

Gender Construction in Southeast Asia Through a Social Constructivism Perspective: Case Study on the Philippines, Indonesia, and Myanmar

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Abstract

The LGBTQ+ community often become a topic of discussion among the global community, including in Southeast Asia. Not only does attention gets support, praise, and criticism, and conflict also emerges in response to this phenomenon. The author raised this discourse to understand the reason for the response given by the community in several Southeast Asia countries. The author uses qualitative research using secondary data in analyzing. The authors will choose the Philippines, Indonesia, and Myanmar as study cases with the social constructivist theory approach. Because the three countries have different cases and levels of acceptance of the LGBTQ+ community. Therefore, the authors understand what is behind the community's views regarding the acceptance of the LGBTQ+ community in three countries in Southeast Asia. The results of this study indicate that the construction of gender in the three countries comes from diverse backgrounds, such as Indonesia, which is dominated by religious morals; the Philippines shaped by local culture; and Myanmar caused of the obstruction of the flow of discourse due to political instability as well as religious views in the country.

Keywords: Gender Construction, Indonesia, LGBTQ+, Myanmar, Philippines

Abstrak

Komunitas LGBTQ+ sering menjadi sebuah pembicaraan hangat di kalangan masyarakat global, termasuk di Asia Tenggara. Tidak hanya perhatian yang didapat, dukungan; pujian; kritik; dan konflik juga muncul sebagai respons terhadap fenomena ini. Penulis mengangkat diskursus ini dengan tujuan memahami apa yang menjadi alasan dari respons yang diberikan oleh masyarakat di beberapa negara Asia Tenggara. Penulis menggunakan penelitian kualitatif dengan menggunakan data kepustakaan sekunder dalam menganalisis. Dengan pendekatan teori konstruktivis sosial dalam metode studi kasus negara Filipina, Indonesia, dan Myanmar, dengan alasan ketiga negara tersebut memiliki kasus dan tingkat penerimaan terhadap komunitas LGBTQ+ yang berbeda dengan satu sama lain. Penulis memahami apa yang melatarbelakangi pandangan masyarakat mengenai penerimaan komunitas LGBTQ+ di tiga negara di Asia Tenggara tersebut. Hasil dari penelitian ini menunjukkan bahwa konstruksi gender di ketiga negara tersebut berasal dari latar belakang yang beragam, seperti Indonesia yang didominasi diskursus berlandaskan moral agama; Filipina yang dibentuk oleh kebudayaan lokal; dan Myanmar yang disebabkan oleh terhambatnya arus diskursus akibat instabilitas politik sekaligus pandangan agama di negara tersebut.

Kata - kata kunci: Filipina, Indonesia, Konstruksi Gender, LGBTQ+, Myanmar

Introduction

The LGBTQ+ community is currently getting more and more attention from plenty of people worldwide. This situation is driven by social media, which has become the central platform for information, thus making LGBTQ+ a global phenomenon. People's interest in the LGBTQ+ community can be seen in the many lesbian, gay, bisexual, queer, transgender, and others (LGBTQ+) hashtags on social media, such as Tiktok, Twitter, Instagram, Facebook, and others. In addition, social media is used as a forum for the LGBTQ+ community to express their gender and sexual orientation. It also brings awareness to the public about the presence of the LGBTQ+ community. Technological advances and the widespread use of social media align with the acceptance rate of things that are previously alienated by the public, such as the LGBTQ+ community. In a research conducted by Pew Research in 2020, there were significant changes in people's acceptance of the LGBTQ+ community in several countries from 2002 to 2019. The openness of people in the world to the LGBTQ+ community encouraged governments to adapt and create inclusive policies to protect every community regardless of their gender and sexual orientation. Although it has become a global phenomenon, acceptance of the LGBTQ+ community in every country is diverse and does not eliminate discrimination and threats directed against the community. Some countries tend to be more accepting of the LGBTQ+ community than others. The main thing that can be the reason for the high rate of discrimination and obstacles to the equal rights of the LGBTQ+ community lies in the culture, religion, politics, and history of the country that influence its people's views. This condition can explain the difference in the number of LGBTQ+ acceptance in

Southeast Asian countries, which have diverse backgrounds.

Southeast Asia is unique with its pluralism, which is cultural diversity. Its diverse values, symbols, norms, and beliefs represent Southeast Asian people's ethnic plurality. Despite the cultural penetration, countries in this region still hold family values through a consensus decision-making process instead of majority rules. However, this principle still becomes the subject of debate, particularly on religious values that underlie work ethics in Southeast Asia (Evers, 2012). In addition, belief diversity in this region has experienced penetration and transformation through external religious movements, i.e., Buddhism, Christianity, and Islam.

Regarding this ethnic plurality, diversity and boundaries among ethnic groups are obscure and varyingly different. Southeast Asia also experiences the emergence of social classes resulting in a wider gap between the rich and the poor, ethnic clientelism, and power struggle among strategic groups. Knowledge-based economic development strategies have also been widely applied to attain the status of a developed country.

Southeast Asian countries share similarities regarding their response and recognition of LGBTQ+ existence and activities. Few countries in this region have legalized LGBTQ+ activities by signing the 2011 UN declaration on the rights of LGBTQ+, namely Timor Leste, Thailand, Vietnam, and the Philippines. Meanwhile, Indonesia (except Aceh province with its Qanun Aceh Regulation 6/2014), Cambodia, Laos, and the Philippines do not have any regulations prohibiting LGBTQ+ activities (Myers, 2013). While Brunei, Malaysia, and Myanmar do not legalize the activities entirely, Singapore legalizes only the

female actors, and Myanmar does not enforce any law on the illegal activities (ILGA, 2016). In Brunei and Malaysia, with their Islamic rule, individuals involved in LGBTQ+ are imposed to flagellation and even sentenced to death (Mosbergen, 2015; & Robertson, 2019).

Unlike their legal status, same-sex relationships and marriage are responded to differently by governments in Southeast Asian countries. For example, although the Philippines and Thailand have a Civil Partnership Bill, not all countries recognize same-sex relationships and marriages (OutRight Action International, 2004; Dalangin-Fernandez, 2015; Mitsunaga, 2014). Furthermore, all countries in this region prohibit same-sex adoption, except the Philippines and Vietnam, which allow non-same-sex LGBTQ+ couples (US Department of State-Bureau of Consular Affairs, 2020; & Denmark, 2021). Furthermore, Brunei, Malaysia, and Myanmar are known to prohibit the LGBTQ+ community from joining the military. On the other hand, Vietnam, Thailand, Singapore, and the Philippines allow the LGBTQ+ community to join the military. In contrast, Cambodia, East Timor, Indonesia, and Laos do not have official statements regarding this issue (CNN, 2020).

Freedom of choice and expression regarding LGBTQ+ identity disclosure is also among countries' current concerns. However, Southeast Asian countries address the issue of identity disclosure differently. For example, only Indonesia, the Philippines (with its delayed anti-discrimination bill), Malaysia, and Thailand issue anti-discrimination laws on sexual orientation (Rongiyati, 2015; Pulumbarit, 2009; Chiam et.al., 2016; Mosbergen, 2015). Meanwhile, only three countries currently permit gender transitioning: Vietnam, Singapore, and Indonesia (Thanh Nien, 2015).

From the international point of view, Thailand and Vietnam were initially among the countries supporting sexual orientation and gender identity expression (SOGIE)— which includes LGBTQ+—by signing the 2011 UN declaration on the rights of LGBTQ+. The Philippines government, which seemed to consider these rights carefully, finally showed its support by signing this declaration after Thailand and Vietnam (UNDP & USAID, n.d.). However, most Indonesian citizens are still reticent to accept LGBTQ+ due to moral and norm values consideration, causing its government to support the reticence implicitly. As an international organization, political and legislative movement, ASEAN has supported the regulation on recognizing same-sex relationships and other SOGIE issues (Langlois et.al., 2017). It should be noted that each country's inclinations and regulation in responding to LGBTQ+ issues may reflect their social, cultural, and political construction.

Based on the description above, this paper aims to picture the underlying factors of difference in public responses to the LGBTQ+ community and the country's acceptance inclination implied by the government regulation. To this end, this literature review focuses on three Southeast Asian countries: the Philippines, Indonesia, and Myanmar. These countries were selected due to their uniqueness, Indonesia due to its status as the world's largest Muslim country, the Philippines for its inequality between the catholic population and high LGBTQ+ acceptance, and Myanmar for its effort to seek LGBTQ+ acceptance amid the world country's political instability.

This article explored the difference in the underlying social construction discourse in each country. The underlying discourse involves religious, cultural,

historical, and political aspects that socially construct the community in these countries. Therefore, we applied social constructivist theory to describe the social construction discourse on the LGBTQ+ community in Southeast Asia in terms of historical, social, cultural, political, and religious aspects of the three selected countries (i.e., the Philippines, Indonesia, and Myanmar).

Literature Review

Initially, constructivism conveys that no object or concept has a fixed and objective meaning. In other words, human perception of a concept, phenomenon, or object can vary and change from place to place and from time to time (Mingst & Arreguin-Toft, 2017). This essay uses the views of various social constructivist researchers to look at gender construction in Southeast Asia, especially in Indonesia, the Philippines, and Myanmar, while still taking other literary sources as the basis for the author's argument.

The constructivism assumption used by the author is taken from the thoughts of Berger & Luckmann in their book, *The Social Construction of Reality*. Four main assumptions represent this theory of social constructivism in the study of International Relations (IR): (i) the assumption that reality is the result of human creativity in the social world around it; (ii) the relationship between human development and the social world continues to develop and be institutionalized; (iii) the process of social construction in society is ongoing and will not stop; and (iv) there is a difference between reality and knowledge (Berger & Luckmann, 1966).

Constructivists also view power differently from other IR theories, where they do not see power from material capabilities but through discourse, such as ideas, norms, culture, and language (Mingst & Arreguin-Toft, 2017).

According to Berger and Luckmann (1966), social construction includes externalization, objectification, and internalization. Externalization begins with assumptions or human thoughts on a trait representing physical or non-physical things in society, such as gender. Human discourse on the inherent characteristics of gender will become increasingly intense until it can be considered a social fact. Then, these social facts are legitimized through various human activities. For example, it can be the making of discriminatory rules, gender segregation in society, etc. This stage is called objectification. The more intense the objectification of a thing, the more objective the social facts originally shaped by human discourse. When these social facts begin to become a consensus, then the internalization stage begins, which is the stage when these social facts begin to be embedded as norms and accepted by society without being questioned.

Humans often ignore this process and take existing concepts or discourses for granted (Kukla, 2002). Therefore, the dynamics of the social construction of something will continue as long as humans are still thinking. The same is true for how social constructivists view the dynamics of gender construction in society. Constructivists see the current gender reality exists because of human actions that were carried out intentionally in the past. In other words, if humans change their actions in the past, the way humans see gender will be different from what they are now (Kukla, 2002). Constructivists are optimistic about the proposition that a conceptualization of reality does not just happen and can be avoided if people want it.

The theory of stages of social construction by Berger and Luckmann (1966) will be used to analyze the process

of LGBTQ+ social construction in the Philippines, Indonesia, and Myanmar through social, cultural, political, religious, and legal aspects. This theory is used to uncover the actors. It also explains the causes behind the construction of gender that occurs in each country. Finally, the analysis will be carried out by linking the construction patterns that occur in each country with social constructivism.

Research Methods

The author uses a qualitative analysis method using literature studies from secondary data on the internet. In analyzing the construction of gender in the aforementioned particular countries, the author will review the history and developments through information dissemination channels, the results of secondary research on LGBTQ acceptance in Southeast Asian countries, and the responses of government and community actors to these developments. Furthermore, the data will be analyzed descriptively to see causality links between the data used. Finally, the author's interpretation will follow the standards of qualitative analysis in the form of a presentation of study findings, a comparison of study results with existing literature, and the author's personal view on the discussion results (Creswell, 2018).

RESULTS AND DISCUSSION

ASEAN has fostered innovation in human rights advocacy through the ASEAN Human Rights Declaration (AHRD), which was declared under the ASEAN Intergovernmental Commission on Human Rights (AICHR) in the 1990s. Commitments to protecting LGBTQ+ rights have been made, but practice varies widely in each country (Weiss, 2021). The countries discussed in this article, such as the Philippines, Indonesia, and Myanmar, have unique response characteristics to the LGBTQ+ existence in their country.

Primarily, we used analysis from Pew Research's study of religiosity and acceptance rates of the LGBTQ+ community in the countries mentioned above. These two indicators show that the two data are not linear, so further analysis is needed regarding the factors that cause acceptance/rejection in these countries.

Philippines

The Republic of the Philippines is one of the countries in Southeast Asia that is most receptive to the LGBTQ+ community besides Thailand. The Philippines is a country that has profound supporters of the LGBTQ+ community and an enthusiastic public for the anti-discrimination law on the LGBTQ+ community. As a result, the acceptance of the LGBTQ+ community in the Philippines is relatively high compared to other countries in Southeast Asia (Pew Research Center, 2020). The openness of Filipinos to the LGBTQ+ community can also be seen in the people's enthusiasm at the Pride March, an outdoor event to celebrate social acceptance, achievement, legal rights, and great pride for the LGBTQ+ community. This Pride March was held on June 29, 2019, where 70,000 participants came and participated to show support for the LGBTQ+ community (Magsambol, 2019).

Despite the acceptance of the presence of the LGBTQ+ community in society, there are still groups of people who reject the LGBTQ+ community and discrimination still often occurs. However, compared to other countries in Southeast Asia, the Philippines' government is noticeably more supportive of the community than other Southeast Asian countries. This also supported by the fact that the Philippine Government was separated from its militaristic regime in President Marcos' era in 1986. The entry of a new era in the

Philippine government with Corazon Aquino as president encourages relatively more minor discrimination against various minorities, including the LGBTQ+ community than in other Southeast Asia countries (Hadi, 2019).

The Philippines is the third country with the most Catholic population globally, with eighty-six percent (86%) of its people practicing Catholicism (NSO Philippines, 2014). In Catholic courses, the perpetrators categorized same-sex relationships as sinful behaviors. The intriguing thing about the LGBTQ+ phenomenon in the Philippines lies in the public's acceptance of the LGBTQ+ community. Although the majority are religious Catholics, the LGBTQ+ community in the Philippines has good support among the community. This contradictory fact can transpire because of the background in Philippine history and culture that is familiar with the concept of the LGBTQ+ community. The LGBTQ+ culture in the Philippines can be traced back to precolonial times. As a society with high cultural diversity, the Philippines also has various mythologies that developed within its people. Some of them can be linked to the LGBTQ+ concept, such as the Visayan myth, which tells how two male gods named Libulan and Sidapa married. Then, a transgender character in Filipino mythology named Lakapati is described as a generous androgynous, intersex and transgender goddess. This mythology shows that Filipinos have not only been exposed to the LGBTQ+ community, but have also realized and accepted its existence. In the past, Filipinos had the term 'bakla' used to describe the third gender or transgender and 'syoki' to refer to same-sex men (Garcia, 2009).

Along with the mythology that developed in society, there is also a cultural practice of transvestism which refers to cross-dressing activities

practiced by a spiritual leader called a babaylan or shaman. This babaylan is generally practiced by women, but there are male babaylan who wear women's clothes and act like women in practice (Garcia, 2019). The values in this cultural and mythological practice have been embedded in the Filipinos and were passed down indirectly from the previous community to the descendants after it (Garcia, 2009). This is also one of the factors that cause Filipinos to tend to be open to the LGBTQ+ community.

These values that were passed down from generation to generation by mythology and cultural practices were then assisted by objectification by the Filipino media. With the development of times and advances in technology that make information spread so quickly, the media has become a tool for spreading ideas and values. The LGBTQ+ phenomenon is increasingly becoming accepted among Filipinos due to the support from the media. Several films with LGBTQ+ themes have become popular in the community, one of which is Hanging Out's web series. Hanging Out is the first web series in the Philippines that tells the story of two gay characters in the leading roles. Released in 2016, Hanging Out successfully got support from the community. The first episode was watched more than 100,000 times and shared more than 2000 times on its first release day. The figures show how the local gay community is looking for more content that better represents them and content they can relate.

Legally, there is also enthusiastic support from the people of the Philippines and public figures for the ratification of an anti-discrimination law called the SOGIE Bill (sexual orientation, gender identity, and expression). The supporters, including Pia Wurtzbach, Miss Universe 2015 from the Philippines, actively asked

the senate to pass the SOGIE Bill through her Instagram page. The SOGIE bill is included in the Senate Bill. It contains a prohibition on discrimination based on sexual orientation and gender identity, either in verbal violence, written violence, or prohibition of public facilities use (H.R. of the Philippines, 2017). Although it has not been ratified, efforts to legalize the SOGIE Bill always occur every time the senate changes (CNN Philippines, 2020). This bill has been proposed since 2000, but failed in the 3rd level of its legalization process due to lack of support from board members. The SOGIE bill was last resubmitted in 2016 and has passed its third reading but has not passed the approval process. The SOGIE Bill was replenished at the 18th congress in 2020 due to its undying support from the people of the Philippines. However, the SOGIE Bill is still under deliberations at the committee level until this day. The Filipino LGBTQ+ community expects support from the government and political actors for equality to have a good quality of life. However, this expectation is still an unresolved problem due to the lengthy process of ratifying the SOGIE Bill. One of the political figures who has expressed his opinion against the LGBTQ+ community is the President of the Philippines, Rodrigo Duterte. Duterte explicitly said that he encouraged lawmakers to pass the SOGIE bill, even though he disapproved of same-sex marriage because he thought it deviated from the courses of the Catholic religion (Tan, 2021). Apart from President Duterte, many senators support the LGBTQ+ community, including senator Risa Hontiveros. Hontiveros is known to sponsor the passage of the SOGIE bill claiming that the proposed action will only regulate state affairs and does not aim to change religious courses (Gotonga, 2020).

The acceptance of Filipinos towards the LGBTQ+ community as a relatively

new global phenomenon would not have happened so quickly if they did not have a background related to the LGBTQ+ community. Especially with the fact that most people in the Philippines are Catholic. In line with gender constructivism which says that gender is a form of social construction, the LGBTQ+ community in the Philippines can be well received because there is a history that constructs these values so that the global phenomenon of LGBTQ+ becomes more readily accepted in society. The culture and mythology that develops in Filipino society may fade over time. However, the resulting construction has been embedded and passed down from generation to generation without realizing it and intentionally from generation to generation. This situation is aligned with the stages of construction of social reality, namely externalization, in which the courses are inherited from generation to generation. Then this was followed by the objectification by Philippine mass media that tend to support the LGBTQ+ community. Subsequently, the Filipinos accept the idea in the form of support for the LGBTQ community. From this analysis, it can be seen that gender construction in the Philippines is indirectly built by its culture.

Indonesia

On June 19, 2020, Indonesians were busy raising the hashtag #BoikotUnilever because Unilever's statement to support the LGBTQ+ community through its official Instagram. This social upheaval doesn't just happen in Indonesia. However, this situation reflects a negative image of LGBTQ+ community in the eyes of the Indonesians and it could be even considered as a threat. After this incident, Unilever's shares fell by 2.17%, one of which was caused by the decline in the company's reputation in the public eye

(Saleh, 2020). However, this incident represents the rejection of the Indonesians towards the LGBTQ+ community. In fact, 91% of the community refuses to accept the LGBTQ+ existence within their country (Pew Research Center, 2020).

Indonesia is known for having the largest Muslim population in the world. Specifically, 86.88% of Indonesians are Muslims, the rest are people of other religions, with Christians (7.49%), Catholics (3.09%), Hindus (1.71%), Buddhists (0.75%), Confucianism (0.03%), and other faiths & beliefs (0.04%) (Katadata, 2021). Moreover, Indonesia is also the country with the most religious population globally, where 96% of Indonesians consider themselves religious (Pew Research Center, 2019). The principle of divinity in Indonesia's constitution, Pancasila, has a vital role in shaping Indonesian society's religious values, resulting in the rejection of the LGBTQ+ community. As stated in the Ministry of Women's Empowerment and Child Protection (2015) findings, one of the leading causes of people's reluctance to accept the LGBTQ+ community is religious influences, especially Islamic courses about the Prophet Lut people who was punished for committing homosexual sins. It is narrated in the Qur'an in the Surat Al A'raf, which means, "You lust after men instead of women! You are certainly transgressors." (Surat Al A'raf: 81).

Then it is continued with the verse which tells about the people of Prophet Lut who was afflicted with punishment by Allah SWT in verse 84, which means, "We poured upon them a rain of brimstone. See what was the end of the wicked!". (Surat al-A'raf: 84). Consequentially, this course gave impact to the presence of the stigma or "label" that is often given to the LGBTQ+ community as "the people of Lut".

Likewise, with Christian courses, it is stated in the Bible that homosexual

activity is a sin that violates God's commands, it was said, "And if a man has sex relations with a man, the two of them have done a disgusting thing: let them be put to death; their blood will be on them." (New Translation of the Bible, 2008, 1 Leviticus 20:13). Following the theory of the stages of social construction, religious courses in Indonesia play a role in the stage of objectification by forming public perceptions that there are only two genders as recognized by their religion.

The prominent religiosity of the Indonesians further causes the prevalence of religious institutions in Indonesia, such as the Majelis Ulama Indonesia (MUI), the Front Pembela Islam (FPI), and other institutions that are no less influential. Not a few religious institutions openly announce their invitation to reject the existence of the LGBTQ+ community in Indonesia. For example, the MUI announced a decision (fatwa) against LGBTQ+ behavior in the MUI Fatwa Number 54 of 2014 stating, "legalizing same-sex sexual activity and other deviant sexual orientations is haram." In its fatwa, MUI also recommends that governments apply severe punishments according to Islamic law for the LGBTQ+ community in Indonesia (Majelis Ulama Indonesia, 2014; Michella, 2021).

Normatively, this recommendation will not significantly impact legal conditions that can discriminate against the LGBTQ+ community as long as it is not made into law. However, in the middle of 2018, one member of the Indonesian parliament submitted a proposal to the Council of Representatives to sentence the LGBTQ+ community to death, signaling the threat to the life of the members of the LGBTQ+ community in Indonesia (Human Rights Watch, 2018). It started in 2016 when Mohammad Nasir, Indonesia's Minister of Research,

Technology and Higher Education, tweeted that he wanted to ban LGBTQ+ activities on campuses in Indonesia (Human Rights Watch, 2018). Although through his clarification, it was stated that what he meant was LGBTQ+ actions, not thoughts or discussions, the tweet has sparked other domestic officials to voice their views on LGBTQ+, including Indonesia's former Defense Minister Ryamizard Ryacudu, who called LGBTQ+ activism more dangerous than nuclear war, former Mayor Tangerang said that malnutrition could lead to LGBTQ+. Dozens of other officials contributed to responding to this issue (Human Rights Watch, 2018).

Nevertheless, Indonesian acceptance of the LGBTQ+ community increased by 6% in 2019 (9% accepted) compared to Indonesian acceptance of the LGBTQ+ community in 2013 (3% accepted) (Pew Research Center, 2020). One of the factors is the role of social media and the increasing number of internet users from year to year. This openness of information makes it easier for discourse from outside Indonesia to enter and influence local society more quickly. As previous research has found, YouTube and Twitter, for example, have a role in spreading discourse about LGBTQ+ among Indonesians (Subrata, 2018). Apart from social media, the government also does not deny the existence of the LGBTQ+ community in Indonesia in general, as Jokowi stated in 2016 to eliminate discrimination against minorities, including LGBTQ+. He also emphasized that the criminalization of the LGBTQ+ community is unnecessary (BBC News, 2016).

The insertion of political actors' views and beliefs to reject, promote, or just let the existence of the LGBTQ+ community in Indonesia is an example of the objectification stage in the social

construction stages. Furthermore, the formation that constructed a negative frame for the LGBTQ+ community is also carried out by major media in Indonesia, such as *Republika.co.id* and *Kompas.com* (Lingga & Syam, 2018; Nirwanto, 2016). Therefore, this externalization and objectification of gender continuously affect the internalization of the values promoted in the social norms and generally, the life of all Indonesian society. Indeed, the condition of the LGBTQ+ community will become increasingly vulnerable under the negative frame formed through the LGBTQ+ social construction.

Initially, the objectification and externalization to frame LGBTQ+ is an ongoing stage and affects how people perceive the LGBTQ+ community. This culminated in 2018 when thousands of Indonesians in various regions held rallies to dismiss the existence of the LGBTQ+ community in Indonesia (Human Rights Watch, 2018). The designation of people's rejection of LGBTQ+ existence is not only channeled through an individual perspective but is also supported by official institutions, such as the label "mental illness" given by the Central Board of the Indonesian Mental Medicine Specialist Association to the transgender and homosexual community and the Nahdlatul Ulama which promotes criminalization of the LGBTQ+ community in Indonesia (Human Rights Watch, 2018). In addition, there are also allegations of criminalization by the Indonesian government. The arrests of the LGBTQ+ community in 2017 through the Law on Pornography by the police is an example. It was reported that nearly 300 people that was considered a part of the LGBTQ+ community were arrested. Although there is no specific law that bans LGBTQ+ activities in Indonesia, the lack of public acceptance caused by the LGBTQ+

social construction based on local religious and cultural norms has made the LGBTQ+ community more vulnerable to express their opinions freely.

Myanmar

Myanmar's government criminalizes LGBTQ+ though most citizens do not support this government's act (McGrath, 2020). According to article 377 of the 1861 Myanmar Penal Code, Same-sex activities are illegal and are liable to ten years to life imprisonment. Furthermore, it reads, "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine" (Penal Code 1861, 1861). In addition, their gender identity is not recognized by the state (Nickerson, 2016). As reported in the Universal Periodic Review for Human Rights Council in 2018, advocates link the 1945 Myanmar Police Act with that penal article to criminalize unnatural sexual relationships. This can be seen from the frequent use of article 30 (D) of the Rangoon Police act and the 1945 Police Act to intimidate, humiliate, and persecute the LGBTQ+ community. Therefore, it is challenging to be part of the LGBTQ community in Myanmar due to frequent arrests, bluff, blackmail, and sexual abuse, even under the immunity coverage of police and the military (Poore, 2021; Gilbert & Thar, 2019: 190-191; Colors Rainbow, 2019).

Myanmarese usually does not accept LGBTQ, believing that it is not suitable for the nation since LGBTQ do not adjust themselves to the culturally accepted norms and behaviors (McGrath, 2020 in addition to military apparatuses' oppression, the LGBTQ+ community also suffer from human right violation. One of the human rights violation cases is the

significant decline in trans women's job prospects due to a few professional aspects such as physical appearance or spirit, including; beauty (e.g., hairstyle), floristry, and style (Gilbert & Thar, 2019). Most common workplace discrimination includes the refusal to recognize individuals' gender identity, i.e., enforcement of dressing code based on one's assigned sex at birth (Colors Rainbow, 2018a). The absence of anti-discrimination law in Myanmar and employers' stigma that manipulating transwomen to adhere to gender norms has caused trauma due to rejection and job loss. The workplace dress code forces them to adjust their appearance to their birth gender, which is legally impossible to change (Colors Rainbow, 2018b).

The history witnesses the country's long path of legal reform during the early period of political transition (1948-1962), followed by dilatory reform leading to continuous human rights abuse in Myanmar. Having a closer look, Myanmar laws are still dominated by British law. The country's first decade of the post-independent era witnessed a range of ethnic and communist riots resulting in a military regime (1962-1972), followed by a social dictatorship (1972-1988) that became the root of human right violation in Myanmar (Gilbert & Thar, 2019: 188-189; Smith, 1999). The country's poor development, political instability, and prolonged ethnic conflict are responsible for its brittle, unsafe conditions (Howe & Jang, 2013). Restriction of civil-political rights still prevails along with oppressive colonial law, further supported by the military regime that determines the law and policy direction. LGBT+ activists in Myanmar are often targeted by the media and face repressive laws by establishing rights defender movements early since the country's political transition (Gilbert,

2013a; Human Right Watch, 2013). Therefore, the political mobilization of broader human rights in Myanmar continues to change.

During the military regime (between 1962-1972 and 1988-2011), no LGBTQ+ political or social movements manage to exist. Myanmar's social tradition of human sexuality is heavily conservative (Global Nomads Group, 2005). The regime continuously commits low-level violations such as illegal property searches and despotic threats to gain the information they want. Since the military regime came, the Myanmar court has never been reformed, leaving many questions regarding independence and transparency (Christie, 2013). According to the Asian Human Right Commission's (2012) report, Myanmar's justice system does not change or reform since the military rules, i.e., working under the executive authority. According to the executive officials' instructions, the judges face demands to work on and resolve particular cases. Corruption has also been widespread, involving almost all aspects of the justice system (Asian Human Rights Commission, 2012: 2). Therefore, the government is busy handling political instability and pays less, if no attention, to the acceptance of the LGBTQ+ community.

Myanmar has a range of cultural, linguistic, and religious groups whose response to LGBTQ+ and SOGIE varies, yet most support the discrimination. In the Muslim community, the religious prohibition prevails, SOGIE Muslim community undergoes family pressure to adjust themselves to gender norms. Meanwhile, in Christian community views homosexuality as a sin, causing stigma and discrimination (Chua & Gilbert, 2015: 14). As 79.8% of the country's population are Buddhist, Buddhism is then integrated into the country's culture (World Population Review, 2022). This value

views SOGIE as lower than most people's status. In other words, Myanmar culture negatively views SOGIE. SOGIE community are prohibited from entering temples as they are not considered real men. For the male SOGIE community, their association with femininity results in the loss of social status. Men are commonly viewed as having 'structurally higher' than women in terms of spiritual power, known as *hpoun* (charisma and victory). According to people's popular belief, being receptive to the same-sex relationship between men can decrease their *hpoun*, making them lack respect (Harriden, 2012: 7&21; Spiro, 1997: 20-22).

Meanwhile, the female SOGIE community are excluded from the temple. Due to a lack of public respect, the SOGIE community should suffer from types of discrimination, including limited economic prospects. In addition, Myanmar Buddhism views life as a cycle of birth, death, and rebirth, and an individual's social status may be determined by karma when he/she is born, which is accumulated from his/her past life. Therefore, one's a sexual deviation in the past life (e.g., adultery, monks failing to suppress their sexual desire) causes men to be open (Leyland, 1998).

The labels "open" and "hider" result from the public subjective labeling. These labels and their categorizations are vocally opposed. These labels constitute non-normative gender and are applied only to individuals born as a man. The term "open" refers to those with feminine images, while the term "hider" refers to those with masculine images. Individuals in the "open" category engage in sacrifice by disclosing themselves to potential family abandonment, a range of violence, and severe job opportunity restrictions.

In other words, this disclosure represents a combination of strength and courage.

On the other hand, those labeled as “hider” should continuously manage their social relationship and behavior to avoid the risk of being embarrassed and having lower social status. This fear is associated with fear. In its practice, the word *nwe* is used by Myanmarese to define the nature of graceful, charming, swaying, or its similar, depicting women's nature and referring to the label “hider.” One of the “hider” informants interviewed by David Gilbert conceals his *nwe* in his workplace while showing his strong arm and saying that he often thinks about whether he behaves like a man (Gilbert, 2013b: 253). In other words, the concealment of *nwe* represents one's hiding behavior. The “open” and “hider” behavior can be seen from one's *nwe*, way of speaking, and gesture for those labeled as “open,” while those labeled as “hider” can be known through their concealment. In another study, the facilitator divides LGBT into three groups: gay (labeled as “hider”), lesbian, and transgender (labeled as “open”) (Gilbert, 2013b: 265).

Various obstacles to LGBTQ+ acceptance in Myanmar stem from negative public views in media and the government's restrictions on those media. The LGBTQ+ community is often humiliated in media narration such as novels, self-help literature, and movies (Gilbert, 2013b: 256-257; Chua & Gilbert, 2015: 14). From the legal perspective, the use of media to accept and spread LGBTQ+ narration is deemed illegal as it can structurally damage the national culture. The 1996 Computer Science Development Law and The Electronic Law impose a punishment between seven and 15 years for individuals spreading or making narration that potentially harms “public peace and national culture” using a computer, telephone message, and

facsimile (Myanmar's State Law and Order Restoration Council Law No. 10/96, § 35(a), 1996; Myanmar' State Peace and Development Council Law No. 5/2004, § 33, 2004). Taking a closer look, these laws clearly show that LGBTQ+ activists' rights are legally threatened since they distribute information on LGBTQ+ rights (Roughneen, 2013). Before the 2011 reformation, establishing an online SOGI community in Myanmar or merely discussing human rights can trigger fears. The LGBTQ+ community in Myanmar heavily relies on the internet, despite the government restriction of the international website on LGBTQ+. Since the 2011 Myanmar coup, VPNs and telephone are free from the intervention/restriction (Poore, 2021).

The country's political reform between 2011 and 2015, which began with the implementation of the 2008 Constitution, brings the notion of restoring media and civil freedom, allowing the LGBTQ+ community to gain more visibility and support in the country (Gilbert & Thar, 2019; Ferrie, 2018; Mizzima, 2015; McFetridge, 2014; Golluoglu, 2012). Even though the 2015 general election was won by Aung San Suu Kyi from the National League for Democracy (NLD), there has been no change or reform in the anti-LGBT law or article 377 of the Penal Code (PinkNews, 2013; & Nickerson, 2016, Gilbert & Thar, 2019: 189). This condition contrasted with her promise of better human rights and called for homosexuality decriminalization and amendment of human rights and HIV prevention. In this regard, NLD spokesman Myo Nyunt even stated that their party does not intend to revoke the article and will be careful in the next election. Their opposition may probably use this decision to say that NLD is a non-religious party that provides aid to groups who want Western freedom (by

seeing that the West invents tolerance toward LGBTQ+) (Caroll, 2019). Therefore, efforts to amend this article face obstacles that receive less attention from the concerning politicians. However, LGBTQ+ activists have seen positive growth in public acceptance and tolerance toward the LGBTQ+ community, consistent with the global trend. The increase in media freedom allows journalists to report extensive public activities done by the LGBTQ+ community and LGBTQ+ containing movies legalized by the government (e.g., &PROUD, Yangon LGBT Festival (2014 until present). International Day against Homophobia, Biphobia, and Transphobia; the pink pinky campaign (2020), and the Gemini movie (2016) (Power, 2018; &PROUD Yangon Pride LGBTQ Film Festival, n.d.; Soe, 2020; France24, 2020; Myers, 2016; Kyaw, 2016). Although private or small-scale events are still controversial (e.g., LGTBQ+ marriage), political liberalization brought by the reform has delivered a substantial space for SOGIE human rights activism and dialog with the state, which was impossible in the previous regime (Me, 2018; Gilbert & Thar, 2019; Chua & Gilbert, 2015).

Along with the “enlightenment” for the SOGIE community that this political reform brought, the transition era in this country also involved the rise of the extreme Buddhist-nationalist movement, which has gathered a significant effect and power in government, military, and legislative process. Their rise serves as a challenge for SOGIE, as most of them are the key actors of hate speech and hoaxes related to the SOGIE community (Mozur, 2018). In addition to Anti-Rohingya and Anti-Muslim views, people in the nationalist movement repressively promote gender normativity using homophobia and transphobia. This phenomenon is a risk of SOGIE reform,

which can cause an increase in hate speech, violence, stigma, and discrimination in the SOGIE community (Barrow, 2015).

Globalization appears to improve awareness of securing human rights through the internet by interacting with other SOGIE proponents (Gilbert & Thar, 2019: 194). This condition aligns with the public acceptance of LGBTQ+, although it has not been legally recognized. Although some criminalization still exists, this phenomenon implies an acceptance as the law enforcement against LGBTQ+ has hardly been found (ILGA, 2016; & Aung, 2019). Colors Rainbow and & PROUD’s research reported that 74% of respondents disagree with LGBTQ+ identity criminalization. Even 81% of respondents agree to provide equality for them while stating that article 377 of the Penal Code and Police Act will not be the government’s act in the public favor (McGrath, 2020). Based on the respondents’ responses, it could be concluded that, despite the personal prejudice, their belief in equality for all individuals appears to be the priority.

After all, the social constructivist views that Buddhism’s political and religious history, which appears to form Myanmar’s national culture, has suppressed the public acceptance of LGBTQ+ in Myanmar. Its political history demonstrates that amid the political instability, LGBTQ+ suffered from criminalization until 2011-2015 due to the article 377 of the Penal Code and the Police Act potentially misused. Cultural discrimination and stigma support the criminalization and affect the acceptance LGBTQ+ community in Myanmar. On the other hand, globalization has considerably contributed to increased human rights awareness by calling for equality for all individuals, while some

are even confident in following LGBTQ+.

Table 1 - Differences/Similarities in Gender Construction in the Philippines, Indonesia, and Myanmar

Country/ Aspect	Philippines	Indonesia	Myanmar
Politics	The majority of political actors in the Philippines support equal rights and anti-discrimination against the LGBTQ+ community even though it is still limited to the quality of life of individuals.	Most political actors in Indonesia still show an attitude of rejection towards the LGBTQ+ community, even leading to an attempt to criminalize LGBTQ+ in the House of Representatives (DPR) even though it failed.	Most political actors in Myanmar do not consider it essential to change the discrimination law because it is not a political priority. At the same time, avoid the perception of being non-religious parties and the opposition's assumptions that could bring them down (lobbying).
Socials	The majority of Filipinos accepted the existence of the LGBTQ+ community, as seen from people's enthusiasm in the Pride March in 2019. There are more and more representations of the LGBTQ+ community in the information and communication media, from films to public figures.	Several media in Indonesia still publish news about the LGBTQ+ community in a negative frame. However, the LGBTQ+ community dared to voice their opinion through demonstrations demanding their rights. The discourse on LGBTQ+ acceptance facilitated by the internet and social media has increased the acceptance of the community over the last eight years.	The majority of Myanmar society rejects the LGBTQ+ community through stigma, the decline in social status, and discrimination based on gender norms (conservative). However, since the 2011 reform, the LGBTQ+ community realized their rights proudly by holding significant events legally (except private events are still controversial). Although there is still discrimination, much news/media coverage is positive.
Cultures	Filipinos tend to be familiar with LGBTQ+ because it is aligned with several cultures and folklore that develop in society.	Conservative Indonesians tend to reject LGBTQ+ activities/actions, referring to the religious prohibitions—especially Islam—that most Indonesian culture comes from.	Conservative and normative Myanmar people reject the status of LGBTQ+ referring to their culture which is integrated with Buddhism. The nationalist Buddhists who dominate the government are reluctant to reform

			LGBTQ+ regulations.
Religions	Catholics are the majority of the Philippines population (86%). However, the Philippines shows that religious factors do not affect the acceptance rate of the LGBTQ+ community in society.	The Islam courses that dominate the Indonesian population (86.88%) are significant; most rely on Majelis Ulama Indonesia's fatwa (MUI). Similarly, this happens to Christians, a minority of the population (7.49%), with its prohibition of LGBTQ+.	The majority of the Myanmar population are Buddhists (79.8%). They label the LGBTQ+ community terrible due to their (LGBT+ community) decline in social status, referring to Buddhism. Extremist Buddhist nationalists, which took part in the 2011 reform and came out from it, increasingly turned them down through homophobic and transphobic speech or discourse.
Legal	The high acceptance of the LGBTQ+ community in society does not make the Philippines a safe country for the LGBTQ+ community. There is no law specifically protecting the LGBTQ+ community. The sexual orientation, gender identity, and gender expression (SOGIE) Bill, first proposed in 2000, has not yet reached the ratification process.	Although the discourse to criminalize LGBTQ+ actions in Indonesia occurred in 2018, no law prohibits or allows such actions. However, the act of arresting the LGBTQ+ community using pornographic articles of law is considered an effort by the government to eradicate LGBTQ+ actions in Indonesia.	The activity and recognition of LGBTQ+ is illegal under Article 377 of the Penal Code 1861 with a prison sentence. Criminalization is linked to Article 30(D) of the Rangoon Police Act of 1899 and Article 35 of the 1945 Police Act, often abused to persecute the LGBTQ+ community. The 2011 reform promotes freedom that reduces arrests even though such activities are—until now—still illegal, and there is less discrimination than in the previous government era.

Conclusion

In response to the globalizing discourse on the acceptance of the LGBTQ+

community, the Philippines; Indonesia; and Myanmar have differences, although they are geographically neighbors. From the

aspects of culture, politics, identity, and other social aspects, we found that Indonesia and Myanmar are countries where the majority put the LGBTQ+ community in negative interpretation or image through religious courses. In Indonesia, the firm foundation of religion-based institutions, such as the MUI, has encouraged efforts to criminalize the LGBTQ+ community, distributed from fatwa labeling haram, opinions of political officials in social media and parliament, and public movements against the LGBTQ+ community. The construction of gender in Myanmar is dominated by Buddhism, which generates the stigma toward the LGBTQ+ community, worsening and leading to massive resistance, which at the same time it is exacerbated by political instability. Unlike in Indonesia and Myanmar, gender construction in the Philippines is not influenced by religious courses. Although many Catholic Filipinos consider themselves religious, the acceptance of the LGBTQ+ community remains unimpeded, even making the Philippines the country with the highest percentage of LGBTQ+ acceptors in

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- Southeast Asia. The main factor that we found is the cultural discourse: acceptance of society that originated from stories or folklore and legends of transgender and homosexual gods. Hence LGBTQ+ community is seen as very usual by Filipinos. However, these findings still require the study of the correlative relationship between the most prominent discourse in the country and public perception. This study is needed to prove the reasons for society's acceptance or rejection of the LGBTQ+ community.
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