

Intersectionality in Social Justice: Unpacking the Complexity of Oppression

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Article Info

Submitted: Oct 09, 2024
Revised: Dec 28, 2024
Accepted: Jan 29, 2025

Keywords:

Intersectionality;
Oppression; Social
Justice; ASEAN.

How to cite [Chicago Manual of Style 17th edition (full note)]:

Suyahman, Suud Sarim Karimullah, Muh. Akbar Fhad Syahril, "Intersectionality in Social Justice: Unpacking the Complexity of Oppression" *Jambura Law Review* 7, no. 1 (2025): 275–308.

Abstract

This study aims to understand, explain, and address the complexities of oppression in a multicultural and multiethnic society such as ASEAN. This study uses a law-based methodological approach that integrates intersectionality, postcolonial, feminist, critical race, and queer theories concerning international legal instruments. Based on the results of the study, mapping the landscape of intersectionality in ASEAN reveals how the interaction of gender, race, class, religion, and sexual orientation creates multiple discriminations, such as those experienced by female migrant workers, the LGBTQ+ community, and religious and ethnic minorities, who are often marginalised in legal systems and public policies. While international instruments demand protection without discrimination, inconsistent implementation of laws in ASEAN exacerbates existing structural injustices. Therefore, a transformative strategy for social justice in ASEAN requires a rights-based approach that focuses on empowering vulnerable groups, their active participation in decision-making processes, and legal reforms that integrate principles of intersectionality to ensure equitable access to justice. This approach can only succeed if ASEAN countries align domestic policies with international standards, strengthen inclusive legal systems, and empower regional mechanisms such as the ASEAN Intergovernmental Commission on Human Rights (AICHR) to more effectively uphold human rights in the region.

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1. Introduction

Social justice is one of the most critical and relevant issues in the ASEAN region, where ethnic, cultural, religious, gender, and social class diversity interact with complex histories of colonialism, power structures, and uneven economic development. In this context, intersectionality an approach that considers how people's multiple identities intertwine and create unique experiences of oppression provides a critical perspective for understanding the region's social injustices.¹ ASEAN has unique socio-political dynamics, with more than 680 million people living in a highly heterogeneous social environment.² However, this diversity is often a source of persistent social and political tension, with minority groups facing systematic discrimination, whether through state policies, social norms, or exploitative global economic practices.

One of ASEAN's most significant challenges in creating social justice is managing ethnic and religious pluralism.³ Countries such as Myanmar, Indonesia, and Malaysia have come under international scrutiny for their simmering identity-based conflicts. In Myanmar, for example, the violence perpetrated against the Rohingya community has shown how ethnic and religious identity can be used as a tool to legitimise systemic violence.⁴ The Rohingya, a minority Muslim community in a predominantly Buddhist country, have suffered decades of persecution.⁵ They have been driven from their land and deprived of fundamental rights, including citizenship, access to education, and legal protection.⁶ This reflects how oppression can operate on multiple levels, from physical violence to structural discrimination, reinforced by exclusive narratives of

¹ Anna Erwin et al., "Intersectionality Shapes Adaptation to Social-Ecological Change," *World Development* 138 (2021): 105282, <https://doi.org/10.1016/j.worlddev.2020.105282>.

² Umakanta Mohapatra and Umakanta Mohapatra, "Discourse on Voluntary Organisations in Developing Nations," *Voluntary Organisations and Rural Development in South Asia: Assumptions and Realities*, 2021, 19–57, https://doi.org/10.1007/978-981-16-6293-5_2.

³ Yusep Ginanjar and Putri Auliya, "Complexity of the Government and Governance in ASEAN Members: Issues and Challenges," *Journal Of Global Strategic Studies: Jurnal Magister Hubungan Internasional* 4, no. 2 (2024): 206–29, <https://doi.org/10.36859/jgss.v4i2.3007>.

⁴ Iqthyer Uddin Md Zahed, "The State against the Rohingya: Root Causes of the Expulsion of Rohingya from Myanmar," *Politics, Religion & Ideology* 22, no. 3–4 (2021): 436–60, <https://doi.org/10.1080/21567689.2021.1995716>.

⁵ Mowsume Bhattacharjee, "Statelessness of an Ethnic Minority: The Case of Rohingya," *Frontiers in Political Science* 6 (2024): 1144493, <https://doi.org/10.3389/fpos.2024.1144493>.

⁶ Dewi Nurvianti and Tinuk Dwi Cahyani, "Enforcement of Nationality Principle: A Basic Approach for Human Right Protection," *Indonesia Law Reform Journal* 3, no. 2 (July 30, 2023): 219–33, <https://doi.org/10.22219/ilrej.v3i2.29709>.

ethnic nationalism.

In Indonesia, despite being recognised as a religiously diverse democracy, discrimination against religious minorities remains a significant problem.⁷ Incidents such as church closures, restrictions on adherents of religious minorities such as Ahmadiyah and Shia, and rising intolerance towards non-Muslims show how social policies and practices often fail to protect the rights of minority groups. In many cases, religious minorities in Indonesia face social pressure and discriminatory policies that exacerbate injustice.⁸ Malaysia, on the other hand, faces similar challenges with its entrenched race-based politics. A political system based on racial divisions creates tensions between the Malay majority and the Chinese and Indian minorities.⁹ In this context, racial and religious identities are often used as political tools to maintain power, which ultimately deepens the social injustice gap.

In addition to the challenges of pluralism, LGBTQ+ issues in ASEAN also reflect how traditional patriarchal and conservative social norms can reinforce discrimination against groups deemed to deviate from the dominant norm. In many ASEAN countries, homosexuality is still considered taboo or even illegal, such as in Brunei, which enforces strict Islamic laws against same-sex relationships. Although some countries, such as Singapore, have recently repealed laws criminalising homosexuality, social stigma against the LGBTQ+ community remains a significant challenge.¹⁰ In Indonesia, LGBTQ+ individuals face multiple pressures, ranging from social stigma and violence

⁷ Robert W Hefner, "Islam and Institutional Religious Freedom in Indonesia," *Religions* 12, no. 6 (June 7, 2021): 415, <https://doi.org/10.3390/rel12060415>; Suud Sarim Karimullah, "The Role of Law Enforcement Officials: The Dilemma Between Professionalism and Political Interests," *Jurnal Hukum Dan Peradilan* 13, no. 2 (2024): 365–92, <https://doi.org/10.25216/jhp.13.2.2024.365-392>.

⁸ Andi Luhur Prianto et al., "Hijacking of State Power on Religious Freedom by Community Organizations in Indonesia," *Jurnal Ilmiah Islam Futura* 24, no. 2 (2024): 348–67, <https://doi.org/10.22373/jiif.v24i2.17916>; Nuvazria Achir and Sri Nanang Meiske Kamba, "The Function of Sharia-Based Regional Regulations on Education and Social Services in the Regions," *Jambura Law Review* 3 (2021): 1–17, <https://doi.org/10.33756/jlr.v3i0.7643>.

⁹ James Chin, "Racism towards the Chinese Minority in Malaysia: Political Islam and Institutional Barriers," *The Political Quarterly* 93, no. 3 (2022): 451–59, <https://doi.org/10.1111/1467-923X.13145>.

¹⁰ George Baylon Radics, "Challenging Antisodomy Laws in Singapore and the Former British Colonies of ASEAN," *Journal of Human Rights* 20, no. 2 (2021): 211–27, <https://doi.org/10.1080/14754835.2020.1841608>.

to persecution by state authorities.¹¹ For example, raids on LGBTQ+ communities in some areas show how discrimination against these groups is not only based on social norms but also legitimised by state policies. Similarly, in the Philippines, the transgender community faces more severe discrimination than gays and lesbians, as their identity is often perceived as a threat to traditional gender norms.¹²

The issue of economic inequality in ASEAN is also inseparable from the intersectionality of social justice. The region is known for its high economic growth rates and significant disparities between the rich and poor. In countries such as Indonesia, the Philippines, and Cambodia, income inequality continues to rise, creating a deep chasm between the elite and the marginalised. In this context, factors such as gender, race, and social class interact to exacerbate the experiences of oppression experienced by certain groups.¹³ For example, women from indigenous communities in the Philippines are often victims of economic exploitation, where they are employed in the informal sector for low wages and without adequate legal protection. Meanwhile, in Cambodia, the exploitation of workers in the textile sector shows how economic injustice can occur under an unjust system of global capitalism.¹⁴ Women workers in textile factories often face poor working conditions, low wages, and sexual harassment, creating a multi-layered experience of oppression.

Intersectionality provides a crucial lens for understanding how these multiple forms of oppression are intertwined and mutually reinforcing.¹⁵ As a critical approach, intersectionality challenges traditional perspectives that tend to see categories such as

¹¹ Ferdiansyah Thajib, "Discordant Emotions: The Affective Dynamics of Anti-LGBT Campaigns in Indonesia," *Indonesia and the Malay World* 50, no. 146 (2022): 10–32, <https://doi.org/10.1080/13639811.2022.2005312>.

¹² Luis Emmanuel A Abesamis and Rowalt Alibudbud, "From the Bathroom to a National Discussion of LGBTQ+ Rights: A Case of Discrimination in the Philippines," *Journal of Lesbian Studies* 28, no. 1 (2024): 84–99, <https://doi.org/10.1080/10894160.2023.2251775>.

¹³ James David Simon, Reiko Boyd, and Andrew M Subica, "Refocusing Intersectionality in Social Work Education: Creating a Brave Space to Discuss Oppression and Privilege," *Journal of Social Work Education* 58, no. 1 (2022): 34–45, <https://doi.org/10.1080/10437797.2021.1883492>.

¹⁴ Min Li and Xiaoli Hu, "Can Labor-Standards Advocacy by Transnational Civil Society Organizations Interact with the Power of Labor to Improve Labor Standards in Global Supply Chains? A Case Study of the Cambodian Garment Industry," *Economic and Industrial Democracy* 44, no. 1 (2023): 208–29, <https://doi.org/10.1177/0143831X2111066129>.

¹⁵ Ashley M Ruiz et al., "An Integrative Literature Review and Critical Reflection of Intersectionality Theory," *Nursing Inquiry* 28, no. 4 (2021): e12414, <https://doi.org/10.1111/nin.12414>.

gender, race, and class as separate entities. In reality, a person's identity is often made up of multiple layers that influence each other, creating unique experiences in the face of discrimination.¹⁶ For example, a woman from an Indigenous community living in poverty in rural Indonesia faces not only gender-based discrimination but also social stigma due to her ethnic and class identity.¹⁷ This experience differs from that of an urban woman from the middle class despite the gender-based challenges they face. An intersectionality approach, thus, makes it possible to see how oppression operates in a complex and multidimensional manner, which cannot be fully understood through a one-dimensional analysis.

Crenshaw is a pioneer in the concept of intersectionality. In her review article, Crenshaw shows how anti-discrimination laws in the United States tend to ignore the unique experiences of black women who are at the intersection of gender and race-based discrimination.¹⁸ Crenshaw criticises that mainstream feminist theory often ignores issues of race, while antiracist theory usually fails to address gender-related problems. This study formed an essential foundation in intersectionality studies and became a reference for many subsequent studies. Collins, a sociology scholar and black feminist thinker, explores how black women shape their worldview through collective experiences of racial and gender oppression.¹⁹ She introduced the concept of the matrix of domination, which identifies how different forms of power, such as race, gender, class, and sexuality, are intertwined in creating injustice. Collins' view is particularly relevant in discussions of intersectionality as it offers a way to understand the relationship between multiple overlapping identities and oppression.

Glenn explores how race and gender have influenced notions of citizenship and employment relations in the United States. She shows that racial and gender categories

¹⁶ A K M Ahsan Ullah, "Struggles for Identity Formation: Second-Generation South Asian Diaspora Overseas," *South Asian Diaspora*, 2024, 1–16, <https://doi.org/10.1080/19438192.2024.2328465>.

¹⁷ Susi Susilawati et al., "Manifestations of Gender Injustice in Divorced Marriages: The Kabalutan Tradition," *Jambura Law Review* 5, no. 1 (2023): 136–55, <https://doi.org/10.33756/jlr.v5i1.17722>.

¹⁸ Kimberlé Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," in *Feminist Legal Theories* (Routledge, 2013), 23–51.

¹⁹ Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (New York: Routledge, 2022), <https://doi.org/10.4324/9781003245650>.

have been used historically to maintain power hierarchies in society.²⁰ Her work provides important insights into understanding how intersectionality operates in structural and historical contexts, especially in labour relations and civil rights. McCall examines how intersectionality can be analysed methodologically.²¹ She introduces three approaches to the study of intersectionality: intra-category, inter-category, and anti-category intersectionality. These approaches provide more precise analytical tools to see how different identity categories create oppression. McCall's research helped develop a more structured framework for studying intersectionality and social justice.

Bilge applies the concept of intersectionality in the context of veiled Muslim women, challenging the dichotomy between subordination and resistance in Western discourse on the hijab.²² She shows that veiled Muslim women are often victims of discrimination based on a combination of gender identity, religion, and race. Still, at the same time, they also have agency in making their choices. Lorde, in her collection of essays, highlights how patriarchal and racialised systems of power work simultaneously to oppress black women, lesbians, and other minority groups. Lorde argues that resistance to oppression must involve acknowledging the diversity of experiences, and she emphasises the importance of solidarity between different groups.²³ Lorde's work is particularly relevant in discussions of intersectionality as she emphasises the complexity of diverse identity experiences in the struggle against oppression.

Through the literature review of these studies, it can be seen that the concept of intersectionality has significantly contributed to enriching social justice analysis. These studies show how different dimensions of oppression are intertwined and shape the unique experiences of individuals and groups. As such, this literature review supports the argument that an intersectionality approach is essential for understanding the

²⁰ Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge: Harvard University Press, 2004), <https://doi.org/10.4159/9780674037649>.

²¹ Leslie McCall, "The Complexity of Intersectionality," *Signs: Journal of Women in Culture and Society* 30, no. 3 (2005): 1771–1800, <https://doi.org/10.1086/426800>.

²² Sirma Bilge, "Beyond Subordination vs. Resistance: An Intersectional Approach to the Agency of Veiled Muslim Women," *Journal of Intercultural Studies* 31, no. 1 (2010): 9–28, <https://doi.org/10.1080/07256860903477662>.

²³ Audre Lorde, *Sister Outsider: Essays and Speeches* (California: Crossing Press, 2012).

complexity of oppression and creating more inclusive policies and social movements. As such, this review aims to provide a deeper understanding of how different forms of oppression and discrimination operate simultaneously and interrelatedly in society, especially in the ASEAN region. The region comprises diverse countries with complex social, political, and cultural backgrounds involving unique power dynamics, identities, and social structures.

In ASEAN, identity-based oppression is often more complex than in Western countries, given the tremendous ethnic diversity, such as in Malaysia, Indonesia, the Philippines, Myanmar, and Thailand, where ethnic and religious differences play a significant role in social and political life. In many ASEAN countries, political systems are still heavily influenced by authoritarian practices, economic oligarchies, and policies that normalise discrimination against certain groups. For example, in Malaysia, ethnic-based affirmative action policies often benefit the Malay group but have a discriminatory impact on the Chinese and Indian ethnic groups. On the other hand, in Myanmar, the Rohingya crisis is an extreme example of how religious and ethnic-based oppression can manifest in systematic and structured violence. In this regard, this study aims to identify how public policies in ASEAN countries often fail to accommodate the complexity of people's identities and how this reinforces the oppression of minority groups.

It also explores how intersectionality can be a practical framework for developing more inclusive and equitable social justice policies and strategies in the ASEAN region. In social justice, intersectionality offers an analytical view that can look at injustice from one aspect of identity and all the dimensions contributing to individual oppression. This is relevant for ASEAN, where social justice policies are often uniform and do not consider the differences in multiethnic and multicultural societies. For example, gender policies in ASEAN countries are usually implemented without considering other factors such as race or economic status. This paper aims to show that more effective social justice policies should consider intersectionality to better respond to the needs of marginalised groups.

2. Problem Statement

How does mapping the landscape of intersectionality in ASEAN reveal the interplay between different social identities, such as gender, ethnicity, social class, religion, and economic status, which create complex and layered injustices? Why are legal and policy frameworks in the region, despite progress, still not wholly inclusive or responsive to vulnerable groups facing multiple discrimination? What are the gaps in regulation and policy implementation that hinder the achievement of equitable social justice in ASEAN, and how can transformative strategies that integrate intersectionality approaches help create more just and inclusive societies in the region?

3. Methods

This study uses a law-based methodological approach that integrates intersectionality, postcolonial, feminist, critical race, and queer theories by referring to international legal instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Intersectionality theory provides a framework for understanding how multiple identities, such as gender, race, social class, and sexual orientation, interact to create various discrimination.²⁴ This is seen in the case of women migrant workers from the Philippines and Indonesia who face exploitation in Malaysia and Singapore, ranging from sexual harassment to low wages and legal exclusion, despite the ICCPR and ICESCR explicitly affirming protection without discrimination for all individuals. In this context, the postcolonial theory helps explain how the legacy of colonialism shapes hierarchical and exploitative legal structures,²⁵ such as Malaysia's race-based policies that, while aimed at addressing economic inequality, marginalise Chinese and Indian communities. This practice contradicts the ICERD's prohibition of racial

²⁴ Sa-kiera Tierra Jolynn Hudson, Annalisa Myer, and Elyssa Christine Berney, "Stereotyping, Prejudice, and Discrimination at the Intersection of Race and Gender: An Intersectional Theory Primer," *Social and Personality Psychology Compass* 18, no. 2 (2024): e12939, <https://doi.org/10.1111/spc3.12939>; Lu Sudirman et al., "International Laws and The Reality: The Complexity of Corporate Law in Empowering Human Rights," *Jambura Law Review* 6, no. 1 (2024): 1-32, <https://doi.org/10.33756/jlr.v6i1.22514>.

²⁵ Brian Z Tamanaha, "Legal Pluralism across the Global South: Colonial Origins and Contemporary Consequences," *The Journal of Legal Pluralism and Unofficial Law* 53, no. 2 (2021): 168-205, <https://doi.org/10.1080/07329113.2021.1942606>.

discrimination.

On the other hand, feminist theory criticises how institutionalised patriarchy exacerbates the oppression of women, especially those from indigenous groups or ethnic minorities.²⁶ For example, Rohingya women in Myanmar face gender-based violence, social exclusion, and the removal of citizenship rights through the 1982 Citizenship Law, which contradicts the principles of the UDHR and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Meanwhile, critical race theory provides a more profound perspective by exploring how race-based discrimination is institutionalised in national policies in ASEAN, such as in the case of Myanmar, which systematically removes the civil and economic rights of ethnic Rohingya, contrary to Articles 2 and 26 of the ICCPR which guarantee equality before the law and protection without discrimination.

Queer theory provides a critique of the heteronormative norms that dominate the region, such as the repressive policies in Brunei and Singapore. The implementation of the "Syariah Penal Code" in Brunei, which criminalises same-sex relations under the death penalty, as well as the persistence of Section 377A in Singapore, which criminalises same-sex relations, are concrete examples of how the law is used to legitimise discrimination, violating UDHR principles and Article 17 of the ICCPR which guarantees the right to privacy and individual liberty. By integrating these legal theories with international instruments, this study highlights the roots of discrimination in ASEAN and offers normative guidance to promote more inclusive legal reforms. This includes harmonising national policies with international standards, as well as strengthening ASEAN's role, mainly through the ASEAN Intergovernmental Commission on Human Rights (AICHR), to be a consultative platform capable of upholding principles of social justice and human rights that are more inclusive of all vulnerable groups in the region.

²⁶ Marianna Fotaki and Alison Pullen, "Feminist Theories and Activist Practices in Organization Studies," *Organization Studies* 45, no. 4 (2024): 593–616, <https://doi.org/10.1177/01708406231209861>.

4. Intersectionality in Social Justice

4.1. Mapping the Landscape of Intersectionality in ASEAN

The diversity of identities in ASEAN creates complex social, political, and legal dynamics, where various social identities such as ethnicity, religion, caste, migrant status, and others interact uniquely in each country.²⁷ These identities are rooted in local cultures and influenced by colonialism's long history and contemporary globalisation dynamics. In this context, international legal frameworks, such as UDHR, ICCPR, ICESCR, and ICERD, offer essential guidance and standards to ensure that every individual has equal rights before the law. However, differences in applying these legal instruments in ASEAN often create gaps in human rights protection, especially for marginalised groups.²⁸

International legal instruments such as the UDHR and ICCPR provide binding principles for countries that ratify them. The UDHR, although technically non-binding, has been the basis for establishing various legally binding international instruments, including the ICCPR and ICESCR. The ICCPR, for example, guarantees civil and political rights such as equality before the law, freedom of expression, freedom of religion, and protection against discrimination. However, only some countries have ratified the ICCPR in ASEAN, including Indonesia, the Philippines, and Thailand. Countries such as Malaysia, Brunei, and Myanmar are not yet parties to the treaty, creating significant differences in applying human rights standards.²⁹ In Indonesia, for example, despite having ratified the ICCPR, discriminatory practices against religious minorities are still rife, mainly through laws such as the Blasphemy Law, which is often used to criminalise minority groups.³⁰ This shows that ratifying international legal instruments does not

²⁷ Mohsin Alam Bhat and Rudabeh Shahid, "Introduction: Mutual Attrition of Citizenship, Democracy and the Rule of Law in South and Southeast Asia," *Journal of Ethnic and Migration Studies* (Taylor & Francis, 2024), <https://doi.org/10.1080/1369183X.2024.2376403>.

²⁸ Elisabeth Septin Puspoayu, Sigit Riyanto, and Keanu Abinuno Wattimena, "Humanitarian Assistance in 21 Century: Between Humanity and Sovereignty," *Indonesia Law Reform Journal* 3, no. 2 (July 30, 2023): 207–18, <https://doi.org/10.22219/ilrej.v3i2.29702>.

²⁹ Catherine Michelle Renshaw, "Southeast Asia's Human Rights Institutions and the Inconsistent Power of Human Rights," *Journal of Human Rights* 20, no. 2 (2021): 176–93, <https://doi.org/10.1080/14754835.2020.1841611>.

³⁰ Simon Butt, "Indonesia's New Criminal Code: Indigenising and Democratising Indonesian Criminal Law?," *Griffith Law Review* 32, no. 2 (2023): 190–214, <https://doi.org/10.1080/10383441.2023.2243772>.

necessarily guarantee the implementation of their principles in national law but instead requires more profound political commitment and legal reform.

On the other hand, ICESCR provides a legal framework to guarantee economic, social, and cultural rights, such as access to education, health, employment, and housing.³¹ However, in ASEAN, the implementation of ICESCR is often hampered by economic and structural constraints. The Philippines, which has ratified the ICESCR, still faces significant economic inequality, where access to essential services such as education and health are highly unequal, especially in rural areas and Indigenous communities.³² Meanwhile, in Vietnam, despite progress in integrating ICESCR principles into national policy, ethnic minority groups remain marginalised from the benefits of economic development.³³ This shows that economic, social, and cultural rights require legal reforms and policies that are more inclusive and based on social justice principles.

In addition to these instruments, ICERD provides a legal framework to protect the rights of racial and ethnic minorities. However, in ASEAN, racial discrimination remains a significant challenge. Malaysia, for example, has faced international criticism for its race-based policies that privilege Malays through economic affirmation programs.³⁴ These policies, while intended to reduce economic inequality, often create systematic inequalities between the Malay majority and the Chinese and Indian minorities. In Myanmar, racial discrimination against the Rohingya is one of the obvious examples of the government's failure to protect minorities.³⁵ Although Myanmar has ratified ICERD, the state's policy of stripping the Rohingya of their citizenship and restricting their access to education, healthcare, and employment

³¹ Manisuli Ssenyonjo, "Reflections on State Obligations with Respect to Economic, Social and Cultural Rights in International Human Rights Law," *The International Journal of Human Rights* 15, no. 6 (2011): 969–1012, <https://doi.org/10.1080/13642981003719158>.

³² Lloyd Lyndel P Simporios, "Silenced Narratives: Assessing the Human Rights Situations of Indigenous Peoples in the Philippines," *Journal of Interdisciplinary Perspectives* 2, no. 5 (2024): 16–36, <https://doi.org/10.5281/zenodo.10885908>.

³³ Nguyen Thi Hong Yen and Nguyen Toan Thang, "The Right to Political Participation of Ethnic Minority Women in Vietnam: Barriers and Challenges," *Asia-Pacific Journal on Human Rights and the Law* 23, no. 3 (2022): 281–314, <https://doi.org/10.1163/15718158-23030001>.

³⁴ Hwok-Aun Lee, "Group-based Redistribution in Malaysia: Polarization, Incoherence, Stasis," *Social Inclusion* 12 (2024), <https://doi.org/10.17645/si.7594>.

³⁵ Amir Hossain, "Say 'NO' Racism towards Rohingya Refugee," *International Journal of Social Sciences & Humanities (IJSSH)* 6, no. 1 (2021): 10–30, <https://doi.org/10.58885/ijssh.v6i1.10.ah>.

violates the principles set out in the convention.³⁶ This case shows how governments often ignore international norms, mainly when ethnic identity is used as a political tool to maintain power.

In the context of migration, migrant workers in ASEAN often face multiple layers of discrimination, reflecting the complex interactions between legal status, gender, and social class. Many migrant workers come from countries with higher poverty rates, such as Indonesia, Myanmar, and the Philippines, and work in countries such as Singapore, Malaysia, and Thailand.³⁷ In Malaysia, migrant workers, especially women working in the domestic sector, are often subjected to economic exploitation, sexual harassment, and inhumane working conditions.³⁸ They are not only marginalised because of their legal status as migrants but also because of their gender identity, which aggravates their vulnerability to violence and discrimination. While international principles such as those set out in the ICESCR and the ILO Migrant Convention underscore the importance of protecting the rights of migrant workers, their implementation in ASEAN is far from adequate. Strict immigration policies, lack of access to grievance mechanisms, and social stigma against migrant workers create conditions where exploitation is common.

The LGBTQ+ communities in ASEAN also face significant challenges in accessing their fundamental rights, especially in countries such as Brunei, Indonesia, and Malaysia, where conservative social and legal norms discriminate against individuals based on their sexual orientation and gender identity.³⁹ In Brunei, for example, the adoption of Islamic law criminalising same-sex relations under penalty of death reflects the tension

³⁶ Kirsten McConnachie, "Refugee Policy as Border Governance: Refugee Return, Peacebuilding, and Myanmar's Politics of Transition," *Modern Asian Studies* 56, no. 2 (2022): 661–90, <https://doi.org/10.1017/S0026749X20000189>.

³⁷ Immanuel Ness, "Temporary Labour and Worker Exploitation: Southeast Asian Migration to Malaysia," in *Handbook of Migration and Global Justice* (Edward Elgar Publishing, 2021), 26–48, <https://doi.org/10.4337/9781789905663.00010>.

³⁸ Tim Freeman et al., "At the Limits of 'Capability': The Sexual and Reproductive Health of Women Migrant Workers in Malaysia," *Sociology of Health & Illness* 45, no. 5 (2023): 947–70, <https://doi.org/10.1111/1467-9566.13323>.

³⁹ Suud Sarim Karimullah, "Sexual Deviations in the LGBT Community on Islamic Law Perspective and Its Impact on the Existence of Muslim Families," *Tazkir: Jurnal Penelitian Ilmu-Ilmu Sosial Dan Keislaman* 9, no. 1 (2023): 89–108, <https://doi.org/10.24952/tazkir.v9i1.6910>; Meredith L Weiss, "Building Solidarity on the Margins: Seeking SOGIE Rights in ASEAN," *Journal of Human Rights* 20, no. 2 (2021): 194–210, <https://doi.org/10.1080/14754835.2020.1841610>.

between religious norms and international human rights principles as set out in the ICCPR.⁴⁰ In Indonesia, raids and crackdowns on the LGBTQ+ community demonstrate how discrimination is legitimised by state policy, exacerbating existing social stigma. In this context, it is essential to recognise how gender identity, sexual orientation, and economic status interact to create more profound forms of oppression.

Through mapping and analysing intersectionality in ASEAN, it is clear that experiences of oppression are never homogenous. Each individual and group faces unique challenges based on the complex interactions between their various social identities. Ethnic identity, religion, gender, social class, migrant status, and sexual orientation all play a role in shaping the dynamics of power and oppression in the region. Therefore, to understand and address injustices in ASEAN, an intersectionality approach is essential in designing policies and programs that are more inclusive and sensitive to the needs of the most marginalised groups. It also provides a more comprehensive insight into how global factors, such as colonialism and economic development, continue to affect the lives of marginalised groups in ASEAN.

An intersectionality approach to understanding social dynamics in ASEAN also requires deep reflection on the role of state policies and economic globalisation in reinforcing or overcoming oppression. State policies in ASEAN are often designed without considering the diversity of identities and the complexity of oppression experienced by marginalised groups. In many cases, these policies exacerbate oppression by ignoring the specific needs of individuals and communities at the intersection of multiple forms of discrimination. For instance, policies that focus on economic development often marginalise indigenous groups living in areas rich in natural resources. In Indonesia and Cambodia, infrastructure development programs are usually carried out by grabbing land belonging to indigenous peoples without providing fair compensation or considering the social and ecological impacts of such projects. Indigenous peoples lose not only their land but also their cultural identity and

⁴⁰ Robin Ramcharan, "National Human Rights Protection Systems in Asia and the Pacific," in *A Global Handbook on National Human Rights Protection Systems* (Brill Nijhoff, 2023), 311–84, https://doi.org/10.1163/9789004535053_016; Sumiyati Beddu et al., "From Doctrine to Action: Islamic Law's Journey towards Social Change," *Jurnal Wawasan Yuridika* 8, no. 1 (2024): 1–24, <https://doi.org/10.25072/jwy.v8i1.4177>.

rights to natural resource management, which they have lived with for centuries.

This structural oppression also extends to how ASEAN countries regulate migration and labour. Migrant workers, who often contribute significantly to the economies of receiving countries through their remittances, still face various forms of discrimination that reflect systemic injustices. In addition to economic and migration factors, globalisation plays a crucial role in reinforcing inequality in ASEAN. Financial globalisation, characterised by the expansion of free trade and foreign investment, often focuses on macroeconomic gains without regard to its impact on marginalised groups. In many ASEAN countries, especially Vietnam, Cambodia, and Laos, foreign investment-driven industrialisation has created new jobs in the manufacturing sector. However, these jobs are often temporary, with low wages and little job protection. Workers in this sector, mostly women, experience not only economic exploitation but also gender-based discrimination. While globalisation brings economic opportunities to developing countries in ASEAN, the distribution of benefits is often unequal, and marginalised groups that should benefit from economic growth are left further behind.

In this context, the intersectionality approach also demands an analysis of the role of ideology and discourse in shaping social policies and practices in ASEAN. The dominant discourse on development and modernisation often prioritises economic growth and political stability at the expense of the rights of marginalised groups. Narratives of progress usually mask the negative impacts of non-inclusive economic development, such as the impoverishment of indigenous peoples, marginalisation of women, and discrimination against the LGBTQ+ community. In some ASEAN countries, the discourse of nationalism is also used to legitimise the oppression of ethnic and religious minority groups. In Myanmar, for example, the discourse of protecting national identity is used to justify violence against the Rohingya community, who are perceived as a threat to national stability and the country's Buddhist identity.⁴¹ This exclusive use of nationalist discourse not only reinforces state power but also isolates marginalised groups that should be protected by international law.

⁴¹ Arnab Roy Chowdhury, "An 'Un-Imagined Community': The Entangled Genealogy of an Exclusionist Nationalism in Myanmar and the Rohingya Refugee Crisis," *Social Identities* 26, no. 5 (2020): 590–607, <https://doi.org/10.1080/13504630.2020.1782731>.

The importance of intersectionality in mapping the social justice landscape in ASEAN is also seen in how social movements in the region have begun to adopt a more inclusive and cross-identity approach. Feminist movements, LGBTQ+ rights, and labour rights advocacy are increasingly realising that their struggles cannot be separated from the struggles of other groups who also experience oppression. For example, feminist movements in the Philippines and Indonesia have begun to pay attention to the plight of women from working-class and ethnic minority backgrounds who face different challenges than middle-class or elite women. This solidarity across identities is essential for creating social movements that are more inclusive and responsive to the needs of various marginalised groups. However, challenges remain, mainly when several marginalised groups compete with each other for recognition and resources in a limited political and economic system. In this context, intersectionality offers a way to build solidarity by recognising that the oppression experienced by one group is often related to the oppression experienced by another.

On the other hand, implementing the intersectionality approach in public policy in ASEAN still faces significant obstacles. Centralised government structures and rigid bureaucracies often make policies designed to address injustice ineffective or not reflecting the needs of marginalised groups. In addition, many social policies in ASEAN countries remain partial and focused on one dimension of oppression without considering complex intersections of identities. For example, gender policies often do not feel the differences between women from different ethnic backgrounds or social classes, resulting in ineffective policies for the most vulnerable groups. A more holistic approach to policy formulation is needed to address this, one that considers the diversity of identities and experiences and recognises that oppression is layered and interconnected.

ASEAN needs to formulate more progressive and intersectionality-based social justice policies in the context of globalisation and rapid social change. This will help reduce growing inequality in the region and ensure that economic development is not undertaken at the expense of the rights of marginalised groups. An intersectionality approach also allows policies to be more inclusive, ensuring that every individual and group has equal access to resources, rights, and opportunities, regardless of their

identity. Achieving this requires strong political will, active participation of civil society, and closer regional cooperation among ASEAN countries. This approach is essential in responding to local challenges and dealing with global issues affecting the region, such as climate change, migration, and growing economic injustice in the era of globalisation.

Mapping the landscape of intersectionality in ASEAN shows that social injustice in the region cannot be understood through only one dimension of oppression. The complex and dynamic social identities in ASEAN create different experiences for each individual, and the intersection of multiple and interrelated forms of discrimination influences these experiences. An intersectionality approach provides an essential framework for understanding how these oppressions operate and how policies and social movements can adapt to create a more inclusive and just society in ASEAN. As such, social justice challenges in the region must be addressed holistically based on recognising its people's identities and lived experiences.

4.2. Legal and Policy Framework Analysis

International legal instruments such as UDHR, ICCPR, ICESCR, and ICERD provide a comprehensive framework for protecting human rights, but their implementation in ASEAN is far from ideal. The differences in implementing these international standards reflect the structural and political challenges faced by countries in the region. However, these instruments remain important guidelines to drive legal and policy reforms and ensure everyone has equal rights before the law. Collective efforts involving governments, civil society, and international organisations are needed to create an environment where human rights are respected and protected, thereby setting the ASEAN region as an example of inclusive and equitable diversity.

Implementing international principles into national law is often met with cultural and political resistance. In Brunei, the implementation of strict Islamic law, including the death penalty for same-sex relations, clearly contradicts the principles of the ICCPR and UDHR. The Bruneian government argues that the law reflects their cultural and religious values, demonstrating the tension between international obligations and

domestic autonomy.⁴² In Indonesia, conservative interpretations of the P3A Law and the application of the ITE Law are often used to suppress religious minorities and LGBTQ+ people, demonstrating how domestic norms can be used to ignore international principles.⁴³ In the Philippines, despite progressive legislation, there are still local policies that discriminate against certain groups, demonstrating the need for better harmonisation between national and international law.⁴⁴

The discrepancies between national laws and regulations and international legal instruments reflect the challenges in ensuring equal rights before the law in ASEAN. In Malaysia, for example, Article 8 of the Constitution guarantees equality before the law and prohibits discrimination based on religion, race, descent, or origin.⁴⁵ However, the implementation of this article is often limited by other articles in the constitution that grant special powers to Malay and Islamic groups through Article 153 and various Islamic laws that apply in certain states. Narrow interpretations of the law and selective application of the law lead to systematic discrimination against racial and religious minorities, which is not fully addressed by articles that theoretically prohibit discrimination.

In Vietnam, Law No. 11 of 2014 on the Elimination of Discrimination in General seeks to prohibit discrimination based on various factors, including gender, race, and sexual

⁴² Mu'izz Abdul Khalid, "Civic Subjecthood: The Hybridization and Reformulation of Subjecthood and Citizenship in Brunei," *Critical Asian Studies*, 2024, 1–24, <https://doi.org/10.1080/14672715.2024.2358811>.

⁴³ Eleni Polymenopoulou, "LGBTI Rights in Indonesia: A Human Rights Perspective," *Asia-Pacific Journal on Human Rights and the Law* 19, no. 1 (2018): 27–44, <https://doi.org/10.1163/15718158-01901002>; Margie Gladies Sopacua, "Perception of Indonesia and Afghanistan in Preventing Psychic Violence Against the Household Women," *Jambura Law Review* 5, no. 2 (2023): 251–77, <https://doi.org/10.33756/jlr.v5i2.18529>.

⁴⁴ Ratnaria Wahid, "Faith in the Balance: ASEAN's Quest for Religious Freedom Amidst Cultural Diversity," *Religion & Human Rights* 19, no. 2–3 (2024): 140–60, <https://doi.org/10.1163/18710328-bja10046>; Seokwoo Lee, Kevin Yi Tan, and Hee Eun Lee, "Asian State Practice in the Domestic Implementation of International Law," *The Korean Journal of International and Comparative Law* 10, no. 1 (2022): 1–65, <https://doi.org/10.1163/22134484-12340164>.

⁴⁵ Noor Shuhadawati Mohamad Amin and Nor Hafizah Mohd Badrol Afandi, "An Analysis of the Constitutional Principles of Equality and Affirmative Action Vis-à-Vis Employment in Malaysia," *E-Bangi Journal of Social Science and Humanities* 20, no. 4 (November 3, 2023): 199–207, <https://doi.org/10.17576/ebangi.2023.2004.17>.

orientation.⁴⁶ Article 4 of this law explicitly prohibits discrimination in providing public services, employment, and education. However, in practice, the implementation of this law is often plagued by conservative social norms and a lack of effective enforcement mechanisms. Ethnic minorities, particularly women from indigenous communities, still face significant barriers to accessing equal public services, indicating how progressive laws can fail in the face of implementation challenges on the ground.

Meanwhile, in the Philippines, Anti-Discrimination Laws such as Republic Act No. 7277 and Republic Act No. 9262 provide legal protection against discrimination based on gender and sexual orientation.⁴⁷ Section 1 of RA No. 7277 explicitly prohibits discrimination in the workplace based on gender, sexual orientation, and marital status. However, in the context of the internal conflict in Mindanao, the implementation of these laws is often ineffective due to military forces and separatist groups that systematically disrespect human rights. This shows that even though antidiscrimination laws exist, political instability and internal conflict can hinder their effective implementation.

In Singapore, the Health Sciences Authority and Employment Act provide the legal framework to protect workers, including migrant workers.⁴⁸ However, migrant workers often do not have equal access to these legal protections, primarily if they work in the informal sector. In addition, discrimination based on sexual orientation remains a serious problem in Singapore, where same-sex relationships are still not legally recognised. However, there are some informal protections through broader anti-discrimination policies. Section 377A of the Singapore Criminal Code, which criminalises same-sex relationships, demonstrates the mismatch between national policy and international principles that recognise the right to equality and non-

⁴⁶ Doanh-Ngan-Mac Do et al., "A Human Rights-Based Approach in Implementing Sustainable Development Goal 4 (Quality Education) for Ethnic Minorities in Vietnam," *Sustainability* 12, no. 10 (2020): 4179, <https://doi.org/10.3390/su12104179>.

⁴⁷ Cathy Vaughan et al., "Building Capacity for a Disability-Inclusive Response to Violence against Women and Girls: Experiences from the W-DARE Project in the Philippines," *Gender & Development* 24, no. 2 (2016): 245–60, <https://doi.org/10.1080/13552074.2016.1194031>.

⁴⁸ Marie Nodzinski, Kai Hong Phua, and Nicole Bacolod, "New Prospects in Regional Health Governance: Migrant Workers' Health in the Association of Southeast Asian Nations," *Asia & the Pacific Policy Studies* 3, no. 2 (2016): 336–50, <https://doi.org/10.1002/app5.113>.

discrimination.

Grievance mechanisms and access to justice in ASEAN also present significant challenges. Many ASEAN countries have institutions such as human rights commissions or public complaint mechanisms to address discrimination cases.⁴⁹ However, the effectiveness of these institutions is still minimal due to bureaucratic obstacles, lack of resources, and lack of political commitment from the government. In Myanmar, for example, cases of violence against ethnic Rohingya often do not receive an adequate response from the judicial system, which reinforces public distrust of state institutions. Myanmar's judicial system, which is controlled by the military, often overlooks human rights violations committed against ethnic minorities, including the Rohingya.

In Indonesia and the Philippines, despite the existence of formal grievance mechanisms such as the National Human Rights Commission (Komnas HAM) in Indonesia and the Commission on Human Rights in the Philippines, vulnerable groups often lack adequate access to the legal system due to economic constraints, low levels of education, and lack of information about their rights. In Indonesia, for example, high court fees and lack of access to competent lawyers make many victims of discrimination reluctant or unable to report their cases. In the Philippines, human rights commissions that serve to address discrimination complaints are often plagued by corruption and political influence, leading to many discrimination cases not being taken seriously.

This suggests that policies and legal frameworks in ASEAN often only address discrimination issues superficially, without capturing the complex needs of vulnerable groups. One of the main reasons for this injustice is the lack of application of the intersectionality approach in policy formulation. Intersectionality, which highlights how people's multiple identities, such as gender, race, social class, and sexual

⁴⁹ Yuyun Wahyuningrum, "A Decade of Institutionalizing Human Rights in ASEAN: Progress and Challenges," *Journal of Human Rights* 20, no. 2 (2021): 158–75, <https://doi.org/10.1080/14754835.2021.1875811>; Nur Insani, Suud Sarim Karimullah, and Sulastri, "Islamic Law Challenges in Addressing Human Trafficking and Sexual Exploitation," *Jurnal Hukum Islam* 21, no. 2 (2023): 357–87, <https://doi.org/10.28918/jhi.v21i2.1732>.

orientation, interact to create unique experiences of discrimination, offers a critical perspective to understand and address gaps in legal and policy protections. An intersectionality approach should also be integrated into national policy and legal frameworks, emphasising the importance of understanding the work of multiple identities interaction.

Comprehensive reforms to existing grievance mechanisms and legal systems are needed to improve access to justice in ASEAN. The legal system should be made more inclusive and accessible to all groups of people, especially those most vulnerable to discrimination. These reforms should include providing accessible or affordable legal services to vulnerable groups, raising public awareness of their rights, and strengthening independent institutions that handle discrimination cases. In addition, governments in ASEAN should enhance the capacity of human rights institutions at the national and regional levels to ensure they can handle discrimination cases more effectively. In this context, regional cooperation under the ASEAN umbrella can be vital to improving human rights protection standards in the region.

The ASEAN Human Rights Declaration adopted in 2012 is an essential step in strengthening the region's commitment to the protection of the fundamental rights of individuals.⁵⁰ However, while the Declaration provides a normative framework for promoting human rights, its implementation at the national level is often inadequate. The Declaration lacks a robust enforcement mechanism, and human rights policies in ASEAN are generally non-binding, making their implementation highly dependent on the commitment of individual member states. This creates significant challenges, especially for vulnerable groups that face multiple discrimination, such as women, indigenous peoples, migrant workers, and the LGBTQ+ community.

The ASEAN Intergovernmental Commission on Human Rights (AICHR) was established to promote human rights in the region.⁵¹ Still, its role is often perceived as limited, as it

⁵⁰ Nicholas Doyle, "The ASEAN Human Rights Declaration and the Implications of Recent Southeast Asian Initiatives in Human Rights Institution-Building and Standard-Setting," *International & Comparative Law Quarterly* 63, no. 1 (2014): 67–101, <https://doi.org/10.1017/S0020589313000390>.

⁵¹ James Munro, "The Relationship between the Origins and Regime Design of the ASEAN Intergovernmental Commission on Human Rights (AICHR)," *The International Journal of Human Rights* 15, no. 8 (2011): 1185–1214, <https://doi.org/10.1080/13642987.2010.511996>.

does not have the authority to conduct concrete investigations or enforcement. AICHR focuses on promoting and socialising human rights without an effective mechanism to address rights violations directly. In the context of intersectionality, these weak mechanisms hamper ASEAN's ability to respond to complex and interrelated discrimination issues across its member states. For example, while the AICHR has received numerous complaints regarding human rights violations against the Rohingya community in Myanmar, ASEAN's intervention in this case has been minimal, mainly due to the principle of non-intervention being a key pillar in ASEAN's inter-state relations. This demonstrates how ASEAN's fundamental tenets can become an obstacle in protecting the most vulnerable groups from oppression that cuts across dimensions such as race, religion, and citizenship status.

In some countries, such as Indonesia, Myanmar, and Cambodia, corruption in the justice system also worsens access to justice, as individuals who lack economic resources often cannot afford lawyers or high court fees. This indicates the urgent need to reform the justice system to make it more inclusive and accessible. To improve this situation, several recommendations can be made. First, ASEAN countries need to strengthen their commitment to human rights protection by developing more robust enforcement mechanisms at the regional level. The AICHR should be given a broader mandate to investigate human rights violations and monitor the implementation of human rights policies across ASEAN member states. In addition, national legal frameworks need to be strengthened by ensuring that existing laws are not merely symbolic but consistently implemented. ASEAN countries should address legal loopholes that allow discrimination based on gender, ethnicity, religion, sexual orientation, and migrant status to persist.

Second, public policies must be designed with intersectionality in mind, meaning that every policy should consider how intersecting social identities such as gender, race, class, and sexual orientation affect individuals' access to fundamental rights and public services.⁵² Education, health, and employment policies should include specific

⁵² Nur Insani et al., "Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024): 88-117, <https://doi.org/10.18860/j-fsh.v16i1.26159>.

programs aimed at addressing structural barriers faced by marginalised groups. This includes providing greater access to education for women from ethnic minorities, improving legal protection for migrant workers, and developing inclusive health services for LGBTQ+ communities. In the long run, this more inclusive policy approach will help reduce inequality and create a more just society in ASEAN.

Third, access to justice needs to be improved by enhancing grievance mechanisms and expanding legal aid services for vulnerable groups. ASEAN countries must ensure that their court systems are free from corruption and accessible to all. Independent bodies that handle human rights complaints should be given more extraordinary powers to investigate discrimination cases, and governments should ensure that individuals who report violations do not face threats or retaliation. In addition, it is essential to raise people's awareness of their rights through public education and campaigns so that vulnerable groups have sufficient knowledge to seek justice.

4.3. Transformative Strategies for Social Justice

A transformative strategy for social justice in ASEAN requires a deep and multidimensional approach that focuses on resource redistribution or economic policies alone and includes recognising and protecting the rights of vulnerable individuals and groups. In this context, the application of international legal instruments, including UDHR, ICCPR, ICESCR, and ICERD, is an essential foundation for formulating and implementing effective social justice strategies in the ASEAN region.

A human rights-based approach is the main foundation of this transformative strategy. The UDHR, as the first international legal instrument to establish fundamental rights to be respected and protected by all states, provides a universal framework that ASEAN member states can adopt. By placing human rights at the centre, the social justice strategy focuses on material aspects and non-material dimensions such as individual dignity, freedom, and equality. This aligns with the principles in the ICCPR and ICESCR, emphasising the importance of civil, political, economic, social, and cultural rights as inseparable and interrelated.

In ASEAN, marginalised groups such as women, migrant workers, indigenous peoples, and the LGBTQ+ community often experience marginalisation and lack of access to

resources and participation in decision-making processes.⁵³ The Convention on the Elimination of All Forms of Racial Discrimination provides a legal foundation to address discrimination and ensure the protection of all individuals regardless of their race, ethnicity, or origin. Implementing these principles in ASEAN national policies should ensure that the rights of marginalised groups are fully recognised and respected, thus creating an inclusive and equitable environment.

Human rights-based advocacy strategies must integrate marginalised groups' active participation in every decision-making stage to realise transformative social justice.⁵⁴ This participation is not only limited to consultation but also includes empowering them to take a more proactive role and have real influence in formulating policies. This is in line with the principle of participation set out in the ICCPR, which emphasises the right of every individual to participate in public affairs and governance. Furthermore, developing structures supporting this active participation requires collaborative efforts between the government, civil society, and the private sector.

Establishing inclusive forums that allow for open dialogue between various stakeholders is a crucial step to ensure that the resulting policies reflect the needs and aspirations of all parties, especially previously marginalised groups. Leadership training and economic empowerment are also primary components in this strategy, as they provide the necessary tools and resources for such groups to take the initiative and effect the desired changes. Implementing this transformative strategy must also consider ASEAN's distinctive political and social dynamics. ASEAN member states have significant cultural, economic, and political diversity, which requires a contextually tailored approach. Therefore, international legal instruments such as the UDHR and related conventions must be adapted by considering local conditions to make the social

⁵³ Vanessa Yarwood et al., "LGBTQI+ Migrants: A Systematic Review and Conceptual Framework of Health, Safety and Wellbeing during Migration," *International Journal of Environmental Research and Public Health* 19, no. 2 (2022): 869, <https://doi.org/10.3390/ijerph19020869>; Joseph N Goh, Sharon A Bong, and Thaatchayini Kananatu, "Gender and Sexuality Justice in Asia" (Singapore: Springer Singapore, 2021), <https://doi.org/10.1007/978-981-15-8916-4>.

⁵⁴ Rodoula H Tsiotsou, Sertan Kabadayi, and Raymond P Fisk, "Advocating Human Rights and Sustainable Development Goals: An Ecosystem-Based Transformative Service Research (TSR) Approach," in *A Research Agenda for Service Marketing* (Edward Elgar Publishing, 2024), 225–49, <https://doi.org/10.4337/9781803923178.00020>; Sébastien Jodoin, Annalisa Savaresi, and Margaretha Wewerinke-Singh, "Rights-Based Approaches to Climate Decision-Making," *Current Opinion in Environmental Sustainability* 52 (2021): 45–53, <https://doi.org/10.1016/j.cosust.2021.06.004>.

justice strategy effective and sustainable.⁵⁵

One of the main challenges in implementing transformative strategies for social justice in ASEAN is the hierarchy of power that often places marginalised groups outside the decision-making process. Overcoming this requires systematic efforts to overhaul existing power structures, creating a more egalitarian space for all groups to participate and contribute equally. This includes policy and institutional reforms and changes in culture and social norms that support equality and inclusiveness.

ASEAN has a unique opportunity to develop and implement innovative and transformative social justice strategies in the context of globalisation and closer regional integration.⁵⁶ Regional cooperation on human rights and social justice can catalyse broader change at the national and regional levels. The exchange of knowledge, best practices, and technical support among ASEAN member states can strengthen each country's capacity to address complex and diverse social justice issues. In addition, the role of international and regional institutions in supporting the implementation of this strategy cannot be overlooked. Bodies such as AICHR can serve as a forum to promote dialogue and monitor and evaluate social justice policies at the regional level. Through this mechanism, member states can exchange experiences and strategies that have proven effective, as well as identify common challenges and solutions in their efforts to achieve inclusive and sustainable social justice.

In some countries, there is a tendency of fragmentation among different social movements, where each movement focuses on its specific issues without seeing how the oppression they face is related to other forms of oppression.⁵⁷ For example, a feminist movement may focus on the issue of gender equality without seeing how the

⁵⁵ Paul Atagamen Aidonojie et al., "Constitutional and Legislative Frameworks for Green and Sustainable Environmental Governance in Uganda," *International Journal of Constitutional and Administrative* 1, no. 1 (2025): 1–20.

⁵⁶ Isoni Muhammad Miraj Mirza, Oksha Dwi Anugrah Panjaitan, and Andre Arya Pratama, "Adopting European Union Legal Frameworks for Restructuring ASEAN: Pathways to Regional Stability," *Dialogia Iuridica* 16, no. 1 (2024): 1–26, <https://doi.org/10.28932/di.v16i1.8663>.

⁵⁷ Elizabeth Evans, "Political Intersectionality and Disability Activism: Approaching and Understanding Difference and Unity," *The Sociological Review* 70, no. 5 (2022): 986–1004, <https://doi.org/10.1177/00380261221111231>; Tamara L Lee and Maite Tapia, "Intersectional Organizing: Building Solidarity through Radical Confrontation," *Industrial Relations: A Journal of Economy and Society* 62, no. 1 (2023): 78–111, <https://doi.org/10.1111/irel.12322>.

problem relates to migrant workers' rights or racial discrimination. Therefore, strategies are needed to build cross-sector solidarity among social movements. Alliances between feminist movements, labour movements, LGBTQ+ rights movements, and environmental movements can strengthen the struggle for social justice in ASEAN. Such collaboration will allow them to support each other in fighting for interrelated rights and, ultimately, create more transformative and sustainable social change.

Solidarity across sectors is essential in addressing ASEAN's multi-layered and complex oppression. Oppression experienced by marginalised groups often occurs across multiple levels and dimensions of social identity, including gender, class, race, ethnicity, and sexual orientation. Public education and awareness are also crucial components in promoting transformative social justice. Improving people's understanding of the intersectionality and complexity of oppression is an essential step toward building solidarity and promoting social change.⁵⁸ In the ASEAN context, where cultural, religious, and ethnic diversity is high, education on intersectionality can help people understand how different forms of discrimination reinforce injustice. Education programs that integrate the concept of intersectionality in school curricula, inclusive public awareness campaigns, and training for law enforcement officers and government officials can all contribute to creating a society that is more aware of the importance of social justice and human rights.

Education based on intersectionality awareness should also focus on empowering marginalised groups.⁵⁹ For example, training programs for women migrant workers should equip them with job skills and knowledge of their rights as workers and citizens. This will enable them to be more independent and speak up for their rights when they experience exploitation or discrimination. Such transformative education should be designed with the involvement of the target groups to ensure that the materials and

⁵⁸ Jennifer Jihye Chun, George Lipsitz, and Young Shin, "Intersectionality as a Social Movement Strategy: Asian Immigrant Women Advocates," *Signs: Journal of Women in Culture and Society* 38, no. 4 (2013): 917–40, <https://doi.org/10.1086/669575>.

⁵⁹ Aaron J Hahn Tapper, "A Pedagogy of Social Justice Education: Social Identity Theory, Intersectionality, and Empowerment," *Conflict Resolution Quarterly* 30, no. 4 (2013): 411–45, <https://doi.org/10.1002/crq.21072>.

methods used are relevant to their needs.

In addition, public awareness campaigns should be designed to challenge stereotypes and stigmas regarding marginalised groups that exist in society. In many ASEAN countries, discrimination based on gender, race, and sexual orientation remains extreme, both in popular culture and in state policies. Sustained public awareness campaigns can help change this narrative by showcasing marginalised groups' contributions and experiences. For example, campaigns that showcase the positive contributions of migrant workers to the economies of receiving countries can help defuse the xenophobic sentiments that often underpin discrimination against them. Similarly, campaigns that highlight the importance of gender inclusivity and respect for sexual orientation can help create safer and more inclusive spaces for the LGBTQ+ community. Social media and digital platforms are crucial in spreading awareness and education messages in this context.

In many ASEAN countries, internet and social media access has allowed marginalised groups to voice their experiences and organise broader social movements. Platforms like Facebook, Twitter, and Instagram have become highly effective tools for feminist movements, LGBTQ+ rights, and workers' movements to disseminate information, build solidarity, and mobilise public support. Using social media as an advocacy tool can accelerate the process of social change more broadly, especially among younger generations who are more open to ideas of social justice. However, the challenge faced in public education and awareness is maintaining sustainability and consistency in such efforts.

Education on social justice and human rights cannot be temporary or sporadic. It requires a long-term commitment from the government, civil society organisations, and the private sector to ensure that public awareness campaigns do not just focus on specific moments but become an integral part of a sustainable social development strategy. Governments can play an essential role in supporting such educational initiatives through adequate budget allocations, policy support, and integration of human rights education in the national curriculum. In addition, academic programs should also be designed to encourage critical reflection and individual empowerment.

Education on social justice should include discussions that enable individuals to reflect on their position within broader social structures and understand how their identities are linked to power and oppression. This is particularly important for encouraging attitudinal change in societies that are often dominated by discriminatory and patriarchal norms. By promoting this critical reflection, education can become a transformative tool, raising awareness about oppression and empowering individuals to be actively involved in creating social change.

The success of a transformative strategy for social justice in ASEAN will largely depend on the commitment and hard work of all parties involved. Governments, civil society, the private sector, and individuals must work together toward a just, inclusive, and sustainable society. By adopting a comprehensive, rights-based, and participatory approach and utilising international legal instruments and regional support, ASEAN can serve as a model for other regions to develop effective and transformative social justice strategies. As such, a transformative strategy for social justice in ASEAN will strengthen equality and inclusiveness and significantly contribute to global social justice. Through strong commitment, close cooperation, and innovative approaches, ASEAN can achieve social justice goals that are inclusive, sustainable, and human rights-oriented, thus creating a better future for all its citizens.

5. Conclusion

Mapping intersectionality in ASEAN reveals the complexity of oppression experienced by vulnerable groups due to the interplay between gender identity, race, religion, social class, and sexual orientation. These interactions not only create multiple layers of discrimination but also exacerbate deep-rooted structural injustices in the region. The situation also highlights the significant gap between the formal legal framework adopted by ASEAN member states and its implementation, which often ignores the specific needs of vulnerable groups. Although ASEAN has ratified various international legal instruments such as UDHR, ICCPR, and ICESCR, their implementation at the national level has fallen short of expectations. Regional mechanisms such as the AICHR are still limited to consultative mandates without adequate enforcement capacity, hindering effective enforcement of social justice principles.

To make significant change, ASEAN needs to strengthen AICHR to act as an effective independent watchdog in upholding social justice in the region. In addition, increased public education and awareness campaigns are essential to build public understanding of the complex and multi-layered issues of discrimination, including those faced by the LGBTQ+ community, women, and indigenous peoples. Solidarity between social movements and civil society organisations should be strengthened to promote legal reforms that are inclusive and responsive to the specific needs of marginalised groups. A cross-sectoral collaborative approach is needed between government, private sector, and civil society to create an ecosystem that supports sustainable social justice change. With these measures, ASEAN has great potential to become a model region that respects diversity and ensures social justice and human rights for all its citizens without discrimination. This transformation requires strong political commitment and adequate resource support from all member states to make ASEAN pivotal in promoting higher human rights standards and advocating for regional and regional social justice.

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