

# The Issue of Modern Gender Identity in The Modern World - Case of ASEAN Countries

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**Abstract**-Gender issue is now being discussed around the world. Freedom of expression became the main issue of a person to express which gender do they want to be. LGBTQ is such an example to show how the gender identity is existing. After the modern era, people became more open minded in accepted the new thing such as gender identity. Meanwhile ASEAN member is the countries that have customary and cultural viscosity different from western cultures. This research is aim to know how the issue of modern gender identity in this modern world especially ASEAN countries. To answer, the author uses theory of social identity by Henri Tajfel. The qualitative research with secondary data is a tool to complete this research. The result shows that the condition of gender identity in ASEAN countries mostly affected by social environment.

**Keywords:** ASEAN, Gender Identity, LGBT

## Introduction

Now a day, the issue of gender has been talked all over the world. The word gender is different with sex or biological identity (male and female). Gender refers to social act by every single person either male or female then has been connected to the authority among them, usually impacted to the use or management of natural resources. Then the gender is known as social construction by the culture, social interaction and environment. (Convention on Biological Diversity)

According to UNESCO, gender refers to the action and responsibility of male and female formed by the environmental of family, society and culture. The gender concept is include expectation of the characters, talent and could be the act of femininity and masculinity (UNESCO, 2003). Someone can develop their gender identity that differs from their formed identity based on anatomy characters (Eckert & McConnellGinet). For example, in society usually women must act soft but because of the family condition and environment, they can act contradictory suach as being stronger(Haseeb et al., 2019).

One of the famous gender issue in the world is LGBTQ. LGBTQ is stand for lesbian, gay, bisexual, transgender, and queer. Those all have different concepts. The lesbian refers to the female which interest to another female, gay is male to male, bisexual is someone who loved both sex either male or female, transgender are those who change their physical sex, while queer means “question” – or someone who are still in the process of sexual exploration. (Grinberg, 2019)

The existence problem of LGBTQ is caused by environment negative perspective called homonegativity (McDermott & Blair, 2012). It is caused by stigma shared in the society also custom and culture which contradict with the presence of gender perspective. So that lead the actor of LGBTQ to face the society sanction from criminal action to discrimination. The negative perspective and the denial of LGBTQexistence is mostly happen in Asian countries, Middle East and Africa in the name of “eastern culture” that believe as LGBTQ isn’t involved or recognized.

As the part of Asia, the south east Asian countries in form of ASEAN or Association of South East Asia Nation has been show the viscosity of custom and culture which strongly connected to religiousand humanity issue. One of the example is Indonesia firmly holds the value of moral and religious so it consider that the LGBTQ group is the abnormal life choices (Muliasari, Lacksana, & Sari, 2018). Also Malaysia which adopt Malay culture claimed that the culture of LGBT is unadjusted to them, it expressed by Menteri Besar Negeri Sembilan (CNN Indonesia, 2018).So that LGBT consider as contradiction of eastern culture and custom.

Based on the data by ASEAN Caucus, there are several things that show the rejection towards LGBTQ people. The thing lead to the needs of LGBTQ protection in action of discrimination and criminal also strengthen the protection of human right for them (Destination Justice, 2018). In ASEAN also exists the organization related to child right but not support LGBTQ (ASEAN SOGIE Caucus, 2018). In fact, the knowledge about LGBTQ must be introduced since child. So they will understand and accept the differences among the society.

Now, the custom and culture of the society begin to change as the impact of the development of science and technology. That changing is not only impact the culture and custom, but also the mindset of society. The society become more open minded to accept new thing and diversity that exist. The differences which can't be merge before, potentially can be accepted in the society. Then how about the existence of the LGBTQ in ASEAN countries? Are they has been considered or still being rejected because it contradicts?

### **Research Question**

How is the problem of modern gender identity in ASEAN countries?

### **Research Purpose**

To know how the modern gender identity problem, develop in ASEAN countries which contradict with the main culture and identity.

### **Conceptual Framework**

- Concept of Modern World

According to the dictionary, modern world or modern era or modernism is present time or now era. Several books mention about the modern era will well develop in the end or 19th era. Where the science, technology, politic include globalization shows how the development improve well. In the social world, modern is shown by the modern characters, thinking and practice of the people.

Modernism is a form of rebellion against realism conservative value. It means that the perspective of modernism is contradiction with the perspective of conservative. Some expert mentioned that modernism as the trend of social progressive thinking which stated about the people strength to create, improve and form back their environment with the help of practical experiment, science or technology (Creative Commons Attribution-Share Alike, 2011). As has been mentioned by Ezra Pound in 1934 the poetry of "Make it new!", shows that the modernism bring something new.

- Theory of Social Identity

Theory of social identity develop since long time ago to find and predict the situation of individual as in their mind about who are they. In the beginning of 1970s, Henri Tajfel develop the theory of social identity. Theory of social identity define and categorize someone to involve in one category and doing social interaction. The process of social identity is social categorization, social comparison and identification social. The theory explain that the interpersonal action and inter-group action is impacted to the process of social identity. (Ellemers)

- Concept of Human Right

According to OHCHR, human right is the right that belongs to all human being. They are defined the relations among individual and structure of authority, especially State. Human right limit the authority of the State, in the same time ask to take the positive way to make sure the environment of human being will get their human right. (UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER)

The obligation to protect, promote and ensuring human rights connoisseurs is the main responsibility of the State, thus assuming state responsibility for individual human rights. State has responsibility related to individual right and everyone with the legal status has right to express what they want. Here are the important characteristics of human right (OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS):

- a. Human rights are based on respect for the dignity and value of everyone;
- b. Human rights are universal, meaning that they are applied fairly and without discrimination to all people;
- c. human rights cannot be revoked, because no human rights can be taken apart in certain situations;
- d. Human rights cannot be shared, interrelated and interdependent, arguing that it is not enough to respect some human rights and not others.

### **Research Method**

To answer the research question, this research is using qualitative method. Researcher use secondary data such as books, journal, news and others document related to the topic.

### **Result & Findings**

ASEAN have 10 member countries which are the country that geographically located in south east Asia. Such as Myanmar, Thailand, Lao PDR, Cambodia, Vietnam, Philippine, Malaysia, Brunei Darussalam, Singapore and Indonesia. those countries have similarities in terms of culture and custom. However, the development among them are different. In case of LGBTQ, every countries shows different reaction. Based on The Asean Post, LGBTQ rights in south east Asia shows that almost all the members accept LGBT. (Arifin, 2018).

#### **a. Myanmar**

The issue about LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer) and human rights has been developed since 2011. The beginning when UPR first cycle in January 2011 and develop again in November 2015. In

2011, visibility the community of LGBTQ is improved by decrease the media sensor and increase freedom of press (Destination Justice, 2018). Meanwhile till now the discrimination and criminal action in the society is still happen.

In Myanmar, sex activity among the same sex (male to male and female to female) is illegal but the law is not that strong. One of the movement regarding to LGBT issues is festival LGBT, the participant in more than 6000 people (Arifin, 2018). Another source mention that the gay in Myanmar is better than in Malayasia, Sri Langka or India, because the society in Myanmar is begin to accept the differences (Salvato, 2019). Become gender identity which different from another is something shameless in Myanmar except for those who stay in Mandalay, Bagan dan Inle Lake.

**b. Thailand**

Thailand might be one of the better country to accept LGBTQ and gender identity compare to another member state. Since the Thai Military overcome the governance in 2014, the law of gender protection was produced aims to protect them from discrimination and based on gender expression, even get many society critics (Destination Justice, 2018). Sexual activity with the same sex in Thailand is legal and transgender get the permission to change their sex (Arifin, 2018).

Besides that, Thailand also have 18 gender identity regarding to RocketNews24. Such as Men, Women, Tom (women dressed as men and women love or Dee), Dee (women who love male women or Tom), Tom Gay (women who love women, Tom and Dee), Tom Gay King (Tom men who love Toms), Bisexuals (women who love both sex, Toms, lesbians, and men), Boat (men who love women, Gay King, and Queens Gay (not Ladyboys)), Gay Queen (men behave women) who love men, Gay King (male men who love men), Tom Gay Two-Way (Tom who can be Tom Gay King or Tom Gay Queen), Tom Gay Queen (Tom women who love Tom), Lesbians (women who love women), Ladyboy (men who want to be women), Adam (men who love Toms), Angee (A transsexual who loves Toms), Cherry (women who love gay men and transvestites) and Samyaan (a woman who loves Toms, lesbians, and women, and can also one of them).

**c. Lao PDR**

Lao PDR is a country which now struggling the freedom of expression for LGBTQ group. The country stated their commitment about that. Even though the situation in the society totally reject and against the existence of LGBTQ. The community of LGBTQ and their supporter is become invisible day by day (Mosbergen, 2015). Some report shows that in Lao PDR, loving the same sexual identity has legality (Arifin, 2018). The condition in the society shows that people are tend to accept lesbian rather than gay, because they do believe that men should be the leader of the family and be respected (ILGA, 2012).

**d. Cambodia**

Cambodia allow the same sexual activity, even the King of Norodom Sihanouk support same sex marriage (Arifin, 2018). However in the society, the victims get discrimination in almost all aspects. Such as criminal, murder, health services and job opportunities.

In the last decade, the event of Pride has been celebrate since 2003, and the public declaration made by the previous King of Cambodia, His Excellency King Pastor Norodom Sihanouk, to support the same sex relationship in 2004. This decade also watched the first network of MSM and Transgender people in 2006. LGBT organization has been recognized for the first time in 2014. Since that, the state already see the improvement of LGBTQ community visibility and the increasing number of social organization and activity. (UNDP; USAID, 2014)

**e. Vietnam**

Based on the research, Vietnam is a country that still confuse about their sex and gender that they want to be. LGBTQ model from western has been applied in Vietnam. The gender identity in Vietnam consists of Lesbian (Dong Tinh Nu), Gay (Dong Tinh Nam), Bisexual (Song Tinh), Transgender (ChuyenGioi) dan heterosexual (Di Tinh) (Yen, 2016). After Taiwan shows to the world about same sex marriage, Vietnam in another part of Asia assign to legalize the same sex activity in 2015, also the transgender people are allowed to change their sex in legal document after doing operation.

**f. Philippines**

As the country which have majority of Catholic people, it is difficult for them to accept LGBTQ. However Pew Research Center in 2013 announce this country as the ranked 10th most gay friendly and 73% of Filipino adults agree to accept homosexuality (Arifin, 2018).

Currently, Philippines has nocomprehensive attention given in any regulation, law or policy to protection from discrimination and the recognition of gender law for transgenders. In fact, the Implementing Regulations and Regulations of Clerical Error Law (2001) explicitly the prohibition to use this law to improve entries involving applicants who are trying to change their gender. However, there have also been some progress in this regard. Local regulations protecting LGBT people from discrimination based on SOGI have been passed in 3 provinces, 12 cities,

1 city and 3 barangays. While the comprehensive Anti-Discrimination Bill promises that transgender people will eventually be legally protected from discrimination at the national level.(UNDP, 2018)

**g. Malaysia**

Malaysia as the Muslim country expressly put the issue of LGBTQ in the law or Fatwa Muslim. Any sexual activity can be punished up to 20 years but it is rarely enforced and LGBT groups are targeted by state religious authorities (Arifin, 2018). Trans Malaysia society face many challenges and experienced in stigmatism and discrimination such as exception from the public activity include job opportunity (ASIA PACIFIC TRANSGENDER NETWORK, 2018). SYARIAH CRIMINAL (Negeri Sembilan) Enactment 1992 Section 66. "Any male person who, in any public place wears a woman's attire or poses as a woman shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both."

**h. Brunei Darussalam**

Brunei Darussalam is the absolute monarchy country. This country is totally against gender issues because they tend to follow Sharia law or Islamic law. According to Islamic law, there is no other gender besides men and women. Men can only marry women. The same sex activities can be punished to death under the orders of Sharia criminal law (Arifin, 2018).

Now, Sultan Hassanah Bolikiah has just applied harsh new Islamic laws, including death by stoning for sexual relations between men, and adultery. The law, which also included amputation of hands and feet for thieves in the small sultanate on the island of Borneo. This law invited a lot of criticism from many people, especially western countries, including the United Nations.

**i. Singapore**

Singapore Prime Minister Lee Hsien Loong stated that his country was not too liberal in terms of LGBT. The same sex activities are illegal but rarely enforced, while transgender people are permitted to change legal gender after surgery (Arifin, 2018). In the Annual Report of the United Nations Human Rights Council specifically targeted at Sexual Orientation and Independent Gender Identity, Singapore is involved in 1 of 77 countries that vote for amendment or disagreement.

Singapore LGBT community rights are severely restricted. The government is strict about gender issues including LGBT. This is because there is no legal or legal protection about it. Like the annual pink dot festival in 2016 which is supported by many large multinational companies is really warned to stop sponsorship by the Singapore Ministry of the Interior. (Human Rights Watch, 2017)

**j. Indonesia.**

Indonesia is Muslim majority country in the world. Even though Indonesia is not apply Sharia Law but most of the people are keeping up the value of culture and religious in their daily life. After many countries try to open for LGBTQ, there is a protest and demonstration towards LGBTQ or gender identity in Indonesia. The action is lead to the governance to avoid any activity of LGBTQ.

In Indonesia, most of the people consider their culture and custom which cannot be influenced by western or other culture. Such as the Muslim people only recognize two sex which is men and women, also just can be marriage by men to women. The existence of LGBTQ or other gender identity in Indonesia is only happen in big city such as Jakarta. Other cities are not allowed and they will get discrimination. Another reason is many cities in Indonesia are still apply kingdom and sultanate system strictly.

## **Conclusion**

Based on the result above, the researcher concluded that gender identity in ASEAN countries are still not free as western countries. Thailand is the only country which give freedom in terms of gender identity. Beside Thailand, several countries are legalized gender identity such as LGBTQ but still get public sanction. Several ASEAN countries oppose the development of gender identity on the basis of non-ASEAN ancestral culture, adhering to religious rules and customary law that apply in society.

## **References:**

- [1]. Arifin, E. (2018, November 8). ASEAN's shifting attitudes towards LGBT rights. Retrieved from The Asean Post: <https://theaseanpost.com/article/aseans-shifting-attitudes-towards-lgbt-rights>
- [2]. ASEAN SOGIE Caucus. (2018). REGIONAL LEARNING SESSION ON SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION AND SEX CHARACTERISTICS (SOGIESC) AND CHILD RIGHTS. Bangkok: ASEAN SOGIE.

- [3]. ASIA PACIFIC TRANSGENDER NETWORK. (2018). LEGAL GENDER RECOGNATION IN MALAYSIA. Bangkok: APTN.
- [4]. CNN Indonesia. (2018, Agustus 14). Negeri Sembilan Malaysia Tolak LGBT. Retrieved from CNN INDONESIA: <https://www.cnnindonesia.com/internasional/20180814095727-106-322060/negeri-sembilan-malaysia-tolak-lgbt>
- [5]. Convention on Biological Diversity. (n.d.). Gender and Biodiversity. Retrieved from Convention on Biological Diversity: [https://www.cbd.int/gender/doc/fs\\_cbd\\_biodiversity.pdf](https://www.cbd.int/gender/doc/fs_cbd_biodiversity.pdf)
- [6]. Creative Commons Attribution-Share Alike. (2011, May). Modernism. Retrieved from Resources Saylor: <https://resources.saylor.org/wwwresources/archived/site/wp-content/uploads/2011/05/Modernism.pdf>
- [7]. Destination Justice. (2018). Revealing The Rainbow: The Human Rights Situation of Southeast Asia's LGBTIQ Communities and Their Defenders. Phnom Penh.
- [8]. Eckert, P., & McConnellGinet, S. (n.d.). Language and Gender (Second ed.). Cambridge and New York: Cambridge University Press.
- [9]. Ellemers, N. (n.d.). Social Identity Theory. Retrieved from Britannica: <https://www.britannica.com/topic/social-identity-theory/Identity-threat>
- [10]. Grinberg, E. (2019, June 14). What the 'Q' in LGBTQ stands for, and other identity terms explained. Retrieved from CNN: <https://edition.cnn.com/interactive/2019/06/health/lgbtq-explainer/>
- [11]. Haseeb, M., Lis, M., Haouas, I., & Mihardjo, L. W. W. (2019). The mediating role of business strategies between management control systems package and firms stability: Evidence from SMEs in Malaysia. Sustainability (Switzerland). <https://doi.org/10.3390/su11174705>
- [12]. Human Rights Watch. (2017). Singapore Event of 2016. Retrieved from World Report 2017: <https://www.hrw.org/world-report/2017/country-chapters/singapore>
- [13]. ILGA. (2012, July). LAO AND PROUD: LGBT RIGHTS IN LAOS. Retrieved from <https://ilga.org/lao-and-proud-lgbt-rights-in-laos>
- [14]. McDermott, D. T., & Blair, K. L. (2012). what's it like on your side of the pond?: A cross-cultural comparison of modern and old-fashioned homonegativity between North American and European samples.
- [15]. Mosbergen, D. (2015, Oktober). In Laos, An Invisible Minority Is Finding Its Voice. Retrieved from The WorldPost: [http://www.huffingtonpost.com/entry/lgbt-laos\\_us\\_5616433ce4b0e66ad4c681cc](http://www.huffingtonpost.com/entry/lgbt-laos_us_5616433ce4b0e66ad4c681cc)
- [16]. Muliastari, M., Lacksana, I., & Sari, N. E. (2018). Mengintegrasikan Nilai NilaiBudaya Indonesia Dan Nilai NilaiTeoriRealitaDalamMenghadapiKelompok LGBT. ResearchGate.
- [17]. OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS. (n.d.). HUMAN RIGHTS A BASIC HANDBOOK FOR UN STAFF. UNITED NATIONS.
- [18]. Salvato, E. (2019, April 10). How Safe Myanmar for LGBTQ Travelers. Retrieved from WorldNomads: <https://www.worldnomads.com/travel-safety/southeast-asia/myanmar/safety-for-lgbt-travelers-in-myanmar>
- [19]. UNDP. (2018). LEGAL GENDER RECOGNITION IN THE PHILIPPINES. Mandaluyong: Commission on Human Rights of the Philippines.
- [20]. UNDP; USAID. (2014). BEING LGBT IN ASIA: CAMBODIA COUNTRY REPORT. Bangkok: UNDP.
- [21]. UNESCO. (2003, April). Baseline definitions of key concepts and terms . Retrieved from UNESCO's Gender Mainstreaming Implementation Framework : <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/BSP/GENDER/PDF/1.%20Baseline%20Definitions%20of%20key%20gender-related%20concepts.pdf>
- [22]. UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER. (n.d.). Human Rights. Retrieved from Uniter Nations Human Rights: <https://www.ohchr.org/Documents/Publications/HandbookParliamentarians.pdf>
- [23]. Yen, M. T. (2016). Constructing the Vietnamese Queer Identities: A Hierarchy of Class, Gender and Sexuality. University of Helsinki.