

between state and non-state justice mechanisms may sometimes be blurred and that there may be overlapping and interpenetration of state law and non-state law, the non-state mechanisms may be *quasi-state justice mechanisms*, that is, they are non-state mechanisms recognized by the state or incorporated into the state system but operating autonomously or semi-autonomously from the state. Quasi-state justice mechanisms may include those mechanisms that have state-determined procedure for appointments, or whose dispute resolution functions are recognized by the state and attached to the official justice system.

7. As a critical caveat, the categories of state, non-state, quasi-state legal systems or mechanisms may not capture the different strata of systems or mechanisms existing in communities of Southeast Asia, including in itinerant or mobile communities. Further, those state-centric labels may not capture the engagements by some communities with the state, or their relations to the state system. Others may prefer to use the labels of *formal* and *informal*, to refer to either justice systems or legal orders within legal pluralism, as one study does.<sup>7</sup> The term 'informal justice systems' has been used to refer to "dispute resolution mechanisms falling outside the scope of the formal justice system" or "to draw a distinction between state-administered formal justice systems and non-state administered informal justice systems."<sup>8</sup> It is important to bear in mind that these labels serve only as initial guide for the research. The findings of the research may surface the richness of Southeast Asia's legal plurality and provide further variations in, or lead to different, non-binary, or nuanced, categories.
8. It has been said that in the last several decades, there has developed a new legal pluralism that represents a global shift from the state as the central source of legal ordering.<sup>9</sup> This was brought about by the creation of transnational and regional organizations and their regulatory regimes, the integration of markets, and the development of international human rights law.<sup>10</sup> These developments have resulted in drastic changes in Southeast Asian countries, and have been met with resistance in some communities that have been adversely affected by the market-oriented development strategies pursued by the state. These changes pose threats and challenges to the social and cultural integrity and to the very survival of some communities. Intuitively, they impact on the informal or non-state justice systems of the legally pluralist communities of Southeast Asia.
9. Despite the creation of transnational and regional regulatory regimes, the international legal order has not abandoned the principles of state sovereignty and the formal equality of states. The state remains the central referent of any political and social ordering and in conceiving legal phenomena. Under international human rights law, the state is still the bearer of obligations to protect, respect, promote and fulfill the human rights of its citizens. Thus, the nation-state continues to be the site and focus of human rights activism.

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7. See UN Women, UNICEF & UNDP 2012.

8. Wojkowska 2006, p. 9.

9. Merry 2004.

10. Ibid.