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ASEAN & HUMAN RIGHTS REGIME: BIBLIOMETRIC ANALYSIS IN RESPONDING THE MAGUINDANAO MASSACRE

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**ASEAN & Human Rights Regime: Bibliometric Analysis in Responding the
Maguindanao Massacre**

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Abstract

The Association of Southeast Asian Nations (ASEAN) is one of the regional organizations that aims to promote economic and security cooperation among its members in southeast Asia countries. In the dynamics of ASEAN's journey, the most debated issue is enforcing human rights among ASEAN members. One of the bloodiest tragedies of human rights violations in Southeast Asia has known as the Maguindanao massacre in the Philippines. This research explores more profoundly the responses of the ASEAN on victims' family requests in the case of the Maguindanao massacre. This research also applies the human rights regime theory to the role of the ASEAN Intergovernmental Commission on Human Rights (AICHR). Through bibliometric analysis by utilizing NVivo 12 plus software for data collection and data visualization, this research found the victim's family request: further investigation, arrest of perpetrators, public awareness improvement, protection rights, and compensation. Four ASEAN member states, namely Indonesia, the Philippines, Thailand, and Malaysia, have responded to this matter. The ASEAN highlighted five responses: advocacy, lack of mechanism, non-intervention, responsibility transfer, and warn. Eventually, the AICHR has indicated the status of a promotion regime based on its involvement in these issues.

Keywords: ASEAN, Human Rights Regime, Bibliometric Analysis, Maguindanao Massacre

Abstrak

The Association of Southeast Asian Nations (ASEAN) adalah salah satu organisasi regional yang bertujuan untuk mempromosikan kerja sama ekonomi dan keamanan di antara para anggotanya di negara-negara Asia Tenggara. Dalam dinamika perjalanan ASEAN, isu yang paling diperdebatkan adalah penegakan HAM di antara anggota ASEAN. Salah satu tragedi pelanggaran HAM paling berdarah di Asia Tenggara dikenal dengan pembantaian Maguindanao di Filipina. Penelitian ini menggali lebih dalam tentang tanggapan ASEAN atas permintaan keluarga korban dalam kasus pembantaian Maguindanao. Penelitian ini juga menerapkan teori rezim hak asasi manusia pada peran the ASEAN Intergovernmental Commission on Human Rights (AICHR). Melalui analisis bibliometrik dengan memanfaatkan software NVivo 12 plus untuk pendataan dan visualisasi data, penelitian ini menemukan permintaan keluarga korban: penyidikan

lebih lanjut, penangkapan pelaku, peningkatan kesadaran masyarakat, hak perlindungan, dan ganti rugi. Empat negara anggota ASEAN, yakni Indonesia, Filipina, Thailand, dan Malaysia, telah menanggapi hal ini. ASEAN menyoroti lima tanggapan: advokasi, kurangnya mekanisme, non-intervensi, transfer tanggung jawab, dan memperingatkan. Akhirnya, AICHR telah menunjukkan status promotion regime berdasarkan keterlibatannya dalam isu-isu ini.

Kata kunci: ASEAN, Rezim Hak Asasi Manusia, Analisis Bibliometrik, Pembantaian Maguindanao

INTRODUCTION

The Association of Southeast Asian Nations (ASEAN), one of the organizations located in the Southeast Asia region, was formed based on common solidarity, experience, and objective in constricting their member countries toward better development, especially in terms of economy, political security, and socio-cultural aspects. It consists of ten countries: Indonesia, Malaysia, Singapore, Philippines, Thailand, Brunei Darussalam, Vietnam, Laos, Cambodia, and Myanmar. In the dynamics of ASEAN, scholars often debate the enforcement of human rights among member countries in the ASEAN. Various human rights issues in the ASEAN region have been recorded by history and faced several challenges due to non-intervention policy (Ali Khan Ghumro et al., 2020), such as the case of human rights violations against the Rohingya ethnicity in Myanmar (Kristimanta, 2020; Mangku, 2013; Raharjo, 2015); the murder case of million Cambodians by the Government of Democratic Cambodia or known as Khmer Rouge (Antuli et al., 2019; Neou & Gallup, 1997); the case of East Timor of 1999 in Indonesia (Nasution, 2018); and the massacre of 58 people caused by political rivalries in Maguindanao, Philippines (Mercado, 2010; Sarmiento, 2013).

There are three primary factors for human rights violations in the ASEAN

region. First, the authorities' aggression against community groups (vertical conflicts). Second, disputes also arise as a result of persistent confrontations between community groups in a country, leading to social conflict (horizontal battles). Lastly, it is a condition when individuals perform certain behaviours and actions against others due to a dispute motivated by political, economic, social, or cultural factors (Nasution, 2018). As a result, the international community views the occurrence of catastrophes that threaten the violation of human rights as a significant problem that must be resolved. One of the initiatives is the establishment of a specific institution to deal with human rights violations in international organizations.

Through the second informal ASEAN Summit 1997 in Kuala Lumpur, the Hanoi Plan of Action (HPA) was drafted as an adoption of human rights values from the Human Rights Conference 1993 in Vienna known as the Vienna Declaration and Programme of Action 1993 and as an effort to achieve the vision of ASEAN in 2020. Based on Chapter IV, paragraph 4.8, HPA, which contains:

“Enhance exchange of information in the field of human rights among ASEAN Countries in order to promote and protect all human rights and fundamental freedoms of all peoples in accordance with the Charter of the United Nations, the Universal

Declaration of Human Rights and the Vienna Declaration and Programme of Action.” (Vienna Declaration and Programme of Action 1993, chapter IV paragraph 4.8, HPA)

ASEAN has committed to enhancing the information exchange in the field of human rights among ASEAN countries; to promote and protect human rights and fundamental freedoms of all people following the United Nations Charter by establishing the Universal Declaration of Human Rights and the Vienna Declaration and Program Action (Davies, 2014). In line with the ASEAN Vision 2020, ASEAN 2004 established the Vientiane Action Program under the Political Development subsection of ASEAN. Member countries have agreed to promote the enforcement of human rights. The adoption of human rights by ASEAN has continued to be realized in an action program under the ASEAN Political-Security Community (APSC) Blueprint by establishing a specific human rights agency in 2009 (The ASEAN Secretariat Jakarta, 2017). The ASEAN's commitment to the enforcement of human rights began at the Human Rights Conference conducted in 1993, which was initially only written in a text and, finally, has realized by the establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR) (Jones, 2019).

The ASEAN is continuously struggling against the violations of human rights. Many human rights violations have still occurred in various member countries – one example of an ASEAN country involved in cases of human rights violations is the Philippines. As a member country in ASEAN, the Philippines is positioned in the

global spotlight on the issue of human rights violations. Based on the data listed by the Global Peace Index for 2021, the Philippines ranks 127th among the index of peaceful countries worldwide (Institute for Economics & Peace, 2021). This fact also illustrated that the Philippines still has issues related to peace and security. Many things have happened related to the internal peace and security issues in the Philippines – threaten human rights – such as the 2007 shooting of Siche Bustamante-Gandinao, which has not been further investigated (Sales, 2009). Furthermore, there was also the massacre tragedy that involved journalists and civilians as a result of the contestation for the general election for the governor of Maguindanao between Esmael Mangudadatu and Andal Ampatuan (Mercado, 2010; Sarmiento, 2013)

The aforementioned incident, known as the Maguindanao Massacre, resulted from a political dispute between the two candidates for governor of Maguindanao, Mangudadatu and Ampatuan. Mangudadatu sent his wife, two sisters, two lawyers, thirty-two journalists, and media crews to submit Mangudadatu's name as the candidate for governor to the General Elections Commission (Sarmiento, 2013). However, the mission ended in a tragic massacre of the journalists. As many as fifty-eight journalists died in this incident (Gregorio & Santos, 2019). As a result, in 2009, the Philippines was ranked 65th in the Human rights and the rule of law index issued by The Global Economy (TheGlobalEconomy.com, 2022); even the report of the Committee to Protect Journalists (CPJ) has listed the Philippines in the first rank of the top ten most dangerous

countries for journalists (Manahan, 2021). The Philippines is the most dangerous country for journalists among ASEAN member states. Journalists frequently suffer threats, attacks, kidnappings, disappearances, and even death as a result of the nature of their profession.

Journalists are protected by International Humanitarian Law as civilians. The Additional Protocol to the Geneva Conventions of August 12, 1949, relating to the Protection of Victims of Foreign Armed Conflict, specifies that journalists in dangerous international missions' zones of armed conflict are considered civilians. Thus, they have full coverage of the protection afforded to civilians under international humanitarian law, both from the effects of hostilities and arbitrary actions by the parties to the conflict. Under international and non-international armed conflict rules, civilians cannot be attacked by any party. However, the facts in this case indicate differently, and it violates human rights.

Since the Universal Declaration of Human Rights was adopted in 1947, initiatives have been taken to advance international human rights norms by incorporating the process into regional organizations, with the intention that these norms should become standards of conduct for member nations (Kraft, 2005). Human rights regime contained in the ASEAN regional organization are stated in the ASEAN Intergovernmental Commission on Human Rights (AICHR) formation on October 23, 2009 (Putri Irawan et al., 2018). This indicates that the foundation of the AICHR represents a commitment by ASEAN countries to undertake a strategic plan to

promote regional cooperation in the field of human rights in the ASEAN region (Madu, 2016).

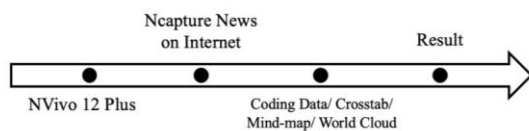
The issue of human rights violations in the case of the Maguindanao Massacre has resulted in many victims, as well as numerous replies from the ASEAN community and officials and requests from the victim's families for more human rights enforcement. The victim's families requested that the massacre's victims receive appropriate justice. AICHR is responsible for responding to the growing problem of human rights violations in the ASEAN area. Hence the victim's family demands a response from the organization (Ferrer, 2010; Fonbuena, 2010b). Therefore, all parties, including the victims' relatives, the AICHR, and the ASEAN Inter-parliamentary, must spread the word about the Maguindanao Massacre case. This study will investigate the ASEAN Inter-Parliamentary response to the victim's family request while looking at AICHR as a human rights regime.

METHODS OF RESEARCH

This research is qualitative research with a case study approach. Qualitative research aims to understand the phenomena experienced by research subjects, including by explaining behaviour, perception, motivation, and other things as a whole in terms of language and a specific context (Lexy J. Moleong, 2019). Furthermore, a case study is an intensive research approach that describes one or two cases for a particular purpose in one bounded system through in-depth and detailed data collection involving various available sources of information (Nazir, 2013). In this paper, Bibliometric Analysis by utilizing NVivo 12

Plus software has been used for data collection and data visualization. There are three features operated by authors from NVivo 12 plus: Crosstab analysis, Mind-map analysis, and Word Cloud analysis (See Figure 1). It explored the data using those four analyses; there is a timeline-by-month examination from November 2009 – the beginning of the Maguindanao massacre case – until August 2022.

Figure 1. Research Framework



Source: Authors

The first one is Crosstab Query analysis by the process of code entry both manually and automatically, in the form of text data, numerical data to identify variables available, and data patterns formed. The second is Mind-map analysis to find out the mapping pattern between actors. The third one is Word Cloud analysis to find the dominant words that appeared on the related topic.

THEORETICAL FRAMEWORK

Understanding the Development of Human Rights Regime

Numerous international scholars, particularly those specializing in international relations, are perplexed as to why states create human rights institutions together (Cole, 2005; Hathaway, 2002, 2003; Moravcsik, 2007). According to a number of scholars, the way in which states build such institutions makes little sense because they

are expensive and deliver few tangible benefits to the states concerned. First, such institutions do not control relations between states, but rather between a state and its citizens (Moravcsik, 2007) – so why do they require an interstate or supranational institution?. Second, the practical development of such institutions invites the "intrusion of the international community into the domestic arena" and interferes with the relationship between a state and its citizens (Hathaway, 2003). Consequently, these institutions impose "sovereignty costs" on member nations by restricting their behaviour through external monitoring and criticism (Moravcsik, 2007).

Nowadays, rethinking why states construct international institution to adjudicate and enforce human rights has become a relevant moment considering more than five centuries, the UN Universal Declaration of Human Rights – a milestone human rights document – has been appropriately established. The human rights regime theory is an appropriate approach that is quite relevant and straightforward to clearly describe the traits and step taken in the development of international human rights institutions. Before further elaborating on how regime theory can contribute to the analysis of the existing international human rights institution, it is essential to define what is the international regime.

The well-grounded definition in the common discussion of the international regime is offered by Krasner (1982), which states that the regime sets of explicit principles, norms, rules, and decision-making procedures around which actor's expectations converge in a given area of

international relations. Regimes “are most specialized arrangements that pertain to well-defined activities, resources, or geographical areas and often involve only some subset of the member of international society” (Young, 1989).

Expanding on the preceding definitions, Donnelly (1986) established four categories of human rights regimes: the declaratory regime, promotional regime, implementation regime, and enforcement regime. The least performed to approach the human rights regime is the 'declaratory regime'. There is no reliable framework in place to uphold international standards. Continue with 'promotional regimes', thus implementing the international standard as guidelines in terms of non-binding standards and having various stages of effectiveness. It has an obligation to share information, promotion, and technical assistance (Donnelly 1986, 60)

Following with the creation of national exemptions towards the international standard with binding rules called 'implementation regimes'. In addition, it gave the state the freedom to bounder itself to a legally binding system for not ratifying or ratifying a treaty, for instance. The 'enforcement regime' has shown to be the most powerful and successful, as seen by how it has operated (Donnelly 1986, 603). In light of this, its have applied the effectual institutionalized and effective decision-making output, also holding control to monitoring the mechanism. This effectiveness leads to the full acceptance of the state.

Taking ASEAN and its AICHR as the example that will be the focus of this paper's

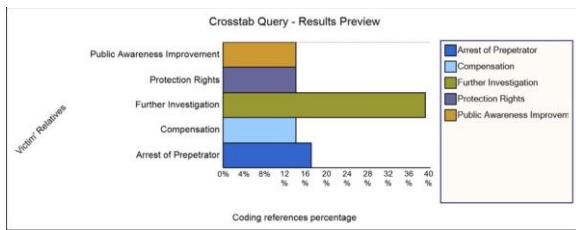
discussion. Some researchers have examined the development of the AICHR and, in particular, its flaws as the most prominent topic of discussion (Bui, 2016; Follesdal, 2013; Orosa, 2012). The international human rights regime remains appropriate to expound on the establishment and development of the AICHR through its response to specific human rights concerns – in this instance, the Maguindanao massacre, a case that has received less attention in previous research. As we have observed in relation to the evolution of the ASEAN human rights regime, the advancement of human rights inside ASEAN remains sluggish since ASEAN nations continue to emphasize the principles of sovereignty and non-intervention.

RESULT AND ANALYSES

The Victim's Family Request

The request of the victim's family addressed to the AICHR can be used to provide an explanation of the ASEAN response to the tragedy. For the purpose of describing the victim's family's request, the researcher utilizes the NVivo 12 Plus Software tool to categorize Internet resources into groups based on certain points provided by the victim's family. Crosstab and word frequency are employed to rank the requested points by the victim's family. The AICHR received numerous inquiries from the victim's family in response to the incident. This case has been considered with the AICHR because the families of the victims believe the Philippine government cannot be relied upon to grant their requests (Fonbuena, 2010a).

Figure 2. Victim's Family Request (the result of the NVivo 12 Plus analysis using the Crosstab feature)



Among of five points above, the percentage of 'further investigation' is 39%. 'Arrest of perpetrators' presentation is 17%. Furthermore, 'public awareness improvement', 'protection rights', and 'compensation' are balanced by 14%. The percentage of victim requests obtained from a thorough search is then used as the core of the response points.

Further Investigation

The call for further investigation in this section is interpreted as a request from the victim's family for AICHR to cooperate in following up on the Maguindanao massacre case, as the Philippine government was slow to respond and take action (Reyes, 2009). This becomes an important issue for the victim's family, as they believe that international organizations have greater influence than the Philippine government (Fonbuena, 2010a). For victims' rights to be upheld, an inquiry is required. The victim's family requested that the AICHR push the Philippine government to administer justice to the victims. According to them, this matter should be an important concern for the AICHR (Fonbuena, 2010a).

In addition, the inquiry that has to be conducted, as evidenced by a petition submitted to the AICHR by the victim's family, must be outlined in terms of tangible

actions (Fonbuena, 2010b). Public satisfaction will result from concrete actions. Due to the identification of this case, this action can take the form of a search for deceased or missing persons. Once this attempt has been undertaken, they want the AICHR to rebury the dead according to local cultural culture (Fonbuena, 2010a).

Arrest of Perpetrators

In this section, the arrest of perpetrators is described as the victim's family's demand to immediately arrest the perpetrators and send them to court to be sentenced. This matter occurred because the victim's family demanded justice. The victim's family requested that the AICHR put pressure on the Philippine government to invest in resolving this situation (Purwaningsih, 2010). According to the lawyer representing the victim's family, Harry L. Roque, international institutions such as the AICHR should take jurisdiction over the Philippines government in some cases involving violations of fundamental freedoms (Reyes, 2009). Following the inquiry, the victim's family hopes the perpetrators will be arrested and punished with legal or administrative sanctions for justice enforcement (Fonbuena, 2010a).

Compensation

In this section, compensation is defined as points from the victim's family who want compensation from the Philippine Government. This is the request of the victim's family to AICHR because it is believed that the AICHR own the power to warn the Philippine Government to provide compensation to the family's victims. In the ASEAN human rights agenda, the foreign

ministers agreed that ASEAN should coordinate a common human rights approach, actively participate, and contribute to realising, promoting, and protecting human rights. Unfortunately, this commitment is also accompanied by the principles of respect for national sovereignty, territorial integrity, and non-intervention in the country's internal affairs (The ASEAN Secretariat Jakarta, 2017). Adequate and appropriate compensation must be given to the victim's heirs based on the rules of applicable international law. The form of compensation according to United Nations General Assembly Resolution No. 40/34 dated November 29, 1985, when the source of compensation for the perpetrator or other sources is insufficient, the state must make financial efforts for family members, especially dependents of those who have died or are physically or mentally disabled due to abuse from the perpetrators.

Public Awareness Improvement

Public awareness improvement can be interpreted as a request from the victim's family that wanted such openness to the broader community towards the case of the Maguindanao Massacre. This transparency will demonstrate to the public that serious human rights violations have happened in the ASEAN region, demanding serious action to solve the issue (Fonbuena, 2010a). The victim's family wanted the public to have a better understanding of this case to ensure that the Philippine authorities would devote more attention to it. This is stated in the petition submitted to the AICHR by the victim's family. The family of the victim requested all nations to empathize with this issue by urging that the Philippines'

government promote and preserve human rights. Verification of facts and complete revelation of the truth to the public, followed by disclosure regulations, will not endanger witnesses, victims' families, or others. This notification must also include appropriate reports of human rights and international humanitarian law violations in all levels of training and educational materials (Fonbuena, 2010a).

Protection Rights

The section at this point described that the victim's Family wanted to get secure protection supports from the AICHR. It is because the trust of the victim's Family in the Philippine government regarding protecting human rights is low (Fonbuena, 2010a). The victim's family, who was at a press conference in Jakarta, stated that the Ampatuan's were very dangerous, coupled with the lack of the Philippines government to ensure safety, which made them request more support from outside parties to deal with those risks (Fonbuena, 2010a). These protection rights are requested by the victim's family, accompanied by request to prevent future human rights violations (Fonbuena, 2010a).

After the incident, journalists felt their careers were no longer secure. According to Filipino journalists, journalists had never previously accused the government of having a policy of intentionally targeting journalists. However, after this incident, numerous journalists received open claims from government officials and military authorities that they were suspected rebels (Radio, 2019).

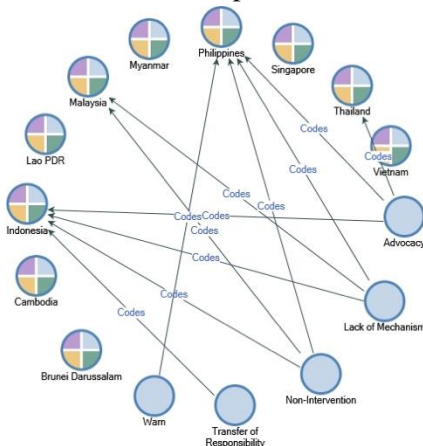
In order to discover the dominance of words in the requests of the victims' families,

frequently used. The word 'commission' refers to the human rights institution or AICHR, which functions as a liaison between the family of the victim and the Philippine government. The AICHR commission is acknowledged as a trustworthy agent by the victim's family to ensure and warn the Philippine government to investigate this case. The word 'heirs,' the final word in the list of most often occurring words, indicates that demanding justice for the victims and the heirs left by the victims need compensation and proper protection.

The Member Countries Responses

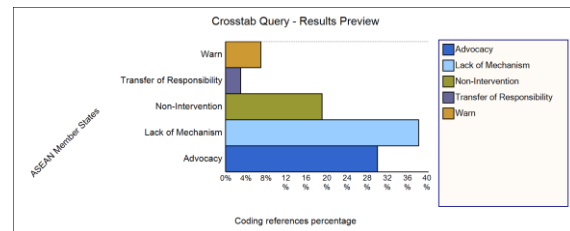
The massacre in Maguindanao has attracted attention from other countries, especially ASEAN member countries. The representatives involved in giving such responses to the Maguindanao massacre were AICHR representatives from Indonesia, Solidarity for Asian People's Advocacy Task Force on ASEAN and Human Rights, lawyers for victims' families, the Philippine Ambassador, the Executive Director of the Asia Forum, groups from Indonesia and Thailand.

Figure 4. ASEAN member countries responses (the result of the NVivo 12 Plus analysis using the Mind-map feature)



The preceding Mind-map represents the categorization of responses issued by each ASEAN member country to the tragedy of the Maguindanao massacre and to the performance of the AICHR in handling it. Based on the results, only four out of ten ASEAN member countries, including Indonesia, Malaysia, Thailand, and the Philippines, responded.

Figure 5. ASEAN member countries responses (the result of the NVivo 12 Plus analysis using the Crosstab feature)



From the data acquired in the response category of ASEAN member countries, "Lack of mechanism" is the response with the largest percentage of 38%. The second category is 'advocacy,' which receives 30%. Next is 'non-intervention' with a percentage of 19%, followed by 'warn' with a percentage of 7%, and the lowest gain is on the 'transfer of responsibility' with a percentage of 3%. The response 'Lack of mechanism' might be regarded as an indication that ASEAN member countries are aware of this organization's deficiencies in its problem-solving system. Therefore, it is rather challenging for ASEAN to become involved in issues that occur in member nations (Reyes, 2009).

The word 'advocacy' is defined as a response that refers to circumstances that require ASEAN to undertake efforts to resolve human rights violations. Non-

intervention is specified as the member countries' argument that this principle continues to restrict the ASEAN's problem-solving (Conde, 2019). In addition, the term 'warn' is defined as a warning issued by member countries to the AICHR to solve issues related to their field (Fonbuena, 2010a). The 'transfer of responsibility' can be interpreted as a statement by actors from member countries regarding the transfer of responsibility for human rights concerns since the AICHR is insufficient (Purwaningsih, 2010).

Indonesia

A representative of AICHR from Indonesia, Rafendi Djamin, stated that AICHR would advocate this issue by discussing with other representatives how to handle the request of the victims' families and efforts to make AICHR a more vital ASEAN human rights institution. On the other hand, AICHR also has no sufficient capacity to further investigate the issues in its member countries into real action. The petition of the victim's family, which the ASEAN has accepted, cannot be manifested into further action because this case has not yet become part of AICHR's authority. Furthermore, Indonesian also expressed their support through the petition made for the AICHR to take action in a related case (Fonbuena, 2010a).

Rafendi further explained that the AICHR could only respond to thematic cases (Purwaningsih, 2010). As stated in the ASEAN Mandate and Function section of Article 4.12 of the AICHR Terms of Reference, it is tasked with preparing a study on thematic issues (The ASEAN Secretariat Jakarta, 2017). Even though the Solidarity for

Asian People's Advocacy Task Force on ASEAN and Human Rights (SAPA TF-AHR), a non-governmental organization located in Jakarta, Indonesia, claimed that if the AICHR refuse to act, human rights in the ASEAN will stagnate (Fonbuena, 2010a).

ASEAN's non-intervention principle, which has been in place since the organization's establishment, makes it more challenging to address difficulties in member countries. The representative of the AICHR in Indonesia indicated that Philippine government officials had informed the ASEAN Human Rights Agency that the Maguindanao massacre was an 'internal issue' (Fonbuena, 2010a). As a result, ASEAN does not undertake any further discussion regarding the issue of any ASEAN country and how ASEAN would respond to it (Human Rights Watch Organization, 2010). Therefore, the transfer of responsibility point was presented as a solution by AICHR representatives in Indonesia. As a matter pertaining to human rights, it would be more appropriate to transfer this case to the United Nations (Purwaningsih, 2010).

Philippines

As a country that experienced this tragedy, the Philippines addressed the AICHR with responses such as advocacy, lack of mechanism, and non-intervention. The victim's family's lawyer, Harry L. Roque, emphasized that the Philippine government would not take strong action in this case. Thus, additional advocacy is required. Romel Bagares, a member of the Center for International Law, a Philippine-based non-governmental organization, responded to the AICHR's actions, in which

the AICHR should become a forum for legal assistance for justice enforcement (Human Rights Watch Organization, 2010). Advocates for the victim's family claimed 'the lack of ASEAN' mechanism, arguing that the AICHR agreed to designate the case as a domestic matter. It will result in stagnant progress in resolving this issue, with only petition action remaining (Ciorciari, 2012).

Malaysia

Malaysia stated that the two responses, such as non-intervention and lack of mechanism, by Yap Swee Seng as the Malaysia-based Executive Director of the Asia Forum. According to the submitted statement, the principle of non-intervention upheld by ASEAN will result in inefficient problem-solving as well as It will also result in an unsatisfactory method. If ASEAN continues to disregard the case under the non-intervention principle, the AICHR will be rendered ineffective and irrelevant to the ASEAN community for the enforcement of justice (Fonbuena, 2010a).

Thailand

This one country only provides an advocacy response. The response is contained in support of a Thai community group that gave a petition to the AICHR to intervene in human rights violations for the case of the Maguindanao Massacre (Fonbuena, 2010b).

Hereinafter, to determine the dominance of words in the response of ASEAN member countries, the researchers used the word frequency feature by NVivo 12 Plus Software in analysing news articles spread on the internet.

Table 2. List of words from the response of the ASEAN Member Countries

Length	Country	Length	Weighted Percentage (%)
AICHR	27	5	3,74
ASEAN	21	5	2,91
CASES	18	5	9,50
HUMAN	17	5	2,36
RIGHTS	17	6	2,36
GOVERNMENTS	16	10	2,22
PHILIPPINE	15	10	2,08
INTERNATIONAL	12	13	1,66
COMMISSION	11	10	1,53
INDONESIA	10	9	1,39

Source: Analysis result of the NVivo 12 Plus by using Word Frequency feature

Based on the table list, there are ten dominant words, namely: AICHR (3.74%), ASEAN (2.91%), cases (2.50%), human (2.36%), rights (2.36%), government (2.22%), Philippine (2.08%), international (1.66%), commission (1.53%), and Indonesia (1.39%). Based on the list of words in the table, the words that appear most often in articles on the internet can be visualized.

Figure 6. Visualization of Word Sets in Word Cloud Form by NVivo 12 Plus Software

Lack of Mechanism

The 'lack of mechanism' response is described as a response issued by ASEAN stating that, as a regional organization, ASEAN still has flaws in the problem-solving mechanism within the organization. Referring to the case of the Maguindanao massacre that was filed to ASEAN in the form of a petition file, the Maguindanao massacre case is still seen as one in which the AICHR has no authority to intervene since it falls outside of their jurisdiction. Therefore, ASEAN warns that it cannot continue to process the complaints presented by the victims' families (Conde, 2019). In the end, the AICHR did not enforce human rights based on this matter (Trie & Dewi, 2015).

The ASEAN mechanism's inherent shortcomings are still grounded in the principle of non-intervention. This principle is clearly stated in the AICHR Terms of Reference, which state that the AICHR must be guided by the principle of not interfering with the internal affairs of ASEAN member countries and respecting each member country's right to lead its national sovereignty existence without external intervention, subversion, as well as coercion (The ASEAN Secretariat Jakarta, 2017). On the other hand, The Philippine Government has informed the AICHR that this is a domestic problem that the Philippine local government will address. Therefore, there is no other way for ASEAN to comply with the request submitted.

The foundation of non-intervention in ASEAN is deeply rooted in the ASEAN Way's values. This organization has functioned in accordance with the ASEAN Way since the founding fathers of ASEAN

first faced internal and external security threats. Consequently, they were highly concerned about the national sovereignty of member nations. During the cold war, this concept expressed a collective commitment to opposing communist regimes. The practice of non-intervention is seen in the practices of ASEAN members, who rarely criticize their country members' internal affairs, particularly human rights issues (Kim, 2007). The principle of non-intervention is stated in article two of the ASEAN Charter parts 2 (a) and (e), namely:

“Respect for independence, sovereignty, equality, territorial integrity and national identity of all ASEAN Member States” and “Non-interference in the internal affairs of ASEAN Member States.”

The aforementioned means that each ASEAN member country must respect the independence, sovereignty, equality, territorial integrity, and national identity of all ASEAN member countries and not interfere in the internal affairs of ASEAN member countries.

Advocacy, Transfer of Responsibility, and Warn

The 'Advocacy' refers to the efforts made by ASEAN to defend and support cases that have occurred. The term 'transfer of responsibility' might be regarded as ASEAN's response to the delegation of authority due to its inability to address challenges. Responsibility must be transferred to other organizations that are larger and more capable of handling issues. The 'warn' variable seeks to identify whether ASEAN issues a warning to the Philippine

Government in the form of a warning or action. The ASEAN commission conducted a discussion in response to this issue. However, the Philippine government declared that this issue was an internal matter and the commission had no authority to intervene. Thus, the ASEAN commission's activities had to be halted (Trie & Dewi, 2015).

Due to the AICHR's lack of authority in resolving cases, the ASEAN Inter-Parliamentary provides the solution of transferring responsibility. Rafendi stated this response as the direct representative of the AICHR. According to him, the commission does not yet have jurisdiction over this matter, thus it would be more appropriate to bring it to the United Nations (Purwaningsih, 2010). The underlying principle of 'non-interference' in domestic issues among ASEAN members prevents the ASEAN Inter-parliamentary from issuing such sanctions or warnings to member nations. Therefore, the word 'warn' is missing from the statements of ASEAN Inter-parliamentary representatives.

Furthermore, to find the dominance of words in the ASEAN Inter-parliamentary response, the researchers used the word frequency feature by NVIVO 12 Plus Software in analysing articles spread on the internet.

Table 3. List of Words from the response of actors from ASEAN Community and ASEAN Organization

Word	Count	Length	Weighted Percentage (%)
ASEAN	30	5	7,13
AICHR	23	5	5,23
REFENDI	16	7	4,00

HUMAN	12	5	2,85
RIGHTS	12	6	2,85
GOVERNMENT	10	10	2,38
S			
PHILIPPINE	10	10	2,38
COMPLAINTS	8	10	1,90
INDIVIDUAL	8	10	1,90
INDONESIA	8	9	1,90

Source: Analysis result of the NVivo 12 Plus by using Word Frequency Feature

Based on the table list, there are ten dominant words, namely: ASEAN (7.13%), AICHR (5.23%), Rafendi (4.00%), human (2.85%), rights (2.85%), government (2.38%), Philippine (2.38%), complaints (1.90%), individual (1.90%), and Indonesia (1.90%). Based on the list of words in the table, the words that appear most often in articles on the internet can be visualized.

Figure 8. Visualization of Word Sets in Word Cloud Form by NVivo 12 Plus Software



Various sentences examined based on the word frequency feature identified 'AICHR' and 'ASEAN' as the two – usually occurring words in the ASEAN Inter-parliamentary responses. The following words are listed: 'Rafendi,' 'human,' 'rights,' 'government,' 'Philippine,' 'complaints,' and 'person.' The dominant word indicates that, in

this case, ASEAN and AICHR also participated, despite the fact that the ASEAN's existing regulation considerably constrained the action. Regarding this case, numerous parties have highlighted ASEAN's response. Rafendi stated that he emerged as the only ASEAN Inter-parliamentary party that immediately provided information regarding the case's management and responded to the victim's family.

Other words, such as 'human' and 'rights,' indicate that this issue is associated with human rights violations. Regarding its efforts in relation to these matters, the ASEAN Commission, a forum for human rights enforcement in the ASEAN region, has undoubtedly attracted the attention of numerous parties. Other words such as 'government,' 'Philippine,' 'complaints,' and 'individual' became quite prevalent because they indicated innumerable complaints from other parties, such as victims' families who requested assistance from the ASEAN commission, because the Philippine government acted too slowly. Indonesia is the final word to reach the top spot; Rafendi, the AICHR representatives who provided comments, were from Indonesia.

As ASEAN develops a human rights regime, it must address principles, norms, rules, and decision-making procedures. In Southeast Asia, human rights law is applied unevenly and often seen as a 'foreign concept'. Human rights are still part of authoritarianism overlaid by a firm assertion of sovereignty. Norms of non-intervention are also enclosed by sovereignty. Member countries believe that human rights can threaten stability, limit policy and economic development, and hinder the ability to attract

foreign investment. On the other hand, the ASEAN Way hinders development in the field of human rights protection because changes require consensus, and human rights diplomacy and law enforcement are seen as interference contrary to the ASEAN's basic principles.

CONCLUSION

In order to support the work of enforcing human rights in its member nations, ASEAN, a regional organization, established the AICHR. Despite a protracted process leading to its foundation, the AICHR's existence finally has the potential to make the protection of human rights a significant ASEAN priority. The Maguindanao massacre in the Philippines is an example of how the AICHR's principles have been restricted, despite its establishment as a platform for upholding human rights in ASEAN. As a result, the AICHR's existence is still insufficient to address such human rights issues.

The ASEAN region has responded in this way to the Maguindanao Massacre case, particularly the victim's family. The AICHR received a response because it is a regional organization and can only take promotional regime to encourage the Philippine Government to support human rights principles. The functions of information sharing, promotion, and technical support are the only ones covered by these phrases. As a result, the victim's family demanded justice, which they understood to be the continuation of the inquiry, the capture of the offender, financial recompense, legal protection for the bereaved family, and raising public

awareness of this instance of human rights breaches.

They supported the victim's families in the form of public statements by blaming ASEAN's inability to act in resolving the demands of the victims' families. The ASEAN Inter-parliamentary Assembly admitted that they had been unable to pursue the Maguindanao Massacre issue any further. This is because of the fact that ASEAN is still bound by the non-intervention principle contained within the ASEAN Way as a set of organizational principles.

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