

Peran edith windsor dalam upaya penghapusan diskriminasi terhadap homoseksual di Amerika Serikat : studi kasus gugatan Edith Windsor terhadap pasal ketiga Defence of Marriage ACT (Doma) tahun 2013 = The role of Edith Windsor in effort elimination of discrimination against homosexuals in the United States : a case study of article third lawsuit against windsor defense of marriage ACT (Doma) in 2013

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Abstrak

Penelitian ini membahas tentang peran Edith Windsor untuk menghapus diskriminasi terhadap kaum homoseksual di Amerika Serikat khususnya menghapus praktik Pasal Ketiga Defence of Marriage Act (DOMA). Permasalahan dalam penelitian ini adalah bagaimana peran Edith Windsor dalam upaya menggugat praktik Pasal Ketiga Defence of Marriage Act (DOMA) di Mahkamah Agung Amerika Serikat dan bagaimana hasilnya. Penelitian ini merupakan penelitian eksplanatif dengan menggunakan pendekatan kualitatif. Teori gerakan sosial baru dan teori queer serta konsep homoseksual digunakan dalam penelitian ini.

Hasil dari penelitian ini adalah Edith Windsor berhasil memenangkan gugatannya dengan harus melewati berbagai judicial review yang diajukan oleh mereka yang anti-homoseksual. Adapun cara Edith Windsor dalam upaya penghapusan diskriminasi tersebut, yaitu melalui advokasi litigasi (citizen law suit). Dari peran yang dilakukan, Edith Windsor berhasil mengangkat kembali isu diskriminasi hingga terbentuk usulan draft RUU pernikahan yang baru di Kongres. Penelitian ini berkesimpulan bahwa perjuangan Edith Windsor berhasil menyatakan Pasal Ketiga DOMA sebagai sesuatu yang inkonstitusional.

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This research discusses about the role of Edith Windsor to eliminate discrimination against homosexuals in the United States in particular eliminate the practice of Article Third Defense of Marriage Act (DOMA). The problem in this research is how the role of Edith Windsor in an attempt to sue the practice of Article Third Defense of Marriage Act (DOMA) in the Supreme Court of the United States and how the results. This research is an explanatory research using qualitative approach. This research employs theory of new social movement, queer theory and also homosexuals concepts.

The results of this study are Edith Windsor won the lawsuit that must passed through various appeals judicial review by those who are anti-homosexual. As for how Edith Windsor in an effort to eliminate such discrimination, which is through litigation advocacy (citizen law suit). Of the role played by, Edith Windsor successfully raised the issue of discrimination and formed the proposed draft new marriage bill in congress. This research concluded that the struggle by Edith Windsor managed to declare Article Third DOMA as unconstitutional.