

Identity construction and violence in Malay-Patani ethnonationalism in the dynamics of violations of international humanitarian law

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ABSTRACT

The Malay-Patani ethnonationalism conflict in Southern Thailand reflects the complex dynamics between identity construction, violence, and the violation of International Humanitarian Law (IHL). The background to the conflict is rooted in the political, cultural, and religious marginalization of the Malay-Muslim community by a Thai state that emphasizes the homogeneity of the Thai-Buddhist national identity. The suppression of the Malay language, religious institutions, and collective historical memory led to armed resistance and escalation of violence in the region. This research aims to analyze in depth how the construction of the Malay-Patani identity contributes to violence and forms of violation of the basic principles of IHL, such as distinction, proportionality, and necessity. This study used a descriptive qualitative method with a case study approach. Data were obtained through literature studies, reports from international organizations (International Committee of the Red Cross, Amnesty International, Human Rights Watch), and critical discourse analysis of identity narratives and violence. The results show that the construction of identity suppressed by state policy results in the legitimization of violence by separatist groups, while the state also responds with repressive actions that violate international humanitarian norms. Both state and non-state actors have been involved in systematic violations of IHL, including attacks on civilians, torture, and the use of banned weapons.

Keywords: Identity, Ethnonationalism, Malay-Patani, Lawlessness

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1. INTRODUCTION

Identity construction is a complex and dynamic social process formed through the interaction of various factors, such as ethnicity, religion, culture, and language. In the context of Malay-Patani ethnonationalism in Southern Thailand, identity construction cannot be separated from the long history of marginalization and uniformity of identity by the state (Melvin, 2007). Malay Muslim communities in the provinces of Pattani, Yala, and Narathiwat, which are inhabited by around 1.8 million Muslims or more than 80% of the region's population, often experience pressure in asserting their ethno-cultural identity amid the dominance of Thailand's monolithic national identity narrative (Loos, 2016). The Thai state actively promotes one national language (Thai), one dominant religion (Buddhism), and one national loyalty, implicitly rejecting the existence of alternative identities (Waesahmae, 2012). This pressure gives rise to resistance that is not only symbolic but also manifests in the form of ethnonationalistic violence (Askew, 2009).

According to Deep South Watch (2023), since the conflict escalated in 2004, more than 7,294 people have been killed and 13,542 injured due to violence in the region. This violence has not only come from armed separatist groups but also from state security forces, creating a complex cycle of conflict (Chambers et al., 2019). One of the main triggering factors is state policies deemed threatening to local identity, including restrictions on the use of the Malay language in the education system and government (Center for Conflict Studies and Cultural Diversity, 2015). In many cases, these conflict dynamics have led to serious violations of International Humanitarian Law (IHL), such as attacks on civilians, torture, arbitrary detention, and enforced disappearances (Panjor & Jangoe, 2021). Reports by Amnesty International and Human Rights Watch (2022) show that these practices are still ongoing and target both parties, both separatist groups and state forces, which do not comply with basic IHL principles, such as distinction, proportionality, and humanity (Burke et al., 2013). Therefore, studies that integrate the analysis of identity construction and violence dynamics are important for understanding how Malay-Patani ethnonationalism contributes to humanitarian law violations. Conflict resolution approaches that are sensitive to cultural identity and policies that respect linguistic and religious diversity are urgently needed to promote de-escalation and sustainable peace in the region.

Various studies on conflict in Southern Thailand show that the construction of ethnic and religious identities plays a central role in the dynamics of violence in this region. Research conducted by Dorairajoo (2009) reveals that the Malay-Muslim identity in the Patani region has long been positioned in contradiction to the Thai state narrative. The Malay identity is often associated with violence, whereas the Thai identity is constructed as peaceful and nationalist. In this sense, the state not only refuses to recognize the Malay-Muslim cultural and religious identity but also constructs their identity as a threat to national sovereignty. This stigmatization reinforces political and social exclusion and exacerbates inter-community tensions (Dorairajoo, 2009).

Furthermore, Jory (2007) points out that the Thai state actively seeks to replace the "Malay Patani" identity with a "Muslim Thai" identity as part of a national homogenization project. This process is not only a form of assimilation but also a strategy to erase the collective memory and historical narrative of the once-independent sultanate of Patani. This created symbolic and cultural resistance, which manifested in separatist movements and violence. This transformation is all the more complex as it involves competition between mutually exclusive and negating religious, ethnic, and national identities (Jory, 2007).

Linguistic dimensions and language policies are also important aspects of the conflict. Savski's (2021) study on language policy and linguistic landscape in Southern Thailand, particularly in Hat Yai city, highlights how the state's policy of placing Thai as the only official language has an impact on the marginalization of Malay in the public sphere. In this context, language is not only a means of communication but also a symbol of collective identity resistance. When Malay is reduced to a domestic language or relegated third after Thai and English in the public sphere, it sends a symbolic message regarding the subordinate position of the Malay community within the national power structure (Savski, 2021).

In addition, traditional Islamic educational institutions such as pondok have become a site of contestation over identity and power. According to [Porath \(2014\)](#), pondok schools in the Patani region serve not only as religious educational institutions but also as custodians of Malay cultural heritage and centers of cultural resistance to national integration based on Thai-Buddhist values. The Thai government has attempted to integrate the national curriculum into these schools; however, such efforts are often perceived as a form of co-optation that undermines local cultural autonomy. This contestation becomes more acute when the education system is used by both the state and separatist groups as an instrument of identity formation and political legitimacy ([Porath, 2014](#)).

While the existing literature has examined aspects of identity construction and violence in considerable depth, there are limitations in directly linking these dynamics to violations of International Humanitarian Law (IHL). Most studies have not explicitly addressed how identity narratives and forms of violence legitimized by Malay-Patani ethnonationalism have led to violations of IHL principles, such as attacks on civilians, torture, and the use of prohibited weapons. This study occupies an important space fills a gap in the literature by integratively analyzing identity, violence, and violations of international humanitarian law in the Malay-Patani conflict.

This study uses a dual theoretical approach to explain the interrelationship between identity construction, ethnonationalistic violence, and violations of International Humanitarian Law (IHL) in the Malay-Patani conflict. The first theory used is the Social Construction of Identity Theory (Constructivism), which has its roots in contemporary international relations ([Finnemore & Wendt, 2024](#)). Constructivism emphasizes that political identities, norms, and interests are not fixed but rather formed through social processes, interactions, and discursive structures ([Wendt, 1992](#)). In the context of the Malay-Patani conflict, the "Malay-Muslim" identity is not born naturally but is the result of historical and social constructions formed from political marginalization, cultural repression, and the dominance of the "Thai" national identity. This identity construction then becomes the basis for the emergence of group solidarity, which leads to resistance to the state, which in some cases takes the form of violence. In line with Alexander Wendt's view that "anarchy is what states make of it," violence in the Malay-Patani context can be understood as the result of the collective meanings attached to the relationship between the state and certain ethnic groups ([Wendt, 1999](#)). Thus, constructivist theory helps explain how identity narratives are used to justify political actions, including separatist actions and armed violence.

The second theory that complements this analysis is the Theory of International Humanitarian Law and Use of Force in Internal Conflict. This theory rests on the normative framework of international law, particularly the principles set out in the 1949 Geneva Conventions and Additional Protocol II, which governs non-international armed conflict ([Gray, 2008](#)). In conflicts such as that in Southern Thailand, which involve non-state actors and systematic violence against civilian populations, principles such as the distinction between combatants and non-combatants, proportionality, and necessity become particularly relevant ([Henckaerts & Doswald-Beck, 2005](#)). Within this framework, the use of force by both state forces and separatist groups should be subject to the limits of international law, especially in terms of protecting civilians and preventing torture or ill-treatment. This approach also considers the responsibility of states and non-state armed actors for grave breaches that can be categorized as war crimes. Therefore, international humanitarian law theory is not only a normative instrument but also an analytical tool to assess how violence in the Malay-Patani conflict exceeded the limits of legal legitimacy and resulted in violations of international legal standards ([Gray, 2008](#)). The integration of constructivist theory and international humanitarian law allows for a comprehensive analysis of the Malay-Patani conflict. While constructivism explains the sociopolitical and identity roots of violence, the international law approach allows for a normative evaluation of violent acts' legality. Thus, these two approaches complement each other in understanding the complexity of identity conflict and its legal implications in Southern Thailand.

2. METHOD

This research uses a descriptive qualitative approach with a case study analysis method to understand how the construction of the Malay-Patani ethnonationalist identity contributes to violence and

violations of International Humanitarian Law (IHL) in the conflict in Southern Thailand. This approach was chosen because it can reveal the complexity of social meanings, identity narratives, and dynamics of power and violence that cannot be explained quantitatively. The data sources for this research were obtained through primary and secondary data collection. Primary data was obtained through the study of official documents such as reports from international agencies (e.g. Amnesty International, Human Rights Watch, and ICRC), Thai government archives, and publications by civil society organizations involved in human rights advocacy in the Patani region. In addition, where ethically and contextually feasible, primary data can be obtained from semi-structured interviews with academics, activists, or journalists who have a direct understanding of the issue. Secondary data were obtained through a literature review of books, scientific journal articles, previous research reports, and relevant media archives, especially those that discuss the dimensions of identity, ethnonationalism, violence, and the legal aspects of international humanitarian law.

The collected data were then processed through reduction, categorization, and interpretation. The reduction process was carried out by sorting the data according to the research focus, namely, the construction of the Malay-Patani identity, forms of violence in the conflict, and indicators of the violation of IHL principles. Furthermore, categorization was carried out based on themes such as the actors of violence, structures of identity suppression, state policies, and ethnonationalistic resistance. Analysis was conducted using Critical discourse analysis was used to interpret the ideological narratives attached to collective identity and violence. In addition, a normative legal analysis approach is used by comparing the findings in the field with IHL principles such as distinction, proportionality, and necessity stipulated in the 1949 Geneva Conventions and Additional Protocol II. To maintain the validity and legitimacy of the data, this study uses source triangulation techniques, which compare information from different sources, including official documents, interviews, and scientific publications. In addition, a systematic conceptual clarification of key terms was conducted to ensure that the interpretation of the data remained in line with the theoretical framework used, namely, constructivism and humanitarian law theory. Thus, this method allows the study to proceed in depth, reflectively, and analytically in examining the interrelationships between identity, violence, and violations of international law in the Malay-Patani conflict area

3. RESULT AND DISCUSSION

3.1 Construction of Malay-Patani Identity

The formation of the Malay-Patani identity is the result of a long and complex historical and sociopolitical construction. Historically, this identity refers to the existence of the Sultanate of Patani, an independent and prosperous political entity in the Malay Peninsula region until the 19th century, when it was gradually annexed by the Kingdom of Siam (now Thailand). The sultanate had strong trade relations with the Islamic world and Islam was the basis of the social and cultural structure of its society. This historical narrative is significant because it contradicts the nationalist claims of the Thai monarchy that Patani has been part of Thailand "since time immemorial." This narrative tension has been one of the triggered the protracted conflict in Southern Thailand, where the Malay-Patani people maintain their historical identity distinct from the state-imposed Thai national identity (Jalaluddin et al., 2017).

Islam is the main foundation for the formation of the Malay-Patani identity. The spread of Islam in the region since the 13th century has influenced religious practices and shaped the value system and social norms of the community. The Malay language, used in religious instruction, worship practices, and oral traditions, serves as a link between ethnicity and religiosity. In southern Thailand, the Patani dialect of Malay is not just a means of communication but also a symbol of cultural resistance to state assimilation efforts (Beng & Shafii, 2021).

However, the Malay-Patani community faces various forms of marginalization from the Thai state, economically, socially, and culturally. The central government often views these communities with suspicion, and national policies often ignore or suppress their cultural and religious expressions. National

policies, such as the suppression of the use of Thai in schools and the strict supervision of Islamic religious institutions, further weaken the space for the expression of their identity (Shahidi & Chelach, 2020).

The construction of the Malay-Patani identity is the result of a dialectic between a history of local glory, commitment to Islam, efforts to preserve the language, and experiences of systemic marginalization. This identity is not a static entity but is constantly evolving and being negotiated in the context of ongoing political and social pressures. An in-depth understanding of these dynamics is crucial for crafting a more inclusive and equitable approach to conflict resolution and identity recognition for the Malay-Patani community in Southern Thailand.

3.2 Violence in Patani Ethnonationalism

Violence in Patani ethnonationalism is a complex phenomenon involving various actors and forms of violence that trigger the continuous escalation of conflict. This conflict occurs in the southern region of Thailand, which is inhabited by the majority of ethnic Malay-Muslims, especially in the provinces of Pattani, Yala, and Narathiwat. The violent actors in this conflict consist of state actors such as the Thai government and its security apparatus (military, police, and intelligence), as well as non-state actors such as armed insurgent groups fighting for independence or autonomy of Patani, including the Barisan National Revolution (BRN) group, which has been the main actor in a series of armed attacks since 2004 (Peng, 2025).

The forms of violence encompassed a variety of strategies and tactics employed by both the state and insurgents. The state relied on repressive approaches through military operations, armed patrols, the establishment of emergency zones, and arrests without due process under Thailand's State of Emergency Act. A report by [Amnesty International \(2017\)](#) states that in some cases, torture of Patani Muslim detainees and other human rights violations occurred. On the other hand, non-state groups such as BRN carried out bombings, shootings of security forces and Buddhist teachers, and suicide attacks in public places such as markets and police stations (Engvall & Svensson, 2020).

Conflict escalation occurs because of a feedback loop of violence, where attacks from one side trigger retaliation from the other, creating a spiral of conflict that is difficult to stop (Sathian, 2022). Ideological polarization has also sharpened, with the state pushing for the integration of Thai identity and Buddhism, while the Malay-Patani community maintains that the conflict is not simply separatism but a form of resistance to the marginalization of cultural and religious identity. In addition, there was resource mobilization from both sides, with the state bolstering the military budget, while rebel groups gained support from diaspora networks and international sympathizers (Chalermripinyorat, 2021).

3.3 Forms of Violation of International Humanitarian Law

The non-international armed conflict (NIAC) between the Patani Malay-Muslim community and the Thai state in the southern region of the country has led to various serious violations of International Humanitarian Law (IHL). In this context, the dynamics of ethnonationalism and the construction of ethnic identity are the main triggers of armed violence that not only involve state apparatus and non-state armed groups, but also drag civilians into the vortex of conflict, resulting in serious violations of the principles of humanitarian protection stipulated in the Geneva Conventions and their additional protocols (Firmansah, 2019).

3.3.1 Attacks on Civilians

One of the most glaring forms of IHL violations in the Patani conflict is direct attacks on civilians. According to [Deep South Watch \(2023\)](#), since the significant escalation of violence in 2004, more than 7,300 people have been killed and 13,500 injured, most of whom were civilians not directly involved in hostilities. These attacks, carried out by separatist groups such as the Barisan Revolusi Nasional (BRN), including market bombings, shootings of teachers and religious leaders, and the blowing up of civilian

vehicles all amount to violations of the distinction principle in IHL, which requires the separation of combatants and non-combatants (Chambers et al., 2019).

3.3.2 Use of Prohibited Weapons and Mines

While explicit data on the use of landmines and prohibited weapons in the Patani conflict are limited, reports from Amnesty International and Human Rights Watch suggest that improvised explosive devices (IEDs) were used by rebel groups to target military vehicles and government convoys. The indiscriminate use of IEDs affecting civilians violates the principles of proportionality and precaution in IHL. Thailand is a signatory to the Ottawa Convention on the Prohibition of Antipersonnel Mines, but reporting on violations of these provisions still experiences transparency constraints in the field (Hartati & Yasa, 2023).

3.3.3 Arbitrary Detention and Torture

The Thai state's response to insurgencies often involves repressive measures that violate IHL and human rights principles, such as extrajudicial detention, torture, and enforced disappearances. Amnesty International noted numerous cases in which political prisoners or suspected insurgents were tortured during interrogations under military supervision, in violation of the absolute prohibition against torture as set out in Article 3 of the Geneva Conventions and the UN Convention Against Torture (Amnesty International, 2020). Extrajudicial detention is often carried out under emergency legal frameworks such as Martial Law and the Internal Security Act, which grant extensive powers to the military without adequate accountability (Amnesty International, 2022).

3.3.4 Identity Context and Cultural-Legal Barriers

The conflict is also influenced by identity dynamics and strong ethnonationalist narratives in the region. The state views Malay-Patani communities that maintain their identity as Malay-Islamic as a threat to national integrity and Thai-Buddhist identity. The rejection of cultural assimilation and demand for autonomy reinforced separatist sentiments and exacerbated violence. From a humanitarian law perspective, this cultural and legal complexity creates a gap in IHL enforcement due to the mismatch between international norms and distinctive local conditions (Waesahmae, 2012). The Malay-Patani ethnonationalist conflict in Southern Thailand shows diverse forms of violations of International Humanitarian Law, ranging from attacks on civilians and the use of banned weapons to arbitrary detention and torture. These violations cannot be separated from the context of identity, marginalization, and repressive policies implemented by the state against the Malay Muslim minority community (Kama & Yamirudeng, 2011). To strengthen IHL compliance in the region, a more inclusive and contextualized approach is needed, one that emphasizes not only legal sanctions but also cultural reconciliation, minority rights protection, and security system reforms to align with international humanitarian norms (Beng & Shafii, 2021).

3.4 Causal Relationship Analysis: Identity, Violence, and Violations of International Humanitarian Law

The ongoing armed conflict in Southern Thailand between the Thai state and Malay-Patani separatist groups cannot be separated from the construction of complex ethnonational identity. Within the framework of International Humanitarian Law Theory and the Use of Force in Internal Conflict, the relationship between identity, violence, and violations of international law can be analyzed through two main aspects: the justification of violence based on identity and its implications for compliance with the laws of war.

3.4.1 Identity Construction as Legitimization of Violence

The Malay-Patani conflict demonstrates how collective identities can be politically and historically constructed to justify the use of violence by both state and nonstate actors. The Malay-Patani community has historically constructed an identity as a nation that is ethnically, linguistically, and religiously distinct from the Thai-Buddhist state. This identity refers to the heritage of the Patani Sultanate, the Malay language, and Islam as their foundational elements. When this identity is suppressed by the state's assimilationist policies, such as the prohibition of the use of the Malay language in schools, the surveillance of Islamic religious institutions, and the symbolic dominance of Thai-Buddhist identity in bureaucracy and education, there is a sense of alienation and marginalization (Porath, 2014). In this situation, identity ceases to be just a cultural attribute, but turns into an instrument of political mobilization and moral justification for violence. For separatist groups such as Barisan Revolusi Nasional (BRN), armed violence is considered a legitimate form of resistance to the state's structural oppression of their identity. In this perspective, violence against state apparatus or even against civilians who are considered representatives of the state is equated with a form of liberation struggle. This is in line with the notion of "identity warfare" in internal conflict, which shows how radical ethnonationalism can justify violations of humanitarian law principles, especially the principles of distinction and proportionality (Henckaerts & Doswald-Beck, 2005).

3.4.2 Impact on Compliance with the Law of War

Within the framework of International Humanitarian Law, particularly the 1949 Geneva Conventions and Additional Protocol II, the conflict in Southern Thailand falls under the category of non-international armed conflict (NIAC), which remains subject to basic IHL principles such as the distinction between combatants and non-combatants, the prohibition of torture, and the protection of civilians. In practice, however, the construction of hardened identities and violence justified on the basis of ethnonationalism led to decreased levels of adherence to these principles by both the state and non-state armed groups. The Thai state, in an effort to defend territorial integrity and national sovereignty, often violates the principles of necessity and proportionality, such as through mass arrests without due process, torture in custody, and enforced disappearances in violation of Article 3 of the Geneva Conventions. Amnesty International notes that many of the security forces' actions go beyond legal limits and ignore basic humanitarian protections (Amnesty International, 2020).

Meanwhile, on the side of separatist groups, violence against civilians through bombings in markets, assassinations of teachers, and the use of IEDs (improvised explosive devices) that do not distinguish between civilian or military targets show a gross violation of the principle of distinction and can be categorized as grave breaches in the laws of war. In the ICRC report, such acts are considered war crimes, and non-state actors also have legal responsibility for such violations, regardless of their status as non-governmental entities (ICRC, 2008).

Using the framework of Humanitarian Law Theory and Use of Force in Internal Conflict, it can be concluded that the Malay-Patani conflict is a clear example of how identity construction can trigger the legitimization of violence, which in turn encourages systematic violations of international humanitarian law. Identities shaped through historical experiences and structural marginalization create narratives of justification for violence from both the rebels and the state. In this context, violations of the laws of war are not only technical violations of international norms, but also the product of unresolved identity conflicts. Therefore, enforcing IHL in such conflicts requires a holistic approach that is not only legal-formal, but also considers the sociological and historical roots of the violence itself.

4. CONCLUSION

The Malay-Patani ethnonationalism conflict in Southern Thailand is a clear reflection of the close relationship between identity construction, violence, and violations of International Humanitarian Law (IHL). The collective identity of Malay-Patani, which was formed through the long history of the Patani

Sultanate, Islamic traditions, and the use of the Malay language, was suppressed and delegitimized through the assimilation policies of the Thai state which emphasized the homogenization of Thai-Buddhist culture. This rejection of local identity has led to resistance that is not only symbolic, but also manifests in the form of systematic violence by armed separatist groups and state forces. In this context, identity is not just a cultural element, but a basis for political legitimacy used to justify violence as a form of struggle or control.

The dynamics of violence then encourage various forms of serious violations of IHL principles, such as attacks on civilians, torture, the use of prohibited weapons, as well as detention and enforced disappearances. The conflict in Southern Thailand, classified as a non-international armed conflict (NIAC), should be subject to the 1949 Geneva Conventions and Additional Protocol II, especially regarding the principles of distinction, proportionality, and necessity. However, practice on the ground shows that both states and non-state actors repeatedly violate these principles. Violence driven by identity narratives leads to a loss of boundaries between combatants and non-combatants, as well as violations of civil and humanitarian protection.

Through the theoretical framework of constructivism and international humanitarian law, this research asserts that the Malay-Patani conflict cannot be understood solely as a security issue, but rather as a deep issue related to identity recognition and historical justice. Therefore, conflict resolution is not sufficient through legalistic or militaristic approaches, but requires a holistic strategy that includes cultural reconciliation, respect for identity diversity, language and education policy reform, and substantial fulfillment of IHL principles. Thus, a multi-level approach that is sensitive to the local context is key to achieving sustainable and just peace in Southern Thailand.

Ethical Approval

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Informed Consent Statement

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Authors' Contributions

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