



Rights and the Proportionality of Punishments on Homosexual Relations in Malaysia

Qian Hua Lee¹, Gary Kit Min Ng² and Eng SiangTay³

¹ Student Researcher, Faculty of Law, Multimedia University, Jalan Ayer Keroh Lama, 75450 Melaka, Malaysia

² Lecturer, Faculty of Law, Multimedia University, Jalan Ayer Keroh Lama, 75450 Melaka, Malaysia kmng@mmu.edu.my

³ Senior Lecturer, Faculty of Law, Multimedia University, Jalan Ayer Keroh Lama, 75450 Melaka, Malaysia

Abstract. The protection of human rights of LGBTQ+ people is a relatively new topic in international human rights law in this digital era. Over the years, in the context of sexual acts against the order of nature and emerging Islamic practice, engaging in homosexual behaviour is considered a crime punishable under the law, whereby people in the LGBTQ+ were being discriminated and attacked by the community. Hence, with the calls for gender equality and human rights, this paper focuses on the debate about human rights in homosexual relations, which is gay or lesbian. The research methodology adopted is doctrinal legal research. This paper intends to examine the existence of equal rights given towards homosexual community, and the proportionality of punishments on homosexuality in Malaysia from the secular civil law and Islamic Law perspectives. Besides, a comparison is made between Malaysia and some other selected Asian countries and from the psychological view and health conditions with recommendation to protect the rights of this group as a conclusion.

Keywords: Section 377A of the Penal Code, Homosexual, Constitutional Rights, Islamic Perspective, Human Rights

1 Introduction

Sexual orientation is an attraction towards a person, in a romantic way, either for the same gender or for the opposite gender [1]. Gender identity is the internal sense of self-identity, whereby a person will self-consider either being male, female, both or neither, which is separate from your biological sex [1]. People with a different sexual orientation or gender identity mostly fall under the umbrella term Lesbian, Gay Bisexual, Transgender, Queer and many more (“LGBTQ+”). LGBTQ+ rights are emerging as a national human rights issue as evidence of stigma, discrimination and criminalisation of same-sex sexual orientation and transgender behaviour in the country mounts, which amounts to an offence punishable under the law.

There is a growing global trend towards recognising and protecting LGBTQ+ rights, with many countries enacting legislation to combat discrimination based on sexual orientation and gender identity. International organisations, such as the United Nations,

© The Author(s) 2023

Y. C. Adam and S. A. B. Samsudin (eds.), *Proceedings of the 3rd International Conference on Law and Digitalization 2023 (ICLD 2023)*, Advances in Social Science, Education and Humanities Research 791, https://doi.org/10.2991/978-2-38476-154-8_8

have emphasised the significance of equality and freedom of expression for all individuals [2]. Malaysia, however, presents a unique situation as it has laws criminalising homosexuality and limited legal protections for LGBTQ+ individuals. It is crucial to acknowledge and protect LGBTQ+ rights due to their fundamental human rights, the promotion of social inclusivity and diversity, and the contribution to social progress and economic development.

This paper merely focuses on homosexual behaviour, which is gay and lesbian. Specifically in Malaysia, homosexual sexual intercourse is prohibited under *s 377A of Penal Code*, whereby any person who has sexual connection with another person by the introduction of the penis into the anus or mouth of the other person is said to commit carnal intercourse against the order of nature [3]. Thus, so long as there is penetration between one and another, then it is sufficient to constitute an unlawful sexual connection.

1.1 Problem Statement

By narrowing down to focus on homosexuality, the laws in Malaysia do not recognise the existence of same-sex relationships and even punish those who committed carnal intercourse against the order of nature. Additionally, individuals under the homosexual community do not enjoy equal rights as normal couples, which is therefore in breach of human rights.

1.2 Objective

The objectives of this paper are to examine the existence of equal rights given towards homosexual community, and the proportionality of punishments on homosexuality in Malaysia.

1.3 Research Methodology

The research methodology used in this paper is based on doctrinal legal research, by referring to relevant local statutes such as the Federal Constitution, Penal Code, Human Rights Commission of Malaysia Act 1999 and Penal Codes from Sri Lanka, India and Singapore, cases from Lexis Advance and journal articles as well as comparing civil and Islamic perspectives in Malaysia and comparing with some other selected Asian jurisdictions.

2 Malaysia's Perspective on Homosexuality

Perceptions of homosexuality in Malaysia are influenced by a combination of religious, cultural, and legal factors. The predominantly Muslim country follows Islamic principles and considers homosexuality sinful or morally unacceptable. Furthermore, Malaysian society is generally conservative towards homosexuality, with limited acceptance or recognition of LGBTQ+ rights. Hence, this created challenges and discrimination for the country's LGBTQ+ community, including limited legal

protection, social prejudice and restricted freedom of expression. It is therefore important to understand how homosexuality is viewed in Malaysia in the context of its religious and cultural landscape and laws.

2.1 Federal Constitution

The laws in Malaysia's constitution ensure the protection of basic human rights standards, including gender, nationality, race, religion, and culture. This can be seen in *Article 8(1) of the Federal Constitution*, which states that all persons are equal before the law and entitled to equal protection of the law [4]. Since people can be classified from their age, education level, ability, and occupation, thus the different needs of these people often need to be treated separately.

With that being said, homosexual community should not be treated as a heterogeneous or vulnerable community as it is a form of discrimination. The community will have to go through harsh judgement by the public as they are not acceptable as the so-called "normal humans". In fact, it is suggested that the homosexual community of different sexual orientations should be treated equally like others, without any form of discrimination as to conform to *Article 8(2) of the Federal Constitution*, which emphasises that except as expressly authorised by the Constitution, no law shall discriminate against citizens solely on the grounds of religion, race, descent, place of birth or gender [4]. As such, criminal penalties, conversion attempts, and anti-LGBT rhetoric by government officials are all considered discrimination and deprivation of human rights.

2.2 Penal Code

It is to be noted that *s 377A of the Penal Code* was inherited from the legacy of the British, which forbids sexual intercourse against the order of nature [5]. The English law was then spread and imposed upon Malaysia. With that, Malaysia retained the provision upon independence and continues to criminalise same-sex sexual activity up till today.

However, not many people have heard of *s 377A of the Penal Code*, as before it gained notoriety, same-sex intimacy was less explored and was hardly prosecuted in Malaysia. Up till the case of *Public Prosecutor v Dato' Seri Anwar Ibrahim & Anor*, the accused, Dato' Seri Anwar bin Ibrahim was sentenced to nine years of imprisonment under *s 377B of the Penal Code* for committing carnal intercourse against the order of nature with Azizan bin Abu Bakar in May 1994 [6]. The charge of sodomy previously in the year 2000 against the current Prime Minister Dato' Seri Anwar Ibrahim served as an awakening call for sexuality rights in Malaysia and the society has begun to be concerned and to look into the human rights violations that LGBTQ+ community suffer in Malaysia.

Hence, as illustrated in the Dato' Seri Anwar Ibrahim's case, anyone who commits sexual intercourse against the order of nature shall be punished under *s 377B of the*

Penal Code, with imprisonment for a term which may extend to twenty years and shall also be punished with whipping [3].

2.3 Human Rights Commission of Malaysia Act 1999

Other than that, the *Human Rights Commission of Malaysia Act 1999* (“HRCMA”) also serves as legislation to give legal protection to all citizens and at the same time to promote and to educate on the importance of human rights in Malaysia.

Section 4 (1)(a) of the HRCMA emphasises human rights awareness. It requires the Commission to provide education about human rights to the public [7]. Whilst *s 4(2)(a) of the HRCMA* requires the Human Rights Commission of Malaysia (SUHAKAM) to conduct research and disseminate and distribute the results of such research to better understand the needs of citizens [7]. Thus, relating it to the homosexual community, *HRCMA* is a piece of legislation ensuring that all citizens, regardless of their sexual orientation, are entitled to equal protection and respect for their fundamental rights.

3. Islamic Law Perspective on Homosexuality

Historically, in early Islamic times, homosexuality was seen as a disease or sickness because it amounted to a will to penetrate other men. This “will” is a sin in Islamic teachings [8].

In the Quranic verse, since there is no specific context for homosexuality, by referring to unlawful intercourse as prescribed in *Surah Al-A’raf 7:81* reads “You approach men with lust instead of women. You are a person who goes beyond the limits” [9]. Given this, not only are humans divided into two genders, but the opposite gender is attracted to the other. It has been agreed upon by most of the major doctrines within the Sunni and Shi’a traditions, including the Shafi School, that homosexual intercourse is analogous to heterosexual zina, therefore is a sin [9].

Besides, under the *Syariah Courts (Criminal Jurisdiction) Act 1965* (“SCCJA”), a person who committed unlawful sexual intercourse, including homosexual intercourse will be punished under *s 2 of the SCCJA* [10]. The punishment under Islamic law is usually based on the principle of reformation rather than retribution, which means that the punishment is meant to rehabilitate the offender and prevent them from repeating the offence, rather than merely punishing them for the sake of retribution. Hence, Penal Code carries a heavier punishment than Islamic law.

By viewing the punishments above, all the punishments are deemed to be harsh and disproportionate towards homosexual community as it had already violated *Article 2 of the Universal Declaration of Human Rights* (“UDHR”) which emphasises that human rights belong to everyone [2]. Although there is no specific statement that includes the human rights protection towards LGBTQ+ community, the phrase of ‘other status’ can be impliedly interpreted to include LGBTQ+ community.

Beyond that, there are also Quranic verses which include human diversity and emphasise on the respect towards one's feelings. For instance, the Quranic verse *Surah Al-Isra' (17:84)* reads that "Each one acts according to his own path..." [9] This verse can be interpreted as Islamic teachings accepting human diversity, including the acceptance of varied beliefs and practices other than Islam. Similarly, as per *Surah Ar-Rum (30:21)* "... He has created mates for you from your own kind... He has set between you love and mercy..." [9]. This verse implies that love and happiness can be obtained even with same-sex partners. With that being said, the fact of different sexual orientation may also be accepted generally in order to comply with the principle of human diversity.

Having said that, emphasising the legalisation and normalisation of heterosexual behaviour through the institution of marriage does not affect the positive view of the Qur'an that praises sexual diversity and recognises homosexuality as a legal behaviour endowed by Allah.

4. Comparison between Malaysia and other Asian Countries

Asia is a diverse continent with a wide range of cultural, religious, and societal attitudes towards homosexuality. Hence, the focus on Asian countries provides an opportunity to address the ongoing struggles for LGBTQ+ rights and the need for legal and social reforms.

4.1 Countries Prohibiting Homosexuality

Countries that prohibit homosexuality will have laws to prosecute those who commit homosexual sexual intercourse against the order of nature. Examples of countries used in discussion are Saudi Arabia and Sri Lanka.

Saudi Arabia

Saudi Arabia criminalises homosexuality. Despite there is no written law on sexual orientation or gender identity, due to the applicability of Shariah Law as its national law, judges use uncodified principles of Islamic law to sanction people involved in homosexual relationships or any relationship that is against the order of nature such as homosexuality [11]. As a result, those convicted of homosexuality in Saudi Arabia could be sentenced to death, imprisonment, and caning.

As of June 2022, the Saudi government sought to censor what it considered LGBTQ+ representation items to prevent the chances of promoting homosexuality [12]. Hence, with the strict compliance of Shariah laws and the actions of the Saudi government prohibiting homosexuality, clearly shows the illegality of homosexuality.

Sri Lanka

Section 365 of the Sri Lankan Penal Code criminalises consensual same-sex conduct, punishing those who commit such offences with up to 10 years in prison and a fine [13].

According to the International Lesbian, Gay, Bisexual, Transgender and Intersex Association (“ILGA Asia”), multiple arrests occur each year and detainees are often subjected to torture in the form of beatings and forced anal and vaginal examinations [14]. This shows discrimination and violence against LGBTQ+ people in Sri Lanka, depriving their community of basic rights. The government made an announcement in 2017 that their Human Rights Action Plan will be updated by adding an addendum prohibiting discrimination against sexual orientation, however, as of year 2022, there have been no further attempts to repeal *s 365 of the Sri Lankan Penal Code*.

In addition, the constitutionality of *s 365 of the Sri Lankan Penal Code* may not be challenged because there is no power to judicial review given to the Supreme Court. *Sections 365 and 365A* were held to be unenforceable following the decision of the Supreme Court of Sri Lanka in *Officer-in-Charge, Police Station, Maradana v Wimalasiri and Jeganathan* [15]. However, the court noted that “sodomy” is still considered “indecent acts” in Sri Lanka and remains a criminal offence. Ultimately, the court increased the sentence from one year to two years.

4.2 Countries Accepting Homosexuality

Asian countries such as Taiwan, India, and Singapore are prominent examples of significant progress in creating an inclusive environment to protect individuals from persecution based on sexual orientation. The following discussion will delve into the specific situation and progress in the acceptance of homosexuality in these Asian countries.

Taiwan

Taiwan was previously rooted in conservative social norms influenced by Confucian values but has since undergone a major shift towards embracing LGBTQ+ rights.

In May 2017, Taiwan’s Constitutional Court made a landmark ruling, declaring the ban on same-sex marriage unconstitutional [16]. The court gave the government a two-year timeframe to make the necessary legal changes. Consequently, on May 17, 2019, Taiwan became the first country in Asia to legalise same-sex marriage, marking a significant advancement for LGBTQ+ rights in the region.

In short, Taiwan has emerged as a trailblazer and a leader in promoting LGBTQ+ rights within Asia, paving the way for greater equality and understanding as the nation actively promoted education and acceptance of diverse sexual orientations.

India

Historical documentary evidence shows that homosexuality has been prevalent in India throughout history. This is illustrated in the Indian text *Vātsyāyana*, which illustrated

an entire chapter to erotic homosexuality among the Indians [17]. And due to the continuance of implementation of *s 377 of the Indian Penal Code*, homosexuality is not being accepted among the Indian community and is considered as an offence under the law [18].

Years later, in February 2017, the Ministry of Health and Family Welfare opined that it is normal that adolescents will be attracted to anyone of the same or opposite sex, so long as the relationship is based on mutual consent and respect [19].

On 6 September 2018, homosexuality was legalised in India. This can be seen in the landmark decision of the Supreme Court of India, *Navej Singh Johar & Ors. v. Union of India thr. Secretary Ministry of Law and Justice* [20]. The court invalidated *s 377 of the Indian Penal Code* by decriminalising all consensual sex among adults, including homosexual sex. Furthermore, a ruling by the Supreme Court of India in the case of *Deepika Singh v Central Administrative Tribunal* [21] broadens the definition of “family” to include queer relationships, thereby providing homosexual couples with the same rights and benefits as married couples.

As a result, LGBTQ+ rights have been legalised and the community can obtain the same rights and benefits as individuals in heterosexual relationships.

Singapore

Singapore is also one of the countries that choose to legalise homosexual relationships after India. In early 2019, LGBTQ+ people were protected from threats or acts of violence by relevant authorities. With the amendment of the *Maintenance of Religious Harmony Act 1990*, there are laws and legislations that protect the LGBTQ+ community from religiously motivated violence. With that being said, Singapore takes a leap to improve their laws and ensure the human rights of LGBTQ+ community.

Most recently, on 29 November 2022, Parliament of Singapore officially passed the repeal of *s 377A of the Singapore Penal Code* [22]. This means that any homosexual relationship that occurred after the introduction of the repeal of *s 377A*, is not an offence under the law. Prime Minister Lee Hsien Loong explained that the rationale for the repeal is to bring the country’s laws in line with prevailing social customs and enable the nation to move forward in unity [23].

In short, Singapore’s attitudes towards LGBTQ+ issues have shifted towards a more liberal stance whereby homosexual relationship is no longer a crime punishable under the law.

4.3 Comparison to Malaysia

According to *Article 121(1A) of the Federal Constitution*, Malaysia practises a dual legal system which consists of secular civil law and Islamic law.[4] Both laws prohibit carnal intercourse against the order of nature and such offence will be punished with whipping or imprisonment under the *Penal Code*, whilst in Islamic law, such offence will be punished with 100 lashes [9].

As of *Article 2 of the UDHR*, the law emphasises the freedom from discrimination, without distinction of any kind including the minorities and vulnerable communities [2]. This *Article 2* actively advocates that human rights belong to everyone, laying the foundation to stand against discrimination and act as a shield for the protection of minorities and vulnerable groups. Hence, it has been observed that Asian countries, such as India and Singapore, had challenged the constitutionality of *section 377 of the Penal Code* to promote the human rights of their citizens.

Thus, the laws in Malaysia should develop, grow, and change with the needs of the people. Malaysia should step out from the traditional way of thinking and grant mutual respect, equal rights, and protection to homosexual relationships in this digital era. There is no need to establish new laws stating specific rights, or to create new international human rights standards. All that is needed is to provide protection for those who are committed in homosexual relationships, from violence and discrimination.

5. Psychological View and Health Conditions

Generally, people often see homosexuality as a psychological condition that needs to be treated and cured. Originally, homosexuality was categorised as a form of mental disorder under the first edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-I) in 1952 [24].

After decades of research and clinical experience, it concluded that these orientations represent the normal form of human experience. Therefore, DSM-III [25] and the eleventh revision of the International Classification of Diseases (ICD-11) [26] revised all conditions related to sexual orientation and concluded that these orientations represent normal forms of the human experience and attraction.

In 2016, the Malaysian government, JAKIM ran an app “Hijrah Diri” on Google Play to help the conversion of LGBTQ+ community [27]. However, the app was removed by Google in 2022 as it attempted to deceive users or facilitate dishonest behaviour [28]. Therefore, it is safe to say that conversion therapy is harmful practice that can cause long-term harm to those receiving it.

Besides that, there are also concerns about the health conditions of homosexual relationships, stating that there is a higher risk in homosexual communities to be tested Human Immunodeficiency Virus (HIV) positive which could lead to acquired immunodeficiency syndrome (AIDS). However, a person can be infected with HIV through having sexual intercourse, by sharing needles, by blood transfusions, or even through breastfeeding [29]. Therefore, throwing blame on the homosexual relationship remains a stereotype and is unfair.

6. Conclusion and Recommendations

This paper has discussed the rights of homosexual relations in regard to sexual intercourse against the order of nature and its proportionality of punishments in

Malaysia. Certainly, human rights violations based on sexual orientation or gender identity and the punishment towards homosexual relations constitute legitimate areas of human rights concern in Malaysia.

The punishment towards consenting adults that commit carnal intercourse against the order of nature is way too harsh and disproportionate since same-sex attraction is not a disease nor a mental disorder, and it occurs naturally. The law should develop, grow, and change with the needs of the people. With this, Malaysians should adopt a more liberal attitude towards those who engage in homosexual relationships instead of judging them or classifying them as heterogeneous. The government should further educate citizens on the provisions of the *Federal Constitution*, and to give equal rights and protections to citizens.

With due respect towards Islamic religion, it is proposed that homosexual relations should gradually be accepted in Malaysia in this digital era. This does not however mean that we should promote or encourage it. Hence, *s 377A and 377B of the Penal Code* should be repealed accordingly to confine the offence to involuntary act.

References

- [1] Garner, B. A. (2014). *Black's Law Dictionary*. *Black's Law Dictionary, 10th edition*. West.
- [2] Universal Declaration of Human Rights 1948 (NY).
- [3] Penal Code (Act 574) (MY).
- [4] Federal Constitution
- [5] Lim, V. (2022, August 19). *CNA explains: The history of 377A and how some countries have repealed it*. CNA. <https://www.channelnewsasia.com/singapore/section-377a-gay-sex-law-history-countries-lgbt-repeal-2885976> accessed 28 May 2023.
- [6] Public Prosecutor v Dato' Seri Anwar Ibrahim & Anor, 3 MLJ 193 Lexis Advance (MLJ 2001). Retrieved from <https://advance.lexis.com/document/documentlink/?pdmfid=1522468&crd=f2345d98-1a37-4111-a15b-5b982ae5bd94&pddocfullpath=%2Fshared%2Fdocument%2Fcases-my%2Furn%3AcontentItem%3A5RC3-MNB1-JJYN-B2HH-0000-00&pdcontentcomponentid=235222&pddoctitle=%5B2001%5D+3+MLJ+193&pdmetaitem=highlighttoken%2Crecalltoken&pdproductcontenttypeid=urn%3Apct%3A348&pdiskwicview=false&ecomp=m5x3k&prid=2c1e26a2-a5e2-4c00-a520-54edefe909cc>. accessed 28 May 2023.
- [7] Human Rights Commission of Malaysia Act 1999 (Act 97) (MY).
- [8] El-Rouayheb, K. (2011). *Before homosexuality in the Arab-islamic world, 1500-1800*. Readhowyouwant.com Ltd.
- [9] The Qur'an, 2004.
- [10] Syariah Courts (Criminal Jurisdiction) Act 1965 (Act 355) (MY).
- [11] The Embassy of The Kingdom of Saudi Arabia. (2019). *Legal and Judicial Structure | The Embassy of The Kingdom of Saudi Arabia*. Saudiembassy.net. <https://www.saudiembassy.net/legal-and-judicial-structure-0> accessed 28 May 2023.
- [12] Mahmood, Z., & Basil, Y. (2022, June 19). *Rainbow-colored toys and clothing are seized in Saudi Arabia for indirectly "promoting homosexuality."* CNN. <https://edition.cnn.com/2022/06/19/middleeast/saudi-arabia-rainbow-colored-toys-ban-intl/index.html#:~:text=Saudi%20Arabian%20government%20officials%20have,run%20TV%20channel%20al%20DEkhbariya>. accessed 28 May 2023.
- [13] Sri Lankan Penal Code 1883 (LK).

- [14] *Publications — ILGA Asia.* (2001, February 25). ILGA Asia. <https://www.ilgaasia.org/publications#:~:text=On%2031%20August%202021%2C%20ILGA,thematic%20reports%20for%20Sri%20Lanka>. accessed 28 May 2023.
- [15] Officer-in-Charge, Police Station, Maradana v Wimalasiri and Jeganathan, Supreme Court Sri Lanka (Sri Lanka Supreme Court 2009). Retrieved from http://www.supremecourt.lk/images/documents/sc_appeal_32_11.pdf. accessed 28 May 2023.
- [16] Judicial Yuan Interpretation No. 748., Constitutional Court R.O.C (Taiwan) (Constitutional Court 2017). Retrieved from <https://cons.judicial.gov.tw/en/docdata.aspx?fid=100&id=310929>. accessed 28 May 2023.
- [17] Vātsyāyana. (2002). *Kamasutra : a new, complete English translation of the Sanskrit text ; with excerpts from the Sanskrit Jayamangala commentary of Yashodhara Indrapada, the Hindi Jaya commentary of Devadatta Shastri, and explanatory notes by the translators.* Oxford University Press, USA.
- [18] Garg, R. (2022, September 26). *Is homosexuality legal in India - iPleaders.* iPleaders. <https://blog.ipleaders.in/is-homosexuality-legal-in-india/> accessed 28 May 2023.
- [19] Online, F. (2017, February 21). Homosexual attraction is OK; ‘NO’ means no: Health Ministry rises above Indian stereotypes. *Financial Express.* <https://www.financialexpress.com/india-news/homosexual-attraction-is-ok-no-means-no-health-ministry-rises-above-indian-stereotypes/560227/> accessed 28 May 2023.
- [20] Navtej Singh Johar & Ors. v. Union of India thr. Secretary Ministry of Law and Justice, Lexis Advance (Supreme Court of India 2018). Retrieved from [https://advance.lexis.com/document/documentlink/?pdmfid=1522468&crd=b7e65df1-e28a-4b54-9e0c-b2fd288c7688&pddocfullpath=%2Fshared%2Fdocument%2Fcases-in%2Furn%3AcontentItem%3A5VK9-J3G1-F60C-X1T9-00000-00&pdcontentcomponentid=345583&pddoctitle=\(2018\)+4+MLJ+\(CrI\)+306&pdproductcontenttypeid=urn%3Apect%3A368&pdiskwiview=false&ecompm5x3k&prid=e50bbe45-03da-481d-8de0-39b8bd495850](https://advance.lexis.com/document/documentlink/?pdmfid=1522468&crd=b7e65df1-e28a-4b54-9e0c-b2fd288c7688&pddocfullpath=%2Fshared%2Fdocument%2Fcases-in%2Furn%3AcontentItem%3A5VK9-J3G1-F60C-X1T9-00000-00&pdcontentcomponentid=345583&pddoctitle=(2018)+4+MLJ+(CrI)+306&pdproductcontenttypeid=urn%3Apect%3A368&pdiskwiview=false&ecompm5x3k&prid=e50bbe45-03da-481d-8de0-39b8bd495850). accessed 28 May 2023.
- [21] Deepika Singh v Central Administrative Tribunal, SCC Online (Supreme Court of India 2002). Retrieved from <https://www.sconline.com/blog/post/2022/11/24/deepika-singh-v-central-administrative-tribunal-path-shone-by-the-supreme-court/#fn7>. accessed 28 May 2023.
- [22] Singapore Penal Code 1871 (SG).
- [23] Auto, H. (2022, August 22). NDR 2022: Govt will repeal Section 377A, but also amend Constitution to protect marriage from legal challenges. *The Straits Times.* <https://www.straitstimes.com/singapore/politics/ndr-2022-govt-will-repeal-section-377a-decriminalise-sex-between-men> accessed 28 May 2023.
- [24] Association, C. O. N. a. S. a. P. (1952). *Mental disorders : diagnostic and statistical manual.*
- [25] Association, A. P., & Dsm-Iii, A. P. a. W. G. T. R. (1987). *Diagnostic and Statistical Manual of Mental Disorders: DSM-III-R.* American Psychiatric Publishing.
- [26] *ICD-11.* (n.d.). <https://icd.who.int/en> accessed 28 May 2023.
- [27] Pejabat Mufti Wilayah Persekutuan. (2022, March 26). *BAYAN LINNAS SIRI KE- 249: Sekatan Aplikasi ‘Hijrah Diri’ JAKIM - Dimana Kebebasan yang Diperjuangkan?* <https://muftiwp.gov.my/perkhidmatan/artikel-soal-jawab/5179-bayan-linnas-siri-ke-249-sekatan-aplikasi-hijrah-diri-jakim-dimana-kebebasan-yang-diperjuangkan> accessed 28 May 2023.
- [28] Ratcliffe, R. (2022, March 17). Malaysian government’s ‘gay conversion’ app pulled by Google Play. *The Guardian.* <https://www.theguardian.com/world/2022/mar/17/malaysian-governments-gay-conversion-app-pulled-by-google-play> accessed 28 May 2023.
- [29] In Danger: UNAIDS Global AIDS Update 2022. (2022). In *United Nations eBooks.* <https://doi.org/10.18356/9789210019798> accessed 28 May 2023.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

