# JSEAHR

# JOURNAL OF SOUTHEAST ASIAN HUMAN RIGHTS

Volume 4 | Issue 1

### A production of:







# Volume 4 | Issue 1

June 2020

This journal is indexed by:



A Production of SEPAHAM Indonesia and The Centre for Human Rights, Multiculturalism, and Migration at University of Jember

## The Journal of Southeast Asian Human Rights

### A Bi-annual Publication of:



*The Journal of Southeast Asian Human Rights* (JSEAHR) explores human rights realities in South East Asian region from various perspectives. The JSEAHR is a peer-reviewed journal co-organized by the Centre for Human Rights, Multiculturalism, and Migration (CHRM2) University of Jember and the Indonesian Consortium for Human Rights Lecturers (SEPAHAM Indonesia). Published twice a year, the Journal welcomes empirical, multi-disciplinary, and doctrinal approaches to explore the historical and recent situation of human rights in South East Asia. The combination of editorial board members from South East Asia, Europe, and Japan creates a unique forum for South East Asian and other scholars to exchange ideas of interest about human rights issues in the region.

### Editor in Chief

Dr. Al Khanif, University of Jember, chairperson of the Indonesian Human Rights Lecturers (SEPAHAM) Indonesia and director of the Centre for Human Rights, Multiculturalism and Migration (CHRM2) Indonesia

### **Editorial Board**

Dr. Sarah Moulds, University of South Australia, Australia Dr. Herlambang Perdana Wiratraman, University of Airlangga, Indonesia Prof. Dr. Yuzuru Shimada, Nagoya University, Japan Dr. Nyi Nyi Kyaw, Institute of South East Asian Studies (ISEAS), Singapore Dr. Alex Grainger, Kent University, United Kingdom Dr. Abu Bakar Eby Hara, University of Jember, Indonesia Dr. Dian Abdul Hamid Shah, National University of Singapore Prof. Dr. Carol Tan, School of Oriental and African Studies (SOAS), University of London, United Kingdom Prof. Dr. Mashood Ahmad Baderin, School of Oriental and African Studies (SOAS), University of London, United Kingdom Dr. Vina Adrivani, Indonesia University of Education, Indonesia Dr. Iman Prihandono, University of Airlangga, Indonesia Prof. Dr. Werner F. Menski, School of Oriental and African Studies (SOAS) University of London Bennedict Roger, Christian Solidarity Worldwide, United Kingdom Prof. Dr. Hasani Mohd. Ali, University Kebangsaan Malaysia, Malaysia Dr. Erwin Nur Rif'ah, University of Jember, Indonesia Dr. Vanja Hamzic, School of Oriental and African Studies, University of London, United Kingdom Stacia Yoon, Attorney of the SY Law Corp, Indiana, United State of America Dr. Winibaldus S. Mere, Nanzan University, Japan Dr. Khoo Ying Hooi, University of Malava, Malaysia

### Language Editor

William T. Hunter, Resident VIA Fellow at CHRM2, University of Jember (2017 - 2018) Eleanor C. Jones, Resident VIA Fellow at CHRM2, University of Jember (2018 - 2019) Tamara S. Biddle, Resident VIA Fellow at CHRM2, University of Jember (2018 - 2019) Ibrahim Bharmal, Resident VIA Fellow at CHRM2, University of Jember (2019 - 2020) Hannah K. Sorenson, Resident VIA Fellow at CHRM2, University of Jember (2019 - 2020)

### **Copy Editor**

Dr. Jesper Kulvmann, CHRM2 Post Doctoral Fellow

### Assistant of Copy Editor

Silvia Laurent E. Putri, CHRM2, University of Jember Deirdre Conroy, Virginia Technology/CHRM2 Fellow Cindy Claudia Putri, CHRM2, University of Jember

### Layout Designer

Ikhwan Firjaun Barlaman (Web Designer), Research Assistant at CHRM2, University of Jember Hartawan Bahari M. (Graphic Designer), Research Assistant at CHRM2, University of Jember

### EDITORIAL

i-iii Introduction Al Khanif, Franklin De Vrieze

### SPECIAL EDITION ON POST-LEGISLATIVE SCRUTINY

| 1-22    | Applying Post-Legislative Scrutiny to the Analysis of Legislation and SDGs in South and Southeast Asia<br>Franklin De Vrieze, Fotios Fitsilis                                |
|---------|--|
| 23-51   | <b>Poor PLS of Security Sector Reform and Its Impacts on Human Rights<br/>and Civil-Military Relations in Indonesia</b><br><i>Poltak Partogi Nainggolan, Riris Katharina</i> |
| 52-68   | <b>Post-legislative scrutiny (PLS) in the Process of Democratic Transition in Malaysia</b><br><i>Khoo Ying Hooi</i>  |
| 69-99   | The Legislators' Engagement in Policy-making and Post-legislative<br>Scrutiny in Nepal Since 1991<br>Sanjaya Mahato, Rupesh Kumar Sah, Pooja Chaudhary                       |
| 100-127 | Parliaments in Europe Engaging in Post-legislative Scrutiny  |

### Elena Griglio,Nicola Lupo

### **COMMENTARIES**

**128-139** Myanmar: the country That 'has it all' Susan Banki

### ARTICLES

- 140-167Shrinking space for free expression in Cambodia during Covid-19Kate Seewald
- 168-199The Right to Health in Evidence-based Policymaking: The Case of<br/>Indonesia, 2009-2017<br/>Farah Purwaningrum, Fiona McDonald, Stephanie Doris Short
- 200-225 The Implications of the NGO Law on the Right to Freedom of Association of Human Rights Defenders in Cambodia Boravin Tann

| 226-252 | Norms from Above, Movements from Below: Climate Change and        |
|---------|---|
|         | Global-Local Dynamics of Indigenous Resistance in the Philippines |
|         | and Indonesia   |
|         | Ferth Vandensteen Manaysay  |

- 253-270 The Paradox Between Universalism of Human Rights and Relativism of Culture: A Case Study of Honour Killings in India Amit Kumar Singh
- 271-305 Comparative Analysis of the Status of Homosexual Men in Indonesia and the Philippines Dr. Adihartono, W., Ellisiah Uy Jocson
- **306-334** Does Indonesian COVID-19 Emergency Law Secure Rule of Law and Human Rights? Herlambang P. Wiratraman