



## Analysis of aung san suu kyii's election rhetoric that triggered military coup again in Myanmar from an international law perspective

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### Abstract

Elections are a method of choosing someone to occupy the ranks of government. Elections are one form of political product or what is called a conditional referendum. The implementation of politics is closely related to the rhetoric by its implementers not only has a good impact, but it also allows a coup d'etat to occur. A coup is a key for a military officer to be able to take over the power of the State which is then called a military coup. In developing countries, the military as a function always interferes with the government that is in power. One of the countries that often experience coups is Myanmar. The history of the Myanmar military coup began in 1962, 1988, and 2021 because the Myanmar military wanted to maintain its existence or influence. This writing was carried out using the juridical-normative method, secondary data from various kinds of literature, both from books, journals, laws and regulations, and even online media.

**Keywords:** election, political rhetoric, military coup

### Introduction

General Elections, a system that is described as a method or mindset adopted by a democratic country to elect someone to occupy the ranks of government, is held as a concrete manifestation of the implementation of democracy. Using the right to vote is one form of holding elections.

The explanation put forward by the general election is that the election is a battleground for filling the government's political status which is carried out with a conditional referendum system<sup>[1]</sup>. In general, elections are a method for the people to elect leaders and government representatives, and are a national right, besides that it is the right of the community as citizens to choose their representatives in government which is commonly known as voting.

Voting systems are often grouped by number. The collocation system defines voter cards as seats won by the party. Construction Three different directions partition this plural procedure. Semi-scale representation system and scale representation system<sup>[2]</sup>.

Elections are one of the products created by politics in the governance system. The system of law itself is a political product, then politics is carried out or implemented by humans, so it becomes a common thing to happen when disability becomes something that always happens in a government led by humans. Although it will not justify the crime that arises from the gap that appears in the point of view of the state system.

Whereas the fundamental problem that determines the construction of a country is the sovereignty it receives. Sovereignty is defined as a concept related to power. The highest thing in government agencies. "Under such a supreme power, it is generally understood. abstract, unified, and not derived from any other higher power." Constitutional practice, from the sovereignty of God to the idea of the rule of law and the sovereignty of the population<sup>[3]</sup>.

The implementation of politics based on the existence of a person's or individual interests has become an undeniable

idea in political practice, not infrequently in political rhetoric there is legal chaos that is not lasting from the practice. The existence of action triggers to occur and the emergence of a reaction is an open secret.

On November 8, 2020,<sup>[4]</sup> political turmoil occurred in Myanmar, which arose because someone was upset about the election results, triggering a coup. It started with the government holding elections to choose a candidate to lead the country, which was celebrated as Aung San Suu Kyi's Democracy victory in the National League party and winning 82% of the vote, contested seats in the election, while her rival Tatmadaw Coalition Solidarity and Development Party (USDP) only received 6% of the vote. Accusing the existence of electoral fraud, which is alleged by the Tatmadaw, which has led Myanmar for decades, is an arbitrariness. It doesn't end there, the Human Rights Institution that campaigns for Human Rights in the ASEAN region, especially Burma, the Tatmadaw has deployed armored vehicles since January 29, 2021. This is a form of silencing someone's free right to express opinions. It didn't end there, then on February 1, 2021, the Tatmadaw declared a state of emergency and launched a coup d'etat in Naypyidaw, and then illegally arrested Aung San Suu Kyi, Chairman Win Myin, and other leaders of the NLD party.

The declaration of Min Aung Hlaing, the commander-in-chief as leader of Burma was echoed, followed by the disconnection of the internet at 03.00 local times. This resulted in the eruption of demonstrations in Myanmar over the power struggle. The demonstration started on February 4, 2021, to February 28, 2021. On February 28, the demonstration took 18 lives in just one day by police officers against, suddenly on March 1, 2021, sparked the anger of various existing human rights institutions such as the Women Peace Network (WPN), Organization UK (BROUK), the International Federation for Human Rights (FIDH), Progressive Voice (PV), Burmese Rohingya, US Campaign for Burma (USCB), Burma Human Rights Network (BHRN), and those who strongly condemn the military action have violated human rights.

The occurrence of acts of violence carried out by the Myanmar police officers is a form of silence on human rights so that it has drawn criticism, the freedom of a country, in which the coup occurred, is seen as absolutely not seeing that the law will be upheld for the common good, in addition to the understanding by Chaler Cheny Hyde that International Law actually law based on principles or rules that are intended to be obeyed by states, which includes certain legal regulations along with individuals or non-state subjects. crimes against human rights are not solely a country's problem.

International support or intervention in solving problems that violate the principles of a free state is not impossible to do. The essence of the establishment of a country is the recognition of other countries, so that criticism of a country can change an existing legal event.

The background of the problem prompted the writer to formulate the problem as noted below:

1. How is the Election Rhetoric carried out in Myanmar by Aung San Kyuu Yii?
2. How is the Myanmar Military Coup in the Perspective of International Law?

### Research Method

The research approach used in this study is a qualitative research approach. Data was collected through the study of primary legal documents and secondary legal documents. Key legal documents considered include reliable international media and current legal regulations. The study of secondary legal documents includes books, journals, articles, research results, and conference reports which are principally related to research topics and problems.

### Research Result

#### 1. Election Rhetoric conducted in Myanmar by Aung San Kyuu Yii

Rhetoric as understood is a term that was first used by the famous philosopher Aristotle which was originally intended to interpret the technique of speaking with the title 'Grullos' or Plato in his book entitled Gorgias in conveying persuasion while giving a speech as a manipulation technique or political technique by bringing language that persuasive so that it can provide the value of belief and hope for those who listen<sup>[5]</sup>.

This was initially not understood as the study of science but as the ability to make speeches. Sophists even saw rhetoric as a means to win a lawsuit. To win a case, they focus on building the skills to use criticism or argument by using examples and evidence to support the ideas presented. They choose words, terms, phrases, and sentences that can attract the audience's attention. Their use of language is very flowery. With a slightly negative connotation, the fallacy of the sophists applies to those who are good at bickering or arguing about coachmen, who speak very well but fail to express anything useful or important in their speech.

Rhetoric has existed since humans were born. As an intelligent art, however, it began in the 5th century BC when Greek sophists wandered from place to place teaching knowledge, politics, and government by emphasizing the ability to speak in public. The government must try to convince the people to win the election. Has developed the art of speech that justifies the fact that it works towards a goal. The public can be interested and convinced. Rhetoric is studied, initiated, and practiced in countries that adhere to

direct democracy, namely Greece and Rome<sup>[6]</sup>. This can be seen from philosophical studies and communication science as well as what was initiated in the book Communication, Persuasion and Rhetoric by Sunarjo<sup>[7]</sup>. Rhetoric itself is a science that can be learned and is indeed important to learn, especially in the fields of law and politics.

The practice of rhetoric carried out in elections by Aung San Suu Kyii as a persuasive technique which is indeed mastered as a politician becomes a common thing when politicians have this one skill, but basically, politics exists because of the interests of each person so that it becomes a matter of concern to be able to be elected, that is constitutionally recognized that everyone has the right to be able to vote or be elected without discrimination<sup>[8]</sup>.

In the expansion of the campaign carried out by Aung San Suu Kyii, many speeches have been delivered, which have become a message that forms a new formulation in the state, namely spiritual renewal plus political reform equals freedom. Suu Kyii emphasized that Myanmar not only needs democracy but also evokes traditional values such as honor, trust, and faith. So far, in Myanmar, military power has committed many cases of abuse. Suu Kyii recognizes that achieving and maintaining freedom requires the traditional concept of personal virtue. Suu Kyii advised her supporters to understand that if the military does not impose its power, then people must be prepared to govern themselves and will require moral values. It is the duty of the people<sup>[9]</sup>.

On November 8, 2015, Myanmar held its first open general election after nearly 50 years of military domination. Previously, in the 1990 elections, the NLD received the most votes but the result was annulled by the military junta because the laws governing the elections were not yet strong, then Aung San Suu Kyi was arrested and placed under house arrest for being considered "a danger to the state" for her resistance to the military junta's authoritarian rule. Then, Aung San Suu Kyi was officially released from house arrest on November 13, 2010. Based on the results of the Union Election Commission, the NLD party led by Aung San Suu Kyi got more than 80% of the votes and gave the NLD party an absolute victory which also ended the period. military junta government. The NLD party won a landslide victory over 90 other parties, securing 77 percent of seats in all assemblies in Myanmar's parliament, for a total of 887 seats out of 1,150 seats contested (including local elections).<sup>[10]</sup> This is a big victory for Aung San Suu Kyi and her party.

However, even though Aung San Suu Kyi's party won, Aung San Suu Kyi was not allowed to become president because Article 59(f)<sup>[11]</sup> of Myanmar's constitution prohibits anyone with a foreign spouse and child from becoming president. Then, the position of president was replaced by Aung San Suu Kyi's confidant in the NLD party, Htin Kyaw. While Aung San Suu Kyi, served as Minister of Foreign Affairs, Minister of the Presidential Office, and State Advisor<sup>[12]</sup>.

Elections in Myanmar On November 8, 2015, received praise from Barrack Obama and Indonesian Foreign Minister Retno Marsudi for running democracy in a country long dominated by the military junta<sup>[13]</sup>. The victory of the NLD party led by Nobel Peace Prize laureate Aung San Suu Kyi over the Union Solidarity and Development Party (USDP) made many people hope that the change in Myanmar's political direction to a more democratic one

would be a momentum for Aung San Suu Kyi to be able to resolve the problem of Rohingya ethnic segregation in Myanmar. . But apparently, Aung San Suu Kyi impresses a passive attitude to various pressures from the international community who criticize her for immediately resolving the Rohingya problem.

Aung San Suu Kyi's passive attitude on the issue of Rohingya ethnic segregation when she became a non-governing elite may still be understandable because Aung San Suu Kyi has not yet had a strong influence to be able to influence the policies of the Myanmar government. However, after the NLD party won the 2015 election and made Aung San Suu Kyi Minister of Foreign Affairs, and the State Counselor turned Aung San Suu Kyi into a Governing elite, the attitude is still the same. There is no action or effort from Aung San Suu Kyi to solve the Rohingya ethnic problem even though Aung San Suu Kyi has a strong influence over her political position to be able to influence or change the policies of the Myanmar government and can immediately resolve the problem of Rohingya ethnic segregation. However, there is an inconsistency from Aung San Suu Kyi when she became the governing elite, Aung San Suu Kyi did not appear to be aggressively promoting human rights and democracy, unlike when Aung San Suu Kyi did not yet have a position in the Myanmar government. Abu Shiddiq, one of the refugees from the Rohingya ethnicity said that if there is no effort from Aung San Suu Kyi to solve the problem of Rohingya ethnic segregation, "If Aung San Suu Kyi tries to solve the problem of Rakhine State, the problem will be easily solved. But she has not tried (to solve) the problem"<sup>[14]</sup>.

The passive attitude shown by Aung San Suu Kyi has also attracted international attention and criticism<sup>[15]</sup>. Many people suspect that Aung San Suu Kyi's confinement on the issue of Rohingya ethnic segregation is politically motivated. The NLD ran in Myanmar's 2015 general election, but Aung San Suu Kyi does not want support for the Rohingya minority to harm her campaign. Even when asked for her opinion on the ethnic conflict that has killed hundreds of Rohingya, Aung San Suu Kyi is very cautious. He stated that the Rohingya problem is not a Myanmar problem, but the international world. "This is not the only problem we have to face, (but) this is one on which the international community has focused"<sup>[16]</sup>.

## 2. Myanmar Military Coup in International Law Perspective

The coup that took place in Myanmar received mixed responses from the international community. In this regard, the UN Security Council issued a firm statement regarding the military coup in Myanmar. In a statement on Wednesday, March 10, 2021, the council called on the military to exercise restraint and refrain from violence against demonstrators.

The UN Security Council in particular strongly condemns acts of violence against peaceful demonstrators, including women and children, and calls for the immediate release of those detained. In particular, it also emphasizes all parties respect fundamental freedoms, and human rights, and uphold the rule of law. In addition, the council expressed deep concern over the restrictions on medical personnel, trade unionists, media workers, journalists, and civil society. This statement is a revised version of the first statement

because China and Russia, which hold veto power, feel "military coups" cannot be used for now.

International law does not regulate military coup actions. The United Nations Charter only stipulates the principle of equality and non-intervention where all countries are in the same position and must not interfere in the affairs of other countries. However, the international community can intervene in humanitarian action in Myanmar.

The coup carried out by the Myanmar military against the civilian government led by Aung San Suu Kyi has been criticized by the international community, such as the United Nations (UN), the European Union, and the United States. This action is considered a violation of human rights or a crime against humanity. The United Nations has demanded that the Myanmar military restore civilian rule and release the country's leader, Aung San Suu Kyi.

Citing several sources, until March 25, 2021, according to data from the Aid Association for Political Prisoners (AAPP) activists and local media, this coup axis claimed the lives of more than 300 people. Under the pretext of fraudulent elections, the military group led by General Min Aung Hlaing usurped the government of Aung San Suu Kyi by force<sup>[17]</sup>.

The coup carried out by the Myanmar military against the civilian government is currently attracting worldwide attention, both regionally and internationally. The incident received various criticisms from various countries, international organizations such as the United Nations (UN), the European Union, the Association of Southeast Asian Nations, more popularly known as the Association of Southeast Asian Nations (ASEAN), and even from the international community. The military action carried out was considered to have violated the values of Human Rights (HAM).

The Director General of Asia Pacific and Africa at the Indonesian Ministry of Foreign Affairs, HE Abdul Kadir Jailani, explained that since the cold war (1947-1991) international law had not taken a firm stand against coup actions because at that time coups often occurred in various countries with the support of each block, both western and east. Both blocs see themselves as democratic forces. But after the cold war ended there was a shift in international law, there was a view that assessed the legitimacy of a government, among other things, it must fulfill the principles of democracy (through elections, ed). However, in practice, the UN Security Council (DK) does not regulate whether the coup is a violation of international law or not. The UN Security Council does not see the legality of the coup but assesses whether or not the coup has an impact on international security and peace<sup>[18]</sup>.

Regarding the Myanmar military coup, it can also be seen from the UN charter in Article 2 paragraph (7) which reads: "There is nothing in this Charter that authorizes the United Nations to interfere in matters which essentially include the internal affairs of a State or obliges its members to settle such business according to the provisions of this Charter: however, this principle does not reduce the provisions regarding the use of coercive measures as stated in Chapter VII."

In addition, the principle of not interfering in domestic affairs/non-intervention is also contained in the ASEAN Charter Article 2 paragraph 2 letters e and f, namely:

(e) "Do not interfere in the internal affairs of ASEAN Member States" and (f) "Respect for the right of each

Member State to maintain its national existence free from external interference, subversion and coercion”.

The contents of the UN Charter and the ASEAN Charter state the same thing the principle of non-intervention is a point that must be respected by countries that are under the umbrella of the organization. Legally, with the provisions in force, the above principles stipulate that inter-state relations are not allowed to interfere.

In the development of international law, intervention in the internal affairs of a country is considered increasingly important, but international law does not clearly regulate the military coup action that took place in Myanmar.

Many protests globally criticized, condemned, and imposed sanctions until they were disappointed with the Myanmar military's move to control the country. But the protest was merely verbal because many parties were not coherent, disagreed with their opinions, and refrained from interfering in accordance with the applicable law.

### Conclusion

Based on the description above, what is the basis of international legal problems in this case crimes against the principle of elections are mere political rhetoric, because the Tatmadaw is to remain in power, which is actually from the beginning Aung San Suu Kyi's rhetoric which was actually quite good so that it became the Tatmadaw's clear reason ignoring the principle of the election itself in the form of carrying out a coup d'etat wrapped in reasons to justify the international crime so that it makes sense to do it, even though in this case it has been criticized as an international human rights violator, it does not change the fact that as of this writing the situation in Myanmar has not abated.

The coup that has been going on until now in Myanmar has become an interesting international issue. The coup reflected the military's unpreparedness to hand over the government completely to civilians. In the end, the impact of the coup d'etat made many people criticize Myanmar's military actions, but they were hampered by the rules of international law because these rules have been contained in the UN charter and the ASEAN Charter regarding the principle of non-intervention that must be obeyed by all parties.

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