

## Commentary on “Marginalisation and Human Rights in Southeast Asia” by Routledge

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### Abstract

Human rights and democracy in Southeast Asia continue to attract the attention of scientists in this region to study and examine them in depth. In this context, a centralized and methodical style of authoritarianism, such as that used by Suharto's New Order in Indonesia, has restricted public dialogue of human rights and democracy, and is unlikely to attract the public of Southeast Asia today, according to social scientists, researchers, and Islamic scholars (ulemas). The people of Southeast Asia are tireless champions of human rights, social justice, and democracy to this day. The editors of this book, namely Al Khanif and Khoo Ying Hooi, have put together a book that, in its own way, succinctly and forcefully analyzes marginalization and human rights in Southeast Asia and provides a range of perspectives on the subject. This book covers a wide range of topics, including the success of ASEAN cooperation in ending statelessness, human rights violations committed against migrant workers, the protection of disabled people's rights on a regional scale, the Rohingya refugee crisis, the Moro's plight, religious and ethnic minorities' rights, academic freedom in authoritarian regimes, child abuse, and security concerns in Southeast Asia.

Keywords: *Southeast Asia, Human Rights*

Human rights and democracy in Southeast Asia continue to attract the attention of scholars from the region for in depth research and discussion. A centralized and methodical style of authoritarianism, such as that used by Suharto's New Order in Indonesia, restricted public dialogue of human rights and democracy, and is unlikely to attract the public of Southeast Asia today, according to social scientists, researchers, and Islamic scholars (ulemas). The people of Southeast Asia are tireless champions of human rights, social justice, and democracy to this day.

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Asia and provides a range of perspectives on the subject. This book covers a wide range of topics, including the success of ASEAN cooperation in ending statelessness, human rights violations committed against migrant workers, the protection of disabled people's rights on a regional scale, the Rohingya refugee crisis, the Moro's plight, religious and ethnic minorities' rights, academic freedom in authoritarian regimes, child abuse, and security concerns in Southeast Asia.

Human rights breaches in Southeast Asia share many commonalities, but they also vary widely from country to country due to the wide range in the use and abuse of political power. This book examines the connection between discrimination and the erosion of human rights for marginalized populations. Particular attention is paid to disadvantaged groups such as children, indigenous peoples, transient workers, and refugees.

This book also draws attention to the unequal access to resources and opportunities for minority and disadvantaged communities in Southeast Asia. It looks at marginalization from different perspectives, including regional and national ones.

Human rights provide in depth examinations of the efforts made and the ways in which larger socio-economic and political structures affect the access to, or denial of, basic freedoms for various groups of people around the world. The contributors of this book claim that protecting citizens from human rights abuses is still a big challenge for many Southeast Asian nations.

In the Indonesian context, it is worth noting that under President Joko Widodo, both al Khanif and Herlambang Wiratraman have written extensively on the issues of religious minorities and academic freedom. Human rights are seen as issues of state power by most Indonesians, particularly those who grew up during the Soeharto New Order era and experiences during the Joko Widodo era. The concentration of authority shapes how human rights are understood and implemented.<sup>1</sup> A non-dialogue-fostering discourse emerges when citizens are taught to keep their personal lives separate from public issues, which are those that fall under the purview of the state.

Writers in the book observe that the mainstreaming of governmental interests cannot be substituted for individual wants, and that this fact frames the confrontation between public and private in the development programs of countries in Southeast Asia. Furthermore, the state has positioned itself in a place that is outside the reach of criticism and dissent in both Indonesia under Suharto and the Philippines under Ferdinand Marcos. As a result, the state, as representatives and leaders, continues to manage and regulate public debate.

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<sup>1</sup> Al Khanif, *Religious Minorities, Islam and the Law: International Human Rights and Islamic Law in Indonesia* (London: Routledge, 2021).

Despite democratization following the overthrow of dictators like Soeharto in Indonesia and Marcos in the Philippines, human rights, press freedom, and other fundamental liberties continue to be threatened in both nations.<sup>2</sup>

Herlambang P. Wiratraman, in chapter 12, stresses that academic freedom is still being repressed and silenced in the Indonesian setting. It's not complete repression, though. In legal parlance, this is called a "derogable right," meaning a "right" or "freedom" that can be waived or restricted. However, in order to foster moral development in society, constraints on freedom must highlight freedom's role in the advancement of human civilization. Academic freedom is not only addressed expressly in the Law on Higher Education and is translated in the University Statutes, but it is also the subject of efforts to assert such a stance on campus, which serves as an academic community atmosphere. However, its conceptual significance is murky, and therefore can't be used as a legal reference to safeguard those liberties.

The truth of the situation on campuses is that academic freedom is under siege, and this is not surprising given the absence of a clear or stringent legal definition, including the wording of the constraints. Utilizing anti-communist backlash, religious intolerance, and corporate influence on campuses, the last five years have seen a dramatic increase in documented cases of pressure on academic freedom.

Herlambang P. Wiratraman stated that since 2014, many colleges, including those in Yogyakarta, Malang, and Surabaya, have banned the screening of *Silent*, directed by Joshua Oppenheimer. Take, for instance, the defamation report filed by South Jakarta District Court Judge Sarpin Rizaldi against Professor Komariah Emong of Padjadjaran University and Professors Charles Simabura and Feri Amsari of Andalas University for criticizing Judge Sarpin's judgment. When Dr. Case Rosnida Sari brought her students to church to hear priests explain gender relations in Christianity, she was accused of imparting "wild teachings" and reprimanded by her university (Ar Raniry State Islamic University, Banda Aceh). Even now, her situation has a lasting effect on her because, in addition to the threats he faced, she was denied an equal share of teaching duties at the university.

This book reveals that Indonesia, Malaysia, Thailand, and the Philippines are all examples of countries in Southeast Asia where the educated elite has formed structures that are not always able to have a critical stance towards the State. State-conditioned speech permeates the public consciousness.

By reading Al Khanif 's views in this book, we can imagine that, under the New Order in Indonesia, for example, the media itself served as a spokesperson for the

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<sup>2</sup> Herdi Sahrasad, *Asia Tenggara, Kuasa dan Kepemimpinan*, limited edition ed (Lhokseumawe, Aceh: Freedom Foundation dan Unimal Press, 2019).

government, hence official pronouncements were made to the public in the third person. However, some of the current situation and conditions are still unchanged because of the ongoing repression and confinement of press freedom. The current reform regime in Indonesia has aspirations to realize democracy and human rights in all aspects of life, uphold the rule of law and respect for human rights without discrimination. However, instead of the long coveted democratic life, rule of law and human rights being upheld, what happens on the contrary; freedom gives rise to acts of violence and discrimination that are no less haphazard than the despotic rulers of the old regime.

In my opinion, Al Khanif in his writings in this book "Protecting Indonesia's Religious Minorities: A Challenging Task," opens the eyes of the readers' hearts that religious minorities in Indonesia still experience violence, pressure, persecution, and discrimination. The difference is that violence and discrimination in this regime are no longer perpetrated by the state authorities alone, but by a handful of community groups with certain identities. The presence of this group seems to present oligarchic power in the midst of legitimate republican administration. Violence and discriminatory treatment in Indonesia today seem to have strengthened in shaping social institutions, which are institutionalized.

A series of bitter incidents in the recent reform era grazed matters that intersect with religion, which attacked the existence of religious minorities and claimed many victims. These various acts of violence and discrimination can be witnessed by the rampant incidents of murder, torture, rape, kidnapping and acts of anarchism in the form of destroying educational institutions and places of worship, as well as various forms of discriminatory acts and coercion from the powerful against the powerless. Borrowing Azyumardi Azra's view<sup>3</sup>, religious and socio-political sectarianism has seen an increase in Indonesia since liberal democracy after Soeharto's New Order was implemented in 1999.

The history of Indonesia proves that the government has failed to protect religious minorities like Ahmadiyah and Shia from intolerance and persecution. Lack of political will and democratic spirit on the side of public authorities and state elites is reflected in the state's failure to protect religious freedom for its minority citizens.

The pro-contra stances of Ahmadiyya and Shia, for example, polarized the ummah in brutal ways, leading to the current crisis. This book argues that in the current era of reformation, Indonesia should approach minority issues rationally and avoid resorting to violence. Public leaders should be aware that a focus on political ideas that support justice will also strengthen the law and the constitution, as explored in this book.

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3 Azyumardi Azra, "Waspada! Sektarianisme", *Koran Kompas* (11 January 2013).

Indonesia, Malaysia, Thailand, and the Philippines are all examples of countries in Southeast Asia where the educated elite has formed structures that are not always able to have a critical stance towards the state.<sup>4</sup> State-conditioned speech permeates the public consciousness. Under the New Order in Indonesia, the media itself served as a spokesperson for the government, hence official pronouncements were made to the public in the third person.

According to Al Khanif's assessment of Indonesia's current trajectory, it's apparent that the government is unable to guarantee the safety of religious minorities like the Ahmadiyah and the Shia. Lack of political will and democratic spirit on the side of public authorities and state elites is reflected in the state's failure to protect religious freedom for its minority citizens.

Ahmadiyya and Shia circles of communities have split the ummah with their pro-contra stances. This book argues that in the current era of reformation, Indonesia should approach minority issues rationally and avoid resorting to violence. Public leaders should be aware that a focus on political ideas that support justice will also strengthen the law and the constitution.

This book is sure to be well-received in the domains of Asian Law and Human Rights in Asia, particularly Southeast Asia, because it offers a new perspective on marginalization and human rights in the region.

#### BIBLIOGRAPHY

Azra, Azyumardi, “Waspada! Sektarianisme”, *Koran Kompas* (11 January 2013).

Khanif, Al, *Religious Minorities, Islam and the Law: International Human Rights and Islamic Law in Indonesia* (London: Routledge, 2021).

Kraft, Herman Joseph, *Human rights in Southeast Asia : the search for regional norms*, by Herman Joseph Kraft (Washington DC: East West Centre, 2005).

Sahasrad, Herdi, *Asia Tenggara, Kuasa dan Kepemimpinan*, limited edition ed (Lhokseumawe, Aceh: Freedom Foundation dan Unimal Press, 2019).

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<sup>4</sup> *Human rights in Southeast Asia : the search for regional norms*, by Herman Joseph Kraft (Washington DC: East West Centre, 2005).