P-ISSN: 3047-423X
E-ISSN: 3047-4264

Jurnal Justice Dialectical
Volume 4, Issue 1, 2026, pp. 104-122

Human Rights Violations and Social Exclusion Through Southern Criminology for Marginalized Populations

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Abstract
Criminal justice systems in the Global South continue to face significant challenges in protecting human rights and ensuring equitable access to justice for marginalized populations. Persistent colonial legacies, structural inequalities, and the dominance of Northern criminological perspectives contribute to institutional discrimination and social exclusion. This study examines how entrenched power relations reproduce inequalities within criminal justice institutions and explores the potential of Southern Criminology to advance inclusive and contextually grounded approaches to justice. The research employs a critical sociolegal approach, integrating qualitative methods, including in depth interviews, focus group discussions, and field observations, with normative analysis of judicial decisions and international human rights instruments, particularly the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The study applies thematic analysis and data triangulation to examine the experiences of marginalized communities and assess institutional responses to human rights violations. The findings reveal that prevailing criminal justice practices continue to reproduce social exclusion through discriminatory institutional arrangements, unequal access to legal protection, and limited recognition of marginalized perspectives. Southern Criminology provides an alternative analytical framework that challenges dominant criminological assumptions and recognizes the historical, political, and social conditions shaping experiences of injustice in the Global South. This study contributes to contemporary criminological scholarship by advancing a framework for criminal justice reform grounded in epistemic diversity, community participation, and institutional accountability. It concludes that decolonizing criminological knowledge and incorporating marginalized voices into criminal justice policymaking are essential to strengthening substantive equality, human rights protection, and socially inclusive justice.

Keywords: Criminology; Human Rights; Marginalized; Populations;

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Introduction

The enforcement of human rights for marginalized groups in Global South countries remains trapped in a cycle of structural discrimination and social exclusion rooted in complex historical, social, and institutional factors, thereby substantially reducing access to justice for vulnerable groups such as

Article History
Submitted 16 October 2025 - Revision Required 30 October 2026 - Accepted 1 November 2026

P-ISSN: 3047-423X
E-ISSN: 3047-4264

Jurnal Justice Dialectical
Volume 4, Issue 1, 2026, pp. 72-103

ethnic minorities, indigenous communities, women, or the urban poor[1] . The criminal justice system is generally not neutral because it is laden with legal biases oriented towards Western paradigms, lacks reflection on local realities, and ignores the life experiences of marginalized communities[2] , both in the formulation of norms and in daily judicial practice. This problem is exacerbated by the legacy of colonialism, which reproduces unjust power structures in criminal law and policing policies, so that marginalized groups remain the targets of institutional discrimination and systemic state violence[3] . Without a deconstructive approach and recognition of epistemic plurality as emphasized by Southern Criminology, the protection and promotion of human rights for marginalized groups will continue to stagnate, and the criminal justice system will potentially become a tool for reproducing social injustice[4] .

Therefore, research based on Southern Criminology theory is urgently needed because this approach provides a radical critique of the dominance of Western-based criminal law knowledge a paradigm that often claims universality but fails to capture the complexity of the social, cultural, and historical realities that are unique to countries in the Global South[5] . This epistemic inequality causes policies, legal dogmas, and criminal justice practices adopted in the Global South to often be ineffective, even counterproductive, because they ignore the needs, experiences, and local values of marginalized communities that are most vulnerable to human rights violations and social exclusion[6] . By conducting critical analysis using Southern Criminology, research can deconstruct the singular narrative of criminal law, elevate the voices and perspectives of groups that have been marginalized, and open space for legal innovation that is more responsive

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P-ISSN: 3047-423X
E-ISSN: 3047-4264

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and fair to the dynamics of the Global South[7] . This kind of research not only enriches academic knowledge, but also contributes significantly to the renewal of inclusive legal policies and the transformation of the criminal justice system so that it can become a tool for recovery, not oppression, for marginalized groups.

The research gap in the study of human rights enforcement and criminal justice in Global South countries is very apparent, with contemporary research still dominated by Northern Criminology perspectives rooted in Western epistemological assumptions, formal legal structures, and universalistic narratives that are often abstract from the empirical reality in the Global South[8] . As a result, such research tends to ignore local aspirations, informal practices, and the lived experiences of marginalized communities as victims of human rights violations and social exclusion, so that the solutions offered are often irrelevant or even reinforce structural injustice, institutional marginalization, and gender bias[9] . Southern Criminology presents itself as an alternative framework by deconstructing the dominance of mainstream knowledge, opening space for diverse perspectives, elevating local voices, and placing social justice and the restoration of exclusion at the center of analysis and advocacy[10] in the transformation of the criminal justice system in the Global South. By prioritizing the experiences of marginalized communities and contextual knowledge, this approach is able to address the shortcomings of research that has been hampered by epistemic bias and methodological hegemony[11] that is not inclusive of local social realities.

At such a culmination, without a critical review based on Southern Criminology, the cycle of human rights violations and social exclusion against marginalized groups in Global South countries will continue to repeat itself because the root causes of structural problems and legal system biases are not adequately identified or addressed, resulting in solutions that remain

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P-ISSN: 3047-423X
E-ISSN: 3047-4264

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elitist and purely normative[12] . A criminal justice system that only adopts the perspective of Northern Criminology has the potential to perpetuate inequality[13] , because it fails to accommodate socio-cultural realities and listen to the voices of vulnerable communities[14] ; as a result, marginalized groups become increasingly marginalized, lose access to justice, and often become victims of repeated institutional discrimination and state violence perpetuated by the legacy of colonialism and hegemonic knowledge[15] . Without research that prioritizes the Southern Criminology approach, the legal system only functions as an instrument of domination and legalization of injustice, not as a means of social recovery; this reality not only hinders the advancement of human rights, but also limits adaptive and inclusive legal innovation and allows structural inequality and violence to persist across generations[16] .

Methodology

The research method used in the study of human rights enforcement against marginalized groups in the Global South argumentatively integrates socio-legal research based on the critical Southern Criminology approach[17] , which places a qualitative paradigm through in-depth interviews, Focus Group Discussions (FGDs), and field observations[18] combined with normative analysis to reach the complexity of the legal and social realities faced by marginalized communities. The research approach is postcolonial and decolonizing, placing the narratives of victims and marginalized communities at the center of analysis using a participatory framework, so that all data and perspectives absorbed come directly from the real experiences of vulnerable

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P-ISSN: 3047-423X
E-ISSN: 3047-4264

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groups that have been marginalized by the hegemonic legal system[19] . The legal materials for the research include a critical review of national and international human rights court decisions, global human rights instruments such as the ICCPR and UDHR[20], as well as empirical data obtained from marginalized communities as actors or victims in issues of social exclusion and human rights violations. The research analysis uses a thematic analysis model to explore and identify patterns of violations and exclusion experienced by marginalized communities[21] . To maintain validity, data triangulation is carried out by combining legal documents, interview results, and the latest academic literature, so that the research results are not only rooted in the empirical social context[22] but can also be critically tested from various disciplinary perspectives.

Results and Discussion

The Effects of Reproducing Social-Colonial Structures and Epistemic Marginalization in Global South Countries on Marginalized Groups

It was discovered that the legal systems in various countries in the Global South still show serious shortcomings in providing access to justice and protection of human rights for marginalized groups[23] . [24]These shortcomings cannot be separated from the fact that legal institutions in this region still inherit many colonial structures and logics that reproduce patterns of social exclusion, discrimination, and neglect of the needs of vulnerable communities, whether in the legislative process, law enforcement, or the fulfillment of victims' rights. Many human rights court decisions at the national level reveal institutional bias in favor of the majority or those in power, while human rights protection and legal aid mechanisms for marginalized groups such as indigenous peoples, poor women, or migrant

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P-ISSN: 3047-423X
E-ISSN: 3047-4264

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workers often operate in a formalistic manner without taking into account the unique local context and historical relations that cause marginalization[25] .

The countries referred to in the discussion of research findings related to the legal systems of the Global South that still show serious weaknesses in providing access to justice and protection of human rights for marginalized groups include but are not limited to Indonesia, India, the Philippines, Nigeria, South Africa, Brazil, and Mexico. these countries exhibit a variety of structural weaknesses that are closely intertwined with the legacy of colonialism, institutional bias, and the dominance of Western legal paradigms in legislative structures and criminal practices.

Indonesia, for example, exhibits a bureaucratic and formalistic legal system, in which access to justice is often stalled at the administrative level, and protection for indigenous peoples, poor women, or migrant workers[26] is often marginalized due to a judicial system that is not yet inclusive and remains oriented towards the interests of those in power or the majority. In India and the Philippines, the legislative process and court rulings show a strong bias towards certain religious and caste majorities, resulting in minorities such as Dalits[27], certain regional ethnic groups, or LGBTQ+ groups[28] experiencing systemic discrimination in the enforcement of human rights and in gaining access to legal aid. In Nigeria and South Africa, despite normative and constitutional protections of human rights[29] , the reality on the ground is still dominated by issues of racial discrimination, politicization of legal institutions, and failure to address gender-based violence[30] and ethnic violence, resulting in marginalized groups such as women, children,

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P-ISSN: 3047-423X
E-ISSN: 3047-4264

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and ethnic minorities remaining excluded from access to substantive justice[31].

Brazil and Mexico offer examples of legal systems trapped in dependence on colonial legal legacies and repressive law enforcement patterns, which place favela groups, indigenous peoples, and informal workers at risk of state violence, criminalization, and neglect of their basic rights (health[32] , clean water and sanitation[33]) by legal processes that are procedural rather than substantive. The fundamental similarities that span across the Global South are the reproduction of colonial logic and epistemic bias in law formation, institutional bias that favors dominant political or economic forces, and the absence of mechanisms to respect and accommodate the diversity of local experiences and the history of marginalized communities[34] in the formulation and implementation of criminal law policies.

This argument is reinforced by Southern Criminology literature, which highlights how unequal access to justice and social exclusion are structural implications of the failure to decolonize national legal systems, making it urgent to carry out decolonization-based reforms[35], community empowerment, and local epistemic integration in order to restore balance and substance to justice for the most marginalized groups in the criminal justice sphere of the Global South[36] .

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E-ISSN: 3047-4264

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Table 1. Epistemic Marginalization of Criminal Law in the Global South[37]

Country	Forms of Epistemic Marginalization	Examples of Concrete Injustice
Indonesia	Legislation dominated by Western paradigms, minimal participation of indigenous peoples	Difficult access to legal aid for indigenous peoples; bureaucratic bias, neglect of migrant workers' rights
India	Western legal standards, caste/religious bias	Legal stereotypes and discrimination against Dalits and religious minorities; neglect of local community participation
Philippines	Formalistic laws, protection of economic/political elites	Criminalization of migrant workers and urban poor; minimal representation of marginalized victims
Nigeria	Colonial legacy legal institutions, lack of local knowledge	Racial and ethnic discrimination; bureaucracy hinders access to legal aid; violence against local minorities
Brazil	Western criminal legislation, the absence of favela participation	Criminalization of street children and favela groups, police violence legitimized by law
South Africa	Dominance of Western legal models, racial bias	Institutional discrimination against ethnic minorities, stereotypes in the judiciary, neglect of local participation

Epistemic marginalization further exacerbates this injustice, which places the construction of knowledge and criminal law policy more in line with Western paradigms and standards than fostering solutions based on local knowledge[38]. Normative systems and lawmaking often ignore the participation of marginalized communities, so that their perspectives, experiences, and needs are not accommodated in policy or implementation in the field. Through thematic analysis of victims' narratives and empirical field data, various forms of injustice were found, ranging from administrative discrimination in access to legal aid, negative stereotypes in the judicial process, to structural violence legitimized by the legal system. The countries that most represent epistemic marginalization in criminal law policy are Indonesia, India, the Philippines, Nigeria, Brazil, and South Africa, where legal construction and policy-making are still heavily dependent on Western

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P-ISSN: 3047-423X
E-ISSN: 3047-4264

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paradigms, standards, and models, so that local knowledge, the participation of marginalized communities, and their contextual needs are often ignored in both legislation and the implementation of law in the field.

A thematic analysis of victims' narratives and empirical data in these countries reveals various injustices, ranging from administrative discrimination in access to legal aid (e.g., the difficulty of indigenous peoples in Indonesia to access legal aid due to formalistic bureaucracy and the absence of substantive legal guarantees)[39] , negative stereotypes in the judicial process (e.g., racial and caste bias in the criminal justice system in India and South Africa that prevents minorities from receiving fair treatment), to structural violence legitimized by the legal system (e.g., the criminalization of street children in Brazil or the neglect of migrant workers in the Philippines by law enforcement that only protects the interests of the economic and political elite)[40] . All of these countries show a pattern of substantial absence of mechanisms for the participation of marginalized communities, so that their perspectives, life experiences, and needs are not accommodated in the formulation and implementation of criminal policy making epistemic marginalization the main cause of structural injustice that persists in the criminal law sphere of the Global South[41] .

Furthermore, the results of the study confirm that the fundamental failure of the legal systems of Global South countries is not solely due to a lack of resources or institutional capacity, but rather to a reflective failure to decolonize the structures, policies, and epistemology of criminal law[42] . Southern Criminology, with its paradigm of decolonization and contextual justice, has succeeded in elevating the experiences of marginalized communities as a primary source of data, dismantling power relations that marginalize, and offering a direction for transforming the legal system to be more just and responsive to the social realities of the Global South[43] — namely through the recognition of legal pluralism, the innovation of community-based justice institutions, and the reform of legal education. This

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P-ISSN: 3047-423X
E-ISSN: 3047-4264

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discussion emphasizes that efforts to achieve substantive justice and inclusive human rights protection can only be realized if legal analysis is oriented towards restoring exclusion, empowering marginalized communities, and dismantling the shadow of colonial heritage in the legal systems of the[44] .

Southern Criminology and the Opening of Critical Reading Space on Legal Knowledge Bias Concrete Truths that Live in Local Communities.

Theoretical discussions on Southern Criminology show that this paradigm opens up a wide space for critical readings of the biases in criminal law knowledge, which has been dominated by Western epistemological constructs and formalistic legal practices[45] . Southern Criminology firmly identifies that mainstream legal knowledge is often hegemonic, ignoring the reality of vulnerability and social exclusion experienced by local communities in the Global South[46] ranging from indigenous peoples, poor women, to migrant worker groups because the legal system and criminal policy only respond to issues considered important by legal elites and international institutions, not by the communities most affected[47] .

The Southern Criminology paradigm argumentatively encourages highly participatory and transformative criminal law research methods, in which data, narratives, and experiences of human rights violations victims from marginalized communities are no longer positioned as complementary or merely statistical verification tools, but rather become the main foundation in the development of theories and the formulation of criminal law policies that are contextually and socially relevant. A clear example of this is the case of indigenous peoples in Indonesia who have repeatedly been victims of land grabbing by corporations with formalistic legal justification[48] . In this context, participatory research based on Southern Criminology highlights their life experiences, patterns of resistance to institutional power (e.g., community advocacy, rejection of evictions through oral and customary traditions), and exposes how national legal products fail to accommodate the needs and

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rights of local communities[49] . In addition, research in Brazil and South Africa that includes the narratives of favela communities and ethnic minorities in thematic analysis has mapped the interactions between citizens and law enforcement officials[50] , documented informal practices of restoring justice through social solidarity, and explored forms of resistance to institutional violence that have been legitimized by the formal criminal justice system[51]

The assumption that law and justice can be applied uniformly without reviewing local realities and practices Southern Criminology asserts that legal truth must instead be constructed from everyday realities, informal practices, local identities, and knowledge that grows within communities, because only in this way can the reconstruction of criminal law policy truly respond to social vulnerability, strengthen inclusivity, and empower marginalized communities holistically and sustainably[52] . At this culmination, Southern Criminology argumentatively encourages radical innovation in criminal law education and research, placing diversity, plurality of values, and the concrete needs of vulnerable groups as the main pillars of legal knowledge formation. this paradigm breaks with the legalistic research tradition that only views marginalized communities as objects, replacing it with a participatory model that places these communities as the main subjects. An example of this is research on the restoration of indigenous peoples' rights in Indonesia, which involved them in the formulation of land restitution and agrarian reform policies[53] .

Another example can be found in a legal education program in South Africa that includes courses on social justice based on the experiences of ethnic minority communities[54] , as well as a clinical law project in Brazil that adopts a narrative approach to defend the rights of street children and informal workers through joint advocacy and community involvement in the

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litigation process[55] . Southern Criminology, by prioritizing the direct involvement of marginalized communities as agents of change[56] , rather than merely subjects of study, enables a more in-depth and reality-based exploration of the dimensions of exclusion recovery, the promotion of social justice, and resistance to the legacy of colonialism in the national legal structure. This paradigm effectively builds theoretical and practical strategies to reorganize the criminal law discourse that has been trapped in mainstream bias, and paves the way for a more democratic, responsive, and adaptive transformation of legal knowledge to the social dynamics of the Global South[57] namely, legal knowledge that grows amid the experiences, needs, and hopes of the most vulnerable local communities.

Shifting Paradigms in Criminal Justice Policy, Empowering Marginalized Communities, and Recognizing Epistemic Diversity in the National Legal System

The practical implications of the findings and theoretical discourse on Southern Criminology confirm that there is an urgent need for a paradigm shift in criminal justice policy in Global South countries. Legal systems that have long been based on Western epistemology and standards have proven incapable of addressing the complexity and social vulnerability experienced by marginalized communities [58] . Therefore, criminal justice policy must transform from a hegemonic and universalistic pattern to one that is more reflective, contextual, and prioritizes the principle of inclusivity, which places the voices, needs, and values of marginalized communities as the main reference in the formation of rules and the implementation of justice[59] .

The paradigm shift promoted by Southern Criminology is closely linked to the agenda of empowering marginalized communities through active participation models, in which communities that have long been marginalized are directly and meaningfully involved in the legislative process, policy implementation[60] , and evaluation of the criminal justice

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system such as the case of advocacy by indigenous peoples in Papua, Indonesia, who actively participated in drafting policies on land and forest rights protection through joint consultation forums[61] , as well as the experience of women victims of violence in South Africa[62] who participated in the drafting of witness and victim protection laws based on their own life stories[63] . This empowerment is not merely elitist rhetoric of inclusion, but rather a mechanism for grassroots-based policy advocacy—examples include strengthening community social networks, local-based legal assistance such as village paralegals in the Philippines who help migrant workers fight for their rights in court[64] , and official recognition of local knowledge products such as customary conflict resolution in Brazil, which is integrated as an alternative to formal criminal proceedings[65] .

These concrete transformations change the role of the legal system from merely an instrument of control and repression to an instrument of social empowerment, with an emphasis on substantive justice, restitution of rights, and restoration of social exclusion without institutional or structural bias encouraging the legal system to be more responsive, fair, and rooted in the realities and real needs of marginalized communities that have long been overshadowed by mainstream legalistic narratives[66] . Another very important practical implication is the need to recognize and integrate epistemic diversity into the national legal system. Southern Criminology views that plurality of knowledge whether from local traditions, customs, or the historical experiences of local communities must be recognized and

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utilized in the formulation of legal norms, court decisions, and even the reform of legal education curricula[67] .

This recognition encourages the creation of a legal system that is more democratic, adaptive, and capable of continuous innovation in the face of contemporary social challenges[68] , such as structural human rights violations and resistance to the legacy of colonialism in national law.[69] Therefore, by adopting a shifting paradigm, empowering marginalized communities, and recognizing epistemic diversity, the transformation of the national legal system in the Global South not only brings access to justice closer to vulnerable groups, but also fosters legal practices that are more relevant, inclusive, proportional, and resilient in the face of social change in the era of globalization. This also serves as a key recommendation for policymakers, academics, and legal practitioners to not only adjust formal regulations, but also dismantle structures of injustice, empower marginalized communities, and democratize criminal law knowledge in a sustainable manner.[70]

Conclusion

Based on the entire discussion, it can be concluded that Southern Criminology is able to offer a much fairer, more contextual, and relevant analytical framework for understanding and addressing human rights violations and social exclusion experienced by marginalized groups in Global South countries. this analytical pattern has succeeded in dismantling epistemological bias, the marginalization of local knowledge, and the reproduction of socio-colonial power in the construction and practice of the criminal justice system that has dominated academia and legal policy. The implementation of the Southern Criminology approach is not only important for deconstructing power relations and elevating the voices of vulnerable communities as the center of legal transformation, but also highly significant in reforming national legal systems towards inclusive justice, the restoration of exclusion, and the recognition of epistemic plurality in practice. thus, this paradigm is capable of promoting the decolonization of criminal law knowledge while presenting policy innovations rooted in the needs and experiences of marginalized communities, an essential step in the era of globalization to achieve a democratic, adaptive, and substantive justice

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system. The Southern Criminology approach, through its participatory agenda, commitment to concrete truth, and rejection of oppressive Western universal norms, produces criminal law thinking and practices that are effective in fighting for human rights and social inclusion in the Global South, both theoretically and practically.

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