be reached by the RT and RW. Suhartini, one of the Makassar Social Service Junior Expert Social Workers, also acknowledged the possibility that prostitutes, such as transwomen, would not receive social assistance benefits.

*There is a possibility that there are transwomen who are not recorded, because if there is no DTKS. The Subdistrict administration would know its residents better.*³⁶

The lack of communication with transwomen advocacy organizations was one of the reasons the Social Service did not fully embrace transwomen during the pandemic. According to the informant, communication between the Makassar City Social Service and the transwomen group only occurred when the Social Services carried out sweeping the streets. The Makassar City Social Service also acknowledged that the pattern of communication with transwomen was to wait for vulnerable groups such as transwomen to come to the Social Services, not the other way around. The government directly involved met with the transgender community to

34 Helmizar et al., *Akuntabilitas Pengelolaan Data Terpadu Kesejahteraan Sosial* (Jakarta: Pusat Kajian Akuntabilitas Keuangan Negara dan Badan Keahlian DPR-RI, 2021).

35 Helmizar et al.

36 Suhartini, "Pekerja Sosial Ahli Muda Dinas Sosial Kota Makassar Bidang Rehabilitas Sosial," wawancara di Makassar 8 September 2022.

discuss the barriers and needs of transgender women. We asked whether the Social Service had ever visited the Sehati Makassar Community, a community that protects and advocates for the interests of transwomen.

*Never, usually NGOs come to Social Services. If they had communicated with us, we would be open to plan some activities. Where were we going to look? we didn't even know who was in charge.*³⁷

3.2 Transwomen Networking and Advocacy

The challenges faced by transgender women above automatically encourage them to be in solidarity and network as an effort to fight the impasse that has been faced so far. When the state excludes them, for reasons of the absence of a NIK which has an impact on the recording of DTKS for example, it is quite rational for them to consolidate themselves and network as an effort to fight for their interests. Transwomen in Makassar responded to this problem by joining under the umbrella of the Makassar Sehati Community.

The formation of the Sehati Makassar Community started with the Gay Forum chatting via dalnet with the name #GIM4MKS, then several people (Gays) got together and carried out several activities by involving several LGBT communities in the activity.³⁸ This internet forum began to get busy in the early 2000s and became media where various communities gather, including the Sehati Makassar Community in the future. The Makassar LGBT group first met via the mrc.net website, a dating media, in the early 2000s. The forum will later become a medium of communication for them to hold meetings and carry out various social activities, such as Gathering, Sahur on The Road, social services at orphanages to activities that specifically display their gender identity such as Miss Uniperes to Q! Screen which is now known as Q! Film Festival, a film screening event with a special theme about the lives of LGBT people.

From these meetings and activities, they realized that there were many cases of violence against LGBT people in Makassar City. Limited knowledge of advocating and assisting survivors of violence from LGBT groups made them agree to form a community in 2007. Widodo Budi Darmo, one of the founders of Arus Pelangi (a Jakarta-based community of LGBT groups), came to Makassar and was the initiator of the formation of this community, which focuses on on education and advocacy of LGBT groups in Makassar City under the name Komunitas Sehati Makassar.³⁹ Sexual Orientation, Gender Identity, Expression, Sex Characteristic (SOGIESC) became the vision as well as the initial concept for the formation of Sehati Makassar Community.

The Sehati Makassar Community as a community that focuses on advocating for the rights of LGBT groups in Makassar City during the pandemic at least sees the need for transgender groups to provide assistance in making KTPs. This is because the need to obtain vaccines and social assistance is urgent during a pandemic. In the process, the Makassar Sehati Community collected data using a Google form which was distributed from group to WhatsApp group for transwomen who wanted to record their e-KTP.

In the mentoring process, the Makassar Sehati Community works closely with the Positive Indonesia Network (JIP), a network organization engaged in advocacy support for people with HIV in Indonesia. Eman Memay Harundja, Head of the Sehati Makassar Community, revealed that the data collection for transwomen who do not have an ID card also works together with the Population and Civil Registry Services to provide socialization regarding e-KTP recording in Makassar City.⁴⁰ Through the e-KTP assistance program, the Sehati Makassar Community succeeded in gathering four transwomen who did not yet have KTPs to do the recording. Of the four people, only one person is entitled to receive a KTP because she had collected files and had data at the Makassar City Population and Civil Registry Service. Three other people, including Chaca, still don't have KTPs because they don't have the required documents such as NIK and Family Cards.⁴¹

37 Suhartini, "Pekerja Sosial Ahli Muda Dinas Sosial Kota Makassar Bidang Rehabilitas Sosial," wawancara di Makassar 8 September 2022.

38 Naufal Farhando, "Penguatan Komunitas Sebagai Basis Gerakan Sosial LGBT Di Indonesia (Studi Kasus : Organisasi Federasi Arus Pelangi)" (Universitas Negeri Jakarta, 2017).

39 Nanang, "Eksistensi Gerakan LGBT Di Sulawesi Selatan," Karebanusa.com, 2020, <https://www.karebanusa.com/2020/12/30/eksistensi-gerakan-lgbt-di-sulawesi-selatan>.

40 Eman Memay Harundja, "Ketua Komunitas Sehati Makassar," interview in Makassar on 31 July 2022.

41 Chaca, "Transpuan Tanpa Kartu Tanda Penduduk," interview in Makassar on 31 July 2022.

Transwomen, who generally work in the informal sector, clearly felt a tremendous impact during the early days of the declaration of a health emergency. The lack of income for them has forced the Sehati Makassar Community together with other non-governmental organizations to raise donations for trans women in need.⁴² In implementing the fundraising and social assistance programs, the Sehati Makassar Community works together with other non-governmental organizations, such as Hivos, Kapal Perempuan, and Inanta, a foundation that focuses on community resilience. One of its activities is the Care for Covid program initiated by Hivos and Kapal Perempuan. Based on the narrative of the informant, the advocacy activities carried out by the Sehati Makassar Community still depend on other non-governmental organizations. This was done because the Makassar Sehati Community lacked resources.

4. Conclusion

Transwomen in Makassar City became *homo sacer* when the health emergency status was declared. An emergency is an entry point for the state to ignore or exclude its citizens and run away from its responsibility to provide sufficient protection for its citizens. With the excuse of not having a NIK, transwomen in Makassar City have lost their rights, even though the state's job is to ensure that the rights of citizens are fulfilled.

In the political context, vaccination policies and PSBB show how difficult it is for transwomen to access their rights as citizens who were born and grew up in this country. The "dark room" that the state cannot reach for transwomen who do not have an ID card creates a citizenship dilemma that further strengthens the life of transwomen in Makassar City as *homo sacer*.

Social assistance intended for residents who work in the informal sector cannot be reached by transwomen. This is because the pattern of communication between the Makassar City Social Service and the transgender community is still very limited. The Social Rehabilitation Division of the Makassar City Social Service, which is responsible for fostering and empowering trans women, is still passive in finding and meeting trans women groups in Makassar City.

Furthermore, regarding the Covid-19 social assistance, DTKS as an integrated data source to determine beneficiary families and individuals shows that the number is far from the target. This is one of the reasons why social assistance for Covid-19 is not on target, including not being able to reach transwomen. On the other hand, granting authority to RTs and RWs to submit proposals for families and individuals beneficiaries of the Covid-19 Social Assistance beneficiaries is very problematic for vulnerable and minority groups such as transwomen. The stigma and discrimination attached to them can be the reason that both RT and RW are reluctant to propose them as beneficiaries of the Covid-19 Social Assistance. DTKS should provide a special space for transwomen and other vulnerable groups who are submitted directly by the Social Service so that the submission process can be more targeted. In order to fight for their interests, trans women must build a network and advocate for each other in order to access basic services.

ACKNOWLEDGMENTS

The author expresses his gratitude to the Political Science Study Program, Alauddin State Islamic University Makassar, which has helped open access to informants and always monitors the progress of this research.

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Author Statements:

Author Contribution - Muh. Wahyu: *conceptualization, writing-original draft*. Abu Bakar: *resources, writing-review&editing*. Muhammad Saleh Tajuddin: *supervision*.

Conflict of Interest - The author declares that he has no conflict of interest with the editors and reviewers of the Jurnal HAM.

