CHAPTER 1

Introduction

A. Background

Freedom is entitled to every single human being. There is a variety of freedoms that a person can possess, and thereby in this era they often claim as human rights. Human rights may come to value within the timeframe when United Nations General Assembly in 10th December 1948 adopted the Universal Declaration of Human Rights. Wherein its preamble stated that "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world," (United Nations, n.d.), as we must note that this declaration was the aftermath of what happened to the world after the Second World War. Furthermore, this was the moment of all peoples and nations to come to terms with understanding more about the in depth of what a freedom of human rights is, since what is left behind is the depressing era, to the evolution of the era to modernity alongside with globalization.

Alongside the evolution of the era to modernity within globalization, freedom also shifts its shape to fit the global society. However, despite the advance human mind that evolved with time, and what came to the agreement within the Universal Declaration of Human Rights, there are still violations that happen all around the world. Notably, the United Nations General Assembly "Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction." (United Nations, n.d.). This led to a reality check to not only uphold human rights but also the commitment of each nation in their citizens' well-being.

Moreover, these notions are also relevant to developing countries, such as in Southeast Asia, or Eastern countries, which not only faced with the effort to maintain and enhance their citizens' well-being but also on how to uphold human rights, where it is also can clash with the

more traditionalist views that are often still rooted deep in their community. To the older generation, the idea of freedom that entails human rights is simpler and does not raise much question leading to how they achieved it. On the contrary, the younger generation is fond of the idealized view on how the nations and community understand their freedoms and rights. Some of them are freedom of expression which entail aspects such as sexuality. The forefront of current campaign for the rights of lesbian, gay, bisexual, transgender, and queer (LGBTQ+) are Americans, as it is frequently credited with having begun in 1969. Since 2015, 11 years after same-sex marriage became lawful in Massachusetts (1995-2015), the United States Supreme Court determined that it is guaranteed under the Constitution throughout the country (Masci, Sciupac, & Lipka, 2019). These are the small part of fact about this notion that happened in United States of America where it has been called "The Land of Freedom."

However, it has taken three decades to actually acknowledge the human rights for this community, and if we talk about the Eastern Nations, where we can see the traditionalist view persistent until this moment, it was not until 2019 where Taiwan lawmakers eventually adopted a measure legalizing same-sex marriage, making the self-ruled island the initial nation in Asia to embrace gay marriage laws (Hollingsworth, 2019). However, less than five other nations in Asia have acknowledged the LGBTQ+ rights in Asia, which include Japan, Thailand, Singapore, and China (Asia Society, n.d.). Meanwhile, there still entail more questions on how they hold up the community well-being and rights itself, and to actually understand how they can acknowledge the LGBTQ+ rights, in courtesy of the development of information and technology throughout the decades. This is along with the wave of globalization, which not only affects the main factors of human well-being but also the development of human's way of thinking.

The term Globalization itself is frequently misused and holds various meanings. According to James H. Mittelman (2001), globalization is defined as a rise in interconnectivity, a speeding up of global flows, or increased interdependence. Another location may have an immediate and direct impact on individuals in other locations. Or in another perspective, globalization as a lost cause for some actors, where in the first place it was little to no control in domestic level. Furthermore, according to one think tank, Peterson Institute for International Economics (PIIE), the term "globalization" refers to the increasing interdependence of the world's economies, cultures, and populations as a result of trade across borders in products and services, technological advances,

and the movement of investment, information, and people (Kolb, 2021). In a nutshell, globalization is the acceleration of global movement and exchanges all over the world in case of the people, cultural, technologies, goods, and services, while along the way there may things that changes with the speeds of globalization we cannot foreseen yet.

Yet in its development, globalization along with the development of human rights come across a new set of challenges. As globalization gained hold, a new human-rights frontier emerged; while same-sex marriage and gender transitions were celebrated as signs of improvement in certain areas of the world, laws were toughened that criminalized them in others. Thus, a "pink line" was drawn between places that are gradually accepting LGBTQ+ people into their society as full citizens and those that are seeking new methods to exclude them (The Guardian, 2020). The growth of the LGBTQ+ rights movement gave people all around the world a new feeling of space and identity. It also introduced new issues as people struggled to balance the autonomy they felt online with the limits of their offline life, as well as between their freedom in cities and their responsibilities at home. It gave rise to new groups of people wanting rights, as well as terrifying opposition. It opened new horizons as communities began to reconsider what it meant to have a family, being male or female, to live as human, as well as new worries (The Guardian, 2020). Furthermore, these phenomena also spark the movement across globe, such as in Southeast Asian nations.

After the first same-sex marriages in the Netherlands in 2001, over thirty other countries, predominantly in Europe and the Americas, have approved laws enabling gays and lesbians to marry. From 2001-2023, there are over thirty nations have legalized the same-sex marriage bills. The earlies one is in Europe area, Netherlands in 2001, after Parliament passed the law in December 2000, it became the first nation to legalize same-sex marriage. The newest one is also in Europe, namely Andorra; the little mountainous nation between France and Spain's parliament decided to legalize same-sex marriage. As of May 2023, there are 19 European countries, 9 Latin-America Caribbean countries, 3 Asia-Pacific, 2 North America, and 1 Sub-Sahara Africa, in which total of 34 countries (Pew Research Center, 2023).

Only one nation in Asia, which is Taiwan, legalized the same-sex marriage bills. This reality came with logic of appropriateness in a point of view on action that incorporates an appropriate combination of situations, roles, and regulations. The logic of appropriateness

specifies a decision-making basis that is slanted toward what societal norms perceive appropriate rather than what cost-benefit assessments deem optimum (Balsiger, 2016). We can see how the norms or structure of the "West" countries much different from those in "East" side of the world. The community in western part of the world, viewed LGBTQ+ as something that can be accepted by the society. Furthermore, there are almost no Anti-LGBTQ+ movement being proceeded, unlike in Asia, with exceptions of Taiwan and Thailand, as both the nations already agreed and in the process of legalization of same-sex marriage.

Norms debated and perceived by Constructivism as an 'appropriate behavior for actors with a given identity'. They describe norms as everything that is intersubjectively shared, collectively validated, and/or institutionalized. In practice, norms can take the form of shared morality, common interests, and agreed-upon behavior, as well as communal beliefs like laws and customs. Norms can also refer to a 'habit', which is a pattern of 'unintentional, unconscious, involuntary, and effortless' conduct that is universally accepted and does not involve 'control processes' (Sundrijo, 2020). Aftermath of Cold War, in the study of International Relations, 'norms' as a key concept emerged.

In international relations, norms refer to globally accepted standards of appropriate behavior for both state and non-state actors. Norms shape actors' behavior through repetition, practice, and consolidation, reflecting their interests and identities. Norms guide behavior by allowing some activities that align with the norm and prohibiting others that contradict it. The term "Global Norms" has been widely utilized in public debate. As previously said, it refers to a variety of unwritten yet universally accepted actions and behaviors. However, it has also been used to establish some very well-institutionalized policy objectives. Global norms are sometimes viewed as transnational and work similarly to 'soft power' (Sundrijo, 2020).

Norms in development are usually set at the global level to address complicated development concerns on the ground. These norms are standards of anticipated behavior that are thought necessary for civilizations to thrive. Global norms, however, frequently fail to take hold in local situations. Many projects are effective in putting norms on the global agenda, but few of these standards result in transformational change on the ground due to unaddressed cultural and political economy issues (Martinsson, 2011). In the marriage equality bill, the global norms that we can view are related more to unaddressed cultural issues as Thailand already acknowledged the

diversity of gender that existed from long time ago. The marriage equality bill is now more on the globalized cultural issues that western value bring as Thailand emerge to become more modern civilization.

Local norm, on the other hand, a norm interpretation process is essential for global norms to be recognized at the local-regional level, particularly when the value and practice of local norms are seen as important. In this research local norm can be seen in more detail as an Asian Value theory where it's explains about how Asian nations, especially in Southeast Asia or ASEAN nations contested with western values. The detailed explanation about Asian Value can be seen in the following chapter. Where it's explained about what is important in Asian Value and how it's shape Asian "personality". In the marriage equality bill, local norms act as the hurdle that need to be overcome by the LGBTQ+ Community as its contested with what already being a norm in local community. For some part of Thai society, the idea of marriage equality bill is foreign for them and something that not worth to be consider as Asian Value rooted deep within them.

The Marriage Equality Bill became the "arena" that contested global and local norms in this research. The clash happened when the local norm that already existed in Thailand being contested with global norm throughout globalization that happen in Thai society, because of the influence that the western value or the global norm produces. We can see the distinct where local norm starts to crumble, but still existed in Thai society. Especially for the LGBTQ+ Community in Thailand and others community that being impacted with the change of law and norms. This also reveal that even local norm still existed in Thailand, it faced with contestation that globalization brings and influence the mindset of Thais especially for the modern values that brings positive impact to the Thai society.

In Yogyakarta, Indonesia, November 2006, the "Yogyakarta Principles on the Application of International Law in Relation to Issues of Sexual Orientation and Gender Identity" were adopted by an international law expert. The Yogyakarta Principles is regarded as "a universal guide to human rights which affirm binding international legal standards with which all States must comply. They promise a different future where all people are born free and equal in dignity and rights can fulfil that precious birthright" (The Yogyakarta Principles, n.d.). They confirm legal requirements for governments and other actors to follow in order to end violence, abuse, and prejudice toward lesbian, gay, bisexual, and transgender individuals (LGBTQ+) and ensure

complete equality. A former United Nations High Commissioner for Human Rights is among the professionals launching the principles, as were academics, activists, judges, United Nations independent experts, and members of United Nations treaty bodies (Human Rights Watch, 2007). The principles also urge the United Nations human rights system, national human rights institutions, the media outlets, Non-Governmental Organizations (NGOs), and others to take action.

Furthermore, during the launch activity of the Yogyakarta Principle in Geneva March 2007, there many states that indicated their support for the Principles, and more than 30 states, such as Asian nations like Pakistan, India, Nepal, Indonesia, China, and Thailand, made positive contributions on sexual orientation and gender identity problems at the United Nations Human Rights Council (Thoreson, 2009). In the case of Thailand, it is one of the nations in Southeast Asia that have their own history about the acceptance of the LGBTQ+ community. Furthermore, with the desire of freedom and the fast-changing Thai people as effect of globalization, we can see more how Thai citizens are changing their perspective. However, if we see from the Thailand government side, we can see that they are not as open as Thai citizens themselves. This is reflected alongside the event of 2023 general election of Thailand, which brought unexpected results. Furthermore, with the Move Forward Party winning the general election on May 14, after the Election Commission completed its vote-counting, with Pita Limjaroenrat, a young political figure with more open-minded mindset towards what Thai people desire (Bangkok Post, 2023).

B. Research Question

The primary research question towards this reporting is:

"How does Global Norms and Local Norms affect the process of Legalization of The Marriage Equality Bill in Thailand?"

C. Theoretical Frameworks

a. Regime of Truth

Michel Foucault (1926-1984) was a French philosopher and historian who was a member of the structuralist and post-structuralist philosophies. He has had a significant impact not just on philosophy, but also on a variety of humanities and

social scientific areas (Gutting & Oksala, 2022). Foucault is influential in shaping the understanding of power, directing away from actors analytical of using power as a tool of coercion, while also how actors operate in the discreet structures, leading to the idea that "power is everywhere." It is diffused and embodied in a knowledge, discourse, and "regime of truth" (Foucault, 1991).

Power, according to Foucault, is distributed and widespread, rather than wielded by individuals or groups through "irregular" or "autonomous" acts of dominance or coercion. "Power is everywhere" and "comes from everywhere," so it is neither an agency nor a structure in this sense (Gaventa, n.d.). The concept of "regime of truth" is introduced by Foucault in chapter one of "*Discipline and Punish*", whereas he argues, contrary to a certain philosophical myth, that "truth isn't outside power, or deprived of power": rather, truth "is produced by virtue of multiple constraints [a]nod it induces regulated effects of power". According to Daniele Lorenzini (2015), this indicates "each society has its own regime of truth," and by term, Foucault implies:

1) the kinds of talk that [society] nourishes and allows to operate as true,
2) the methods and instances that allow one to discriminate between true and false claims,
3) the way each is authorized,
4) the strategies and procedures valued for obtaining truth, and
5) the position of people responsible for determining what is true.

As a result, "truth" is "a system of ordered procedures for the production, regulation, distribution, circulation, and functioning of statements;" it is linked "by a circular relation to power systems that produce and sustain it, as well as to power effects that induce and redirect it." According to Foucault, the main political dilemma for us now is attempting to modify our "political, economic, and institutional regime of the production of truth" (where truth is modeled on the form of scientific discourse) in order to build a new "politics of truth" (Gaventa, n.d.).

As a result, a regime of truth is the strategic field whereby truth is produced and becomes a tactical aspect in the operation of a particular set of power relations.

In other words, there can be no genuine truth "obligation," no genuine truth "regime": there can only be "coercion of the non-true or coercion and constraint of the unverifiable" because truth, if it is truly true, is on the side of freedom, emancipating and redeeming rather than subjugating. As a result, we cannot regard the concept of regime of truth as purely analytical or methodological: it bears a critical force in and of itself, which is why it can still be valuable to us today (Gaventa, n.d.). Indeed, Foucault demonstrates through this concept that we are not obligated to accept the scientific or epistemological regime of truth, and, more crucially, that we are not obligated to form our subjectivity and way of life around it. Whereas this theory of regime of truth will be point of view in global norms in the case of Legalization of the Marriage Equality Bill in Thailand.

b. Asian Value

Asian values are ideas espoused by some Asian political leaders and philosophers since the late twentieth century as a deliberate alternative to Western political concepts such as human rights, capitalism, and democracy. They said that Western political principles were inappropriate for East Asia because they encouraged excessive individualism and legalism, both of which harmed social order and economic dynamism. Asian attributes that are frequently highlighted include frugality, balancing individual and society expectations, hard work, educational attainment, and reverence for authority (Henders, 2023).

According to Susan J. Henders (2023), during a period of fast economic and social upheaval, growing individualism and democratization, as well as human rights groups, challenged existing socioeconomic orders and authoritarian governments throughout East Asia. They said that Asian ideals were to blame for the region's significant economic growth; that economic development should be prioritized in developing countries; and, more broadly, that civil and political rights should be subordinated to economic and social rights. Furthermore, because the state represents the collective identity and interests of its citizens, its demands must take precedence over individual rights. As a result, proponents of Asian values were staunch supporters of national sovereignty, particularly the right to be free from

outside interference. The conflict over Asian ideals is relevant to political theory discussions about whether commitment to global justice and equality may be grounded in human rights.

In reality, the phrase "Asian values" means that certain Asian countries' social, economic, and political characteristics are founded on a specific and distinct value system that transcends national, ideological, and religious divides. "Asian values" are often mentioned in the context of an East-West contradiction (Inoguchi & Newman, 1997). Values such as consensus, harmony, unity, and community are frequently offered as the essence of Asian culture and identity (Sim, 2021). The theory is supported by four claims:

1) For starters, human rights are not universal and cannot be globally implemented.

2) Second, Asian societies are centered on the family rather than the individual.

3) The third argument expands on the second in that Asian civilizations prioritize social and economic rights over political rights.

4) Finally, the right of a nation to self-determination entails a government's internal power over human rights. This means that other nations should not interfere with a state's internal affairs, including its human rights policy.

According to Amitav Acharya, there are multiple (though not always necessarily mutually exclusive) interpretations of Asia, some based on practical forces like interdependence, physical might, economic expansion, and while others are based on ideational underpinnings like civilizational ties and normative aspiration. Asia is unusual because its economies are enjoying extraordinary economic growth. In the 1990s, a new type of exceptionalism evolved, this time based on claims and comments about how Asian culture underpinned the success of its economies. Of course, supporters of exceptionalist Asia were anti-globalization. Despite their worries about the globalization of human rights and democracy, they really outperformed it in terms of economic gains. (Archaya, 2010).

The term "Asian values" initially originated in the 1990s, coinciding with East Asian economies such as Singapore, South Korea, Taiwan, Hong Kong, and Japan's rapid growth. Asian principles include hard work, prudence (high savings rates), an emphasis on education, consensus, rejection of radical individualism, national teamwork, and respect for authority. When critics interpreted the term's components, such as veneration for authority, as justification for authoritarian rule, it took on a political connotation (Archaya, 2010). Despite the fact that many Asian countries have made significant investments in education, these nations will need to get past the bureaucratic culture, political authoritarianism, and regulation that continue to hinder creativity and innovation. The concept of Asia should be founded on an awareness of Asia's strengths and weaknesses. As a result, neither geography nor geopolitics, nor strength and prosperity, are sufficient grounds for asserting Asia's relevance as a region. Asia is and will remain a contentious concept. First, the concept of Asia is more than merely increasing strength. Second, Asia is more than just the whole of its parts. Third, Asia will increasingly be built from the inside rather than the outside (Archaya, 2010).

Whereas this theory of Asian Value will be point of view in local norms in the case of Legalization of the Marriage Equality Bill in Thailand. Furthermore, with the new general election in 2023, we can see the changes of local norms after being questioned for a prolonged period.

D. Arguments

With this, the hypothesis/arguments for this research titled Global Norms Vs Local Norms: The Case Study of Legalization of the Marriage Equality Bill in Thailand, the author beliefs that;

1) There is rivalry between global norms and local norms in the Marriage Equality Bill, which occurred as a result of the Regime of Truth about sexuality and marriage bill in Thailand facing criticism from the more traditional community in Thailand itself.

2) There are still Asian values that have become social principles for Thai citizens who cannot accept global norms brought by outsiders to the state, and when society changes

and brings the topic of sexual freedom to the political arena, there is a rivalry that arises from local norms.

E. Research Purpose

The research purpose of this research is to find out how global norms and local norms clash with each other in a Southeast Asia nation, Thailand. Moreover, it will review the Asian Values theory in Thailand alongside Regime of Truth theory. Furthermore, the continuation on the Legalization of the Marriage Equality Bill in Thailand, under the new regime in Thailand, at glance can be more liberal than ever. This is because the representatives are from "young" generation of the winning political party in 2023 Thailand General Election.

F. Research Methodology

The research method that is going to be used in this research is qualitative research method. Qualitative research is a sort of research that investigates and delivers more in-depth insights into real-world issues. Qualitative research collects information about individuals' experiences, perceptions, and actions. Instead of how many or how much, it addresses the how's and why's. It might be designed as a stand-alone study depending solely on qualitative data (Tenny, Brannan, & Brannan, 2017).

Wherein the main source data will come from the news platform, journals, articles, books, scientific papers, interview, and the results of indirect opinions by Thailand youth generation. This research study uses qualitative methods and aims to review the Legalization of the Marriage Equality Bill in Thailand, along with knowledge from 2023 Thailand General Election within the new government, and the result of this bill.

G. Writing Systematic

The author with this research study aims to divide the discussion into three chapters, which be seen as follows:

1) Chapter I

This chapter looks in depth about the chosen topics, modify the title, background of the question, theoretical framework, arguments, research purposes, research method, and writing systematic.

2) Chapter II

This chapter will focus on examining the Asian Value of the previous political party and government of Thailand. Furthermore, it will discuss about the bill that had become long overdue topics.

3) Chapter III

This chapter will explore the extent of the Regime of Truth within the Thailand Community, alongside with the new political party on reviewing the bill as the main topics.

4) Chapter IV

This chapter will be the conclusion of this research on the Legalization of the Marriage Equality Bill in Thailand.