



The Development of Social Justice in Strengthening the Local Community Capacity in Lao PDR Moving Forward to Socialism in the 21st Century

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ARTICLE INFO

Article History:

Submitted: May 20, 2024

Revise: July 20, 2024

Accepted: November 22, 2024

Available online: December 30, 2024

Keywords:

Social Justice, Local Community Development, Socialism, Lao PDR.

ABSTRACT

The research project analysed the development of social justice in strengthening the local community capacity in Lao PDR moving forward to socialism in the 21st century. Drawing on theories of Marxism, Leninism, and Kaysone Phomvihane, the research focused on key elements of social justice, including access to justice, equal access to resources, transparency, equality of rights and opportunities, and citizen accountability and participation. Data collection involved interviews and focus groups with government officials and local villagers in Vientiane, Savannaket, and Oudomxay provinces.

Findings revealed significant challenges in achieving social justice at the local level. Despite the government's commitment and legal frameworks, implementation gaps persist. Local communities face barriers in accessing justice and resources, hindering their full participation in development. Transparency and equality remain elusive, leading to a lack of trust in the justice system.

The research highlights the crucial need for capacity building within local communities to overcome these challenges. This includes strengthening Village Mediation Units, improving access to justice for vulnerable groups, and enhancing citizen participation in decision-making processes. By addressing these issues, Lao PDR can better realize its vision of a socialist society and navigate the complexities of the 21st-century global environment.

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Cite this article: Somdeth KEOVONGSACK, Sypha CHANTHAVONG, Saengaloun SYHARATH, Vilay LANGKAVONG, Douangmala KHAMSONGKA and Soutsakhone BOUASANGTHONG. (2024). *The Development of Social Justice in Strengthening the Local Community Capacity in Lao PDR Moving Forward to Socialism in the 21st Century*. Lao Social Science Journal (LSSJ), 2, 2, 1-8, ISSN: 2664-6331

Introduction

The study analyses the development of social justice in strengthening local community capacity in Lao PDR to foster its advancement towards a socialist state in the 21st century. The development of social justice is theoretically recognized as a crucial element for enhancing local communities' legal capacity and empowering all members to contribute to sustainable development. As Johnston (2006) points out that a community's survival is significantly bolstered by local residents' involvement in shaping it. Building local capacity, particularly promoting the effectiveness, transparency, accountability and responsiveness to serve the best interests of the community, is crucial for establishing the rule of law. This is supported by a wide range of theorists who emphasize that social justice is a fundamental human right principle that advocating for everyone's equal access to economic, political, and social rights and opportunities. For social justice to be

realised, all stakeholders must be involved as everyone shares responsibility for enacting and upholding social equality. In essence, Pfeffer (2014) explains that social justice also means respecting everyone's human rights and treating everyone with dignity since everyone has innate values and one's value is more or less than anyone else's.

In the context of Lao PDR, as one of the socialist states (along with China, Cuba, Vietnam, and North Korea), it is a developing country governed by the Lao People's Revolutionary Party since 1975. Lao PDR has a clear vision and aims to achieve its socialist state by adhering to the theories of Marxism–Leninism and Kaysone Phomvihane Thought (HAI Xian & FANG Wen, 2020). Additionally, Lao PDR has signed and ratified major international treaties, joined the Association of Southeast Asian Nations (ASEAN) on the 23rd July 1997, and collaborates with international organizations to promote social justice. The Lao National Constitution of 2015 and over 156 domestic laws have been recently adopted and amended to under strengthen the Lao legal and judicial system and provide a framework for the country's development. Despite these comprehensive laws and regulations, the government of Lao PDR has realized the challenges in addressing all social justice issues and had incorporated policies within the National Plan of Action on the Prevention and Elimination of Violence Against Women (NAPEVAW) 2021-2025, the Vision 2030 and Ten-year Socio-Economic Development Strategy (2016-2025), and the National Social Protection Strategy of Lao PDR Vision 2030 that aims Lao PDR to become a developing country with upper-middle income and follows a socialist market economy (Ministry of Planning and Investment, 2016). More importantly, the concept of the Sam Sang (Three Builds) has been introduced, focusing on building up provinces as strategy-making units, districts to be strengthened in all aspects, and villages to become development units (GoL, 2011). This includes building the capacities of local authorities to provide better public administration and service delivery while the earlier research by Miller (1978) pointed out that there would be still a higher need for social justice development to ensure that all Lao citizens can have access to quality social protection services and that the country can become a socialist state politically.

To achieve this goal, it can be argued that the development of social justice is essential for Lao PDR to upgrade the political level and lead the country towards to socialism because the commitment to transparency and accountability inherent in social justice promotes the rule of law and combats corruption and other barriers to social justice (Johnston, 2006). In

fact, although Lao PDR has the national constitution with comprehensive laws, law enforcement remains questionable to outsiders. This is because of having a constitution and enacted laws alone are no sufficient. Therefore, this could be the biggest challenge for Lao PDR in building greater social justice (GoL, 2018).

Research Objective

The objective of the study is to critically analyse the theoretical concepts of social justice that support the strengthening of legal capacities within local communities in Lao PRD as it is moving towards a socialist state. The aim is not to perform an in-depth analysis of the theories, but rather to give a concise overview that can aid further dialog and deliberation.

While some of the theoretical and practical issues with socialism line in the implementation of the rules and policies will contribute to enhancing the policy dialogue and practical planning the Government of Laos.

This study analysed the development of social justice in strengthening the local community capacity in Lao PDR moving to forward to socialism in the 21st century including reviews of relevant theories, legislation, policies, regulations, international treaties and literature combination with the field research data in three provinces of Lao PRD.

Research Methodology

Based on the diverse discussions of the research design, the most appropriate research methods for this study was the uses of the documentary research by analysing on the existing theoretical concepts, regulations and policies for the literature review while qualitative research methods as interview and group discussion with researcher's field visits were used for data collection. This was conducted in three different focus groups; namely, Vientiane as a representative of the Central Provinces, Savannaket as a representative of the Southern Provinces and Oudomxay as a representative of the Northern Provinces as research focused sites.

Data Result and Findings

The main findings of the study conducted between March and June 2024 in three provinces (Vientiane, Savanaket and Oudomxay Province) represent the three main geographic regions of Lao PDR. The study encompassed a total of twelve villages in six districts involving interviews and group discussions with 150 local villagers, 30 district officers, and 15 provincial officers. The respondents were drawn from a cross-section of Lao society including men and women, government officers and general people, urban and rural, lowland and highland dwellers, individuals from different income levels, and various ethnic or linguist groups to ensure the credibility and reliability of the

research findings. The results of the findings highlighted that key aspects of social justice development are inherited and associated with various aspects including:

Capacity Building of Local Communities' Access to Justice System

The findings of the study found that some local communities, particularly those in rural and mountainous areas, faced significant barriers to accessing justice systems. Despite challenges posed by poor road conditions and difficult terrain, the vast majority of respondents (45%) cited a lack of understanding of legal procedures and processes, coupled with insufficient legal assistance, as the primary obstacles. Additionally, 35% of them blamed that the process of perusing cases was very slow and time-consuming while less than 20% attributed the difficulty to high costs (too expensive for them).

In response to these challenges, the government has taken steps to develop policies aimed at ensuring equal access to justice for all Lao citizens. These policies are designed to enable individuals to fully exercise their legal rights and seek justice under the law. In fact, it's further reported that there are legal assistants available for a fee if villagers need help. Additionally, there are justice units in each district despite the lack of specialized human resources.

Barriers of Local People's Access to Justice System

The results of the findings found out that more than 32% of local people were still more familiar with solving violence issues at family-level by seeking advice from their parents or relatives before considering a formal report to the village chief or District Justice Office. It is also pointed out that 23% of the correspondents believed that cultural belief played a major role in how people handled cases of violence in their communities because the community leaders of some minority ethnic groups often dominated their own communities and addressed the community issues by their own tribe's customs. Apart from this, the most significant factors challenging on access to the formal justice system for local people were their own fear, embarrassment and afraid of gossip which covered more than 21% of them.

Example: 1

The girl, who is Khmu, lives in Oudomxay Province told that her husband has had an ongoing affair with her sibling. She has confronted him and her sibling about their affairs but nothing has changed. Therefore, she would like to seek help from the chef of the village and the Village Mediations Units in obtaining a divorce. However, both of her own parents and her in laws were stopping her. They all said that this is a family problem and they could talk and solve it by themselves. She

feared that if she went to the village, everyone would know and gossip about their family problems. She further said that she has not received any support from her own family and she decided to leave her husband without an official divorce. Her husband refused to provide any support her and her kid.

This also showed that some local villagers were lack of awareness particularly they were unaware of their rights and the available legal resources while over 15% of the respondents indicated that language barriers and lack of knowledge were considered as their barriers' access to formal justice system due to the communication difficulties between locals and legal professionals which could hinder access to justice. Significantly, 9% of them stated that geographical barriers particularly poor facility and road construction. In addition, remote locations and limited transportation options could make it difficult for locals those were located in the mountainous areas to reach courts and legal aid services.

Common Disputes

The results of the findings indicated that there were a higher number of complicated cases that were submitted and waited for court trails. It's difficult for District and Provincial Courts to handle all cases effectively due to a high caseload, limited budget, and resource constraints within limited timeframes. It's reported that the most common cases addressed by District and Provincial Courts were seen as debts, fraud, human trafficking in Persons, and other issues that could not be solved at the community level.

However, the findings found out that Village Mediation Units often addressed a large number of the common issues faced by local communities through negotiation. Additionally, the Village Mediation Units could assist the village administration in enhancing justice within the village. The most common issues were largely seen as land disputes, domestic violence, drugs-related issues, inheritance disputes, and general theft, which were accounted for the most significant disputes faced by the local communities. Overall, the most significant issue was the domestic violence, which was rated by more than 35% while theft was the second place (25%). It's also noticed that drug was still a big problem in every local community, which covered 17% whereas the land disputes was 13%, and less than 10% was the family's will inherit.

Transparency in the Justice System

Based on the central government officers' perspectives, most respondents believed that dealing cases in the justice system was fairly transparent and trustworthy due to the court system's actions. Moreover, the state has enacted numerous laws and regulations including establishing training programs

and conditions for law enforcement officers to ensure equal and transparent access to justice for everyone.

At the community and village level, the findings found out that administrative office and justice officers from the district and provincial levels often worked collaboratively with the villages, particularly with the Village Mediation Units (VMU) under politically supervision of village's Party Committee and village administrations. The Village Mediation Units were a semi-formal mechanism under technical guidance and supervision of district's Justice Office to ensure that the community leader and Village Mediation Units understand how to effectively and transparently lead and handle cases within their communities.

However, there were some discrepancies between the local people and central governments. A large number of local people complained about barriers that prevented the poor from accessing to justice, including socio-economic factors, complex legal procedures and concerns transparency within the justice system. The findings also indicated that there were still corruptions in the area of perusing to win the cases such as bribery to influence case outcomes, and some cases were not preceded transparently. In fact, over 45% of correspondents (local villagers) reported that justice system was not transparent because sometimes people used their strong connections with people who had a higher position in order to help deal with their cases while 30% of them were undecided about the system's transparency within the current justice system. It's interesting to note that only 25% of them reported that the justice system was more transparent.

At the community level, the findings of the study indicated that just 51% of correspondents were happy and satisfied with the work of Village Mediation Units while 33% of them were neutral. More than 16 % of them were not satisfied, and referred to solve the problems with their own family and parents. In addition, the majority of them further pointed out that Village Mediation Units were not able to handle the social issues such as Human Trafficking in Persons, drugs and domestic violence effectively due to the lack of resources, skills and accountabilities.

Example: 2

One respondent complained that “ I am far from being satisfied and do not trust in the justice system. The Village Mediation Units never helped me. It's totally not fair that's all. I have come to the village office several times for help, but no one ever helped me. After I heard the decision, I said that I would go to the district court, but the Village Mediation Units did not allow it. They further said that I must be responsible for myself because our Village X... is now a 'Case Free and Developed Village'. The Village Mediation Units did

not support me and did not provide me with any of the documents that I needed for the District Court and I must raise my child alone, with no support. I also had to pay the cost of the Village Mediation Units”

Access to Resources

According to the perceptions of central government officers, the majority of respondents believed that access to resources could be seen as a fundamental principle of social justice. All Lao citizens should have an opportunity and equality to access resources. Unfortunately, in many areas of society, local communities had different levels of access based on their geographic location and other relevant factors such as socio-economic status, education, health service, employment, and environment (natural resources). They further pointed out that the poor and vulnerable groups were generally disadvantaged in terms of their access to kinds of resources as the following:

Access to Natural Resources

The findings revealed that there were limited opportunities for local communities to access natural resources. This limitation was due to the government's granting of land concessions and expanded a wide range of development projects. Moreover, some forests and lands to various entities, which expanded the range of activities permitted on these lands. Furthermore, some forests and lands surrounding the local communities were largely designed as national protected areas or conservation zones. This restricted and prohibited access for many families who relied on these natural resources for their survival. Without access to agricultural land or alternative livelihood options, some families resorted to slash- and- burn agriculture to cultivate crops like rice and other plants and plants. Consequently, a significant number of natural forests were destroyed and burned, leading to air pollution and loss of wildlife.

Access to Education

The findings revealed that while there were only high schools in the districts, the quality of teaching and learning was poor due to a lack of adequate equipment, facilities, and skilled teachers. Recently, a significant number of children and teenagers dropped out and were unable to pursue higher education in the central cities due to financial difficulties and economic circumstances. These challenges posed significant barriers for youth and adolescents to continue their studies. As a result, many were forced to leave school early to support their families by contributing to income generation. Only good families with sufficient financial means were able to send their children to school to pursue higher education levels.

Furthermore, local villagers truly believed that the most significant issues affecting access to education

were a lack of the educational support and limited learning opportunities for the poor and families who had many children. The findings also highlighted that the lack of recognition for the coherence between fields of study and labour market needs, which negatively impacted parental motivation and support for their children's education. There was a unanimous indication that gender disparity existed, with boys often received more respect and support than girls in terms of educational support from their families due to traditional practices.

Access to Healthcare

The findings showed that health care and hospital services were limited for the remote areas. One of the most significant factors is the country's geographic barrier since many local communities are situated in mountainous areas. Consequently, it's difficult to provide health care services to all communities. Another important factor is the economic constraint. In other words, the poor could not access to health care services because they were unable to afford the contribution. Moreover, local health facilities were insufficient, needed more facilities and modern equipment. Local hospitals were also shortage of qualified healthcare workers whereas modern hospital were largely concentrated in the main central cities and dominated by private owners.

Despite these challenges, the findings revealed that there were ongoing efforts to improve access to healthcare for the poor local communities in Laos. These initiatives, combined with the dedication of healthcare workers and international organizations, were gradually making a difference in the lives of local villagers in remote areas.

Employment

The findings found out that the government established the professional training programmes for local residents, who were interested in developing their skills and capacities for particular occupations such as clothing sewing and animal husbandry in the past. However, the training programs were inconsistently and did not adequately meet the needs of the local communities. As a result, the training programs had to discontinued due to low participants numbers and a lack of financial support to sustain independent work after training.

The findings also indicated that the majority of the respondents (40%) reported that the most common work and primary source of incomes for local villagers were largely dependent on their children, who had to leave their homes and seek employment in urban centers, Golden Triangle Special Economic Zone or neighboring countries particularly in Thailand to support their families. Another significant source of

income (35%) came from selling agricultural products and livestock, but this income was unstable and insufficient. Only a small percentage (20 %) derived income from family businesses while some families depended on daily farm labor (13%) and other miscellaneous work (12%) respectively. It is important to note that this data did not include government employee salaries, which were very low and could not support all family expenses. There is no doubt that there were only elder people and children who lived in the communities. A significant number of teenagers and adolescents had to leave their homes to seek employment in other places and send money homes due to a lack of factories and limited work in the local communities.

Equality

The findings indicated that the government has attempted to promote the equality for all through development policies. The goal was to ensure that local communities could have equal rights, opportunities and living conditions. Although the majority of the population stated that everyone should respect the uniqueness of each ethnicity and live with harmony and peace, there were inequalities and disparities in social development and facilitation particularly the gaps of society development between the urban and rural areas and a big gap between rich and poor families.

The most significant factors are that there were a higher need of road construction and hygiene sanitation systems. Evidence of this could be seen through the findings and observations that clean water was insufficient. Only water from wells in some families was considered as the best hygiene water for consuming while the quality of water from lakes or rivers was not enough and often dirties.

Despite the progress in local community development, it's reported that women often found themselves in a relatively weak position in terms of status in their families and communities. One of the respondents stated that she was disadvantaged in terms of realizing her rights in the event of a family dispute or breakdown of the marriage and more likely to be restricted in seeking external assistance to resolve any disputes. Therefore, women were also much more likely to be victims of any Gender-Based Violence and Domestic Violence. The findings also pointed out that there were efforts to promote gender, but in reality, it's still unable to eliminate the harmful practice because of some community leaders of the ethnic groups did not understand well in gender equality, and accustomed behaviours.

Example: 3

One respondent who is a girl is pondering that "we are all the same and have an equal light toward the law,

but when women pregnant and have babies without marriage and husband. They have to take care of their kids themselves and they should gain more respect. However, it seems that they are unacceptable and looked down by people surround them. This is unfair.

Local Villager's Participation

The findings indicated that local communities played an important role in strengthening social justice development. When people were actively participated in their communities, they not only contributed to their society development but also developed the capacity to advocate for their own benefits. The study found that local people often participated in their village's development activities particularly road repair, village security, and combating natural disasters like bushfires and floods.

However, a large proportion of the correspondents reported that the most important decisions were often made without their input. Even though, they were the ones who suffered the consequences caused by the result of the decision particularly in cases of land concessions and compensation loss due to the projects like railways, roads, dams and others. Some families were forced to leave their own places without options or fair compensation for their losses. This highlighted the fundamental injustice where local communities had to pay the price for climate breakdown and pollution caused by external factors.

Summary of Correspondents' Comments

The respondents were also asked to give further expressions and recommendations on how to promote social justice and what communities believed were essential for overcoming the issues mentioned above. The majority of the respondents noted on the following summarises that they truly believed were the major issues that affected them the most and needed to be addressed seriously to solve the problems:

1. Education for all was highly demanded and recognized as the most significant factor for community development.

- Parental support to obtain a relevant degree and qualification was demanded.
- There was no specific policy that promoted women's higher education in rural areas widely.
- Needing a better understanding and clarity about the challenges that affected their learning opportunities.
- There was no appropriate education policy and strategies, which could address their learning barriers at the poorest districts.

The findings further indicated that vulnerable groups who lived in the poorest areas required the better educational support from their parents, communities and the government:

- It would be crucial if some relevant courses were offered after high school.
 - There were higher needs for a specific education policy and strategies that could grapple with their learning barriers.
2. There was also a higher need for justice sectors to collaborate with relevant sectors to continue and expand the dissemination and training on procedures, mediation methodology and how to engage law enforcement and train Village Mediation Units and concerned authorities.
 3. Access to legal services was designed for social development. However, accessing it remained a challenge for the poor in remote areas. This required the government to improve the service and establish a management network to protect the rights of local people.
 4. There was a need for strong support from the government in the local context, respecting local people's needs particularly in the areas of improving access to justice through support for legal aid clinics and public legal education as well as awareness of the needs of the vulnerable groups.
 5. It's also important to build stronger justice institutions and bring justice closer to the people who lived in remote areas and empower communities to take control of their own lives. The development of local community capacity's access to justice was essential to ensure that local people were able to take more full advantage of their legal rights.
 6. There was a need of eliminating a type of harmful practices that discriminate toward gender equality and ethnicity.
 7. Accessing to health service was still expensive and higher demands especially the poor communities and vulnerable groups.
 8. There were higher needs for villages' offices and essential equipment to facilitate the work in the village since some villages did not have available office. Some used the village's temple when gathering or calling for villagers' meeting and others.

Conclusion

The concept of social justice, emphasizing fairness and equal access to opportunities, is a cornerstone of Lao PDR's development. The government, guided by Marxist-Leninist principles and Kaysone Phomvihane's Thought, aims to build a socialist society. Rawls' theory of justice, with its emphasis on fair distribution of resources and privileges, aligns with this vision. However, the study revealed gaps between theory and practice. While the government recognizes the importance of social justice, its implementation faces challenges. Local communities, especially vulnerable groups and the poor, struggle to access justice and

resources due to financial constraints, lack of legal understanding, and limited access to education. The study also highlighted the widening gap between the rich and the poor. Economic disparities and limited access to resources, including natural resources, education, and healthcare, further exacerbate social inequalities. Issues like land displacement due to development projects, despite legal provisions for compensation and resettlement, further undermine social justice for affected communities. In conclusion, while Lao PDR has a strong framework for social justice, its realization requires overcoming significant challenges. Strengthening local capacity, ensuring equal access to resources and justice, and addressing economic disparities are crucial for achieving a truly equitable and just society.

Recommendations

The research highlights the vital role of local communities in social justice development, emphasizing the need for capacity building and inclusive participation. To achieve this, the following recommendations are crucial:

For the donor community:

- Support sustainable rural development initiatives.
- Strengthen government capacity to implement laws and regulations.
- Engage actively in social justice development through sector working groups.
- Promote capacity building in local communities, including government agencies' compliance with legal obligations.

For the Lao government:

- Integrate social justice principles into community development programs.
- Educate people about their legal rights related to social justice.
- Promote the use of the judiciary to ensure compliance with legal obligations.
- Enhance the capacity of courts to handle social justice-related cases transparently.
- Attract local communities to focal areas through services and opportunities.
- Promote good practices among businesses through compliance with legal frameworks.
- Disclose information on justice services publicly.
- Provide legal training and counseling to village authorities.

By implementing these recommendations, Lao PDR can strengthen social justice, empower local communities, and build a more equitable and inclusive society.

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