

Global Disruption and Structural Injustice: A Review of Human Rights Law

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Abstract

This study investigates the intersection of global disruptions and structural injustices within the framework of human rights law. The primary aim is to analyze how global events, such as pandemics, climate change, and economic crises, exacerbate structural inequalities and challenge the effectiveness of human rights protections. Employing a normative legal method, the research reviews international human rights instruments, judicial decisions, and scholarly literature to identify gaps and propose reforms. Key findings indicate that current legal frameworks often fail to address systemic inequalities, necessitating a more proactive approach to human rights enforcement. The research contributes to human rights discourse by advocating for integrative policies that bridge global disruptions with equitable justice systems.

Keywords: Global Disruption, Structural Injustice, Human Rights Law

Introduction

In an increasingly complex era of globalization, human rights (HR) have become the cornerstone of global social, political, and economic life. Rooted in the United Nations Universal Declaration of Human Rights in 1948, HR aims to protect human dignity from various forms of violations, ranging from discrimination to exploitation. However, the contemporary world faces numerous global disruptions such as the COVID-19 pandemic, climate change, armed conflicts, and economic crises that exacerbate structural injustice. These disruptions are not merely temporary but systemic, where social, economic, and political inequalities are reinforced by unjust power structures, such as dominant global capitalism or weak international legal systems in enforcing accountability. For instance, globalization has facilitated the flow of capital and technology but also created disparities between developed and developing nations, where Southern countries often fall victim to resource exploitation without adequate compensation. This introduces complexity into HR law, where international norms like the European Convention on Human Rights or UN declarations often fail to be effectively implemented due to geopolitical barriers, such as vetoes by major powers in the UN Security Council. The urgency of this issue lies in the fact that these global disruptions not only threaten individual lives but also undermine global social stability, fueling populism, xenophobia, and deeper social conflicts. Without strong legal intervention, this structural injustice will persist, widening the gap between the powerful and the vulnerable, thus demanding in-depth research to uncover legal mechanisms that can address these problems.

This research then narrows its focus to legal and social phenomena relevant to the theme "Global Disruption and Structural Injustice: A Review of Human Rights Law," specifically how global disruptions reinforce structural injustice within the HR legal framework. Phenomena such as forced migration due to climate change, labor exploitation in global supply chains, or HR violations in pandemic responses (e.g., disproportionate restrictions on movement) illustrate how international legal structures fail to protect vulnerable groups like refugees, migrant workers, and indigenous communities. Socially, this is reflected in rising racial and gender discrimination, where women and ethnic minorities often bear the brunt of this injustice. An argumentative approach emphasizes the complexity: global disruptions are not random events but outcomes of a capitalist system promoting exploitation, while existing HR laws are overly normative and under-implementative, making the urgency of this research lie in the need to critique and reform legal frameworks to be more responsive to social realities. Recent data from credible sources, such as the UNDP Human Development Report 2023, shows a global gender inequality index of 0.468, with developing countries like Indonesia and India experiencing declines in health and education access due to the pandemic, where 1.3 billion people live in extreme poverty (World Bank, 2023). Amnesty International (2022) reports a 20% increase in HR violations related to refugees, with over 100 million people displaced due to conflicts and climate disasters. This data is crucial as it depicts the scale of the problem: structural injustice is not just individual but systemic, where HR laws fail to prevent mass exoduses or exploitation,

thus necessitating a deep review of legal norms that need strengthening to address research gaps in implementation.

A review of previous studies reveals several relevant works that have explored the link between global disruptions and structural injustice in HR law. For example, Moyn's (2020) "Not Enough: Human Rights in an Unequal World" found that international HR law has failed to address economic inequalities, focusing primarily on civil rights rather than socio-economic ones, thus reinforcing unjust capitalist structures. Another key finding from Alston's (2021) UN special report on extreme poverty emphasizes that the COVID-19 pandemic has worsened injustices, with a 10% increase in deaths in developing countries due to vaccine access shortages. However, limitations of these studies lie in their empirically constrained approaches to specific cases, lacking deep normative analysis of international legal frameworks. Fraser's (2022) "Cannibal Capitalism" identifies structural injustice as a product of neoliberal globalization but is limited to philosophical perspectives without practical legal integration. The emerging research gap is the lack of a comprehensive review combining normative legal analysis with recent empirical data, as well as insufficient focus on legal reforms to address specific disruptions like climate change and forced migration.

This research differs by employing a normative method in reviewing HR law, involving doctrinal analysis of international legal instruments such as the 1951 Refugee Convention and UN HR principles, combined with a structural perspective to critique how these norms can be reformed. The new contribution lies in an interdisciplinary approach linking law with sociology, offering practical recommendations for strengthening legal mechanisms like international courts or treaty bodies, which have not been sufficiently explored in prior literature. From a normative methodological aspect, this study tests the validity of legal norms against global disruption realities, while its legal perspective emphasizes the need for progressive interpretation to make HR law more inclusive and effective. Overall, this research is significant from a scientific standpoint as it enriches international legal theory with new insights into structural injustice, and from a practical legal standpoint as it provides guidance for policymakers, HR advocates, and courts to implement urgent reforms, thereby preventing the escalation of more severe global crises.

Research Methodology

This research methodology employs a normative approach in legal review (doctrinal legal research) combined with a systematic literature review to analyze the relationship between global disruptions, structural injustice, and human rights (HR) law.

The normative approach is chosen as this study aims to evaluate international legal norms, such as the UN Universal Declaration of Human Rights (1948) and the Refugee Convention (1951), through doctrinal analysis involving interpretation of legal texts, general principles, and jurisprudence from international courts like the International Court of Justice (ICJ) or the UN Human Rights Committee. Meanwhile, the systematic literature review is conducted to collect and synthesize empirical data from credible sources, including academic journals, international organization reports, and recent case studies, with inclusion criteria of publications from 2019 to 2023 to ensure the relevance of the latest data.

Data collection techniques include literature searches through databases such as Google Scholar, JSTOR, and Scopus using keywords like "global disruption," "structural injustice," "human rights law," and "international legal frameworks," followed by filtering based on source quality (peer-reviewed) and thematic relevance.

Data analysis is performed qualitatively through comparative and argumentative methods, where legal norms are compared with socio-empirical phenomena, such as statistical data from UNDP and Amnesty International, to identify gaps and reform recommendations. Research steps begin with formulating research questions, data collection, normative analysis, and compiling findings, with research validity ensured through source triangulation and internal peer review. This approach allows the study to provide practical contributions to HR law reforms without involving primary field data, thus focusing on in-depth analysis of literature and legal documents.

Discussion

The results of this research were derived through a rigorous normative analysis of international human rights (HR) legal instruments, integrated with a comprehensive systematic literature review that incorporates empirical data from credible and diverse sources. The normative approach involved a doctrinal examination of foundational HR documents, such as the UN Universal Declaration of Human Rights (UDHR) of 1948 and the 1951 Refugee Convention, to assess their

validity and applicability in contemporary global contexts. This was achieved by juxtaposing these legal norms against real-world challenges posed by global disruptions, including the COVID-19 pandemic, climate change-induced crises, and economic inequalities exacerbated by neoliberal policies. By evaluating the norms' normative strength—i.e., their aspirational ideals—against empirical realities, the analysis highlighted discrepancies between legal ideals and practical enforcement, revealing how geopolitical dynamics and resource disparities undermine HR protections.

Complementing this, the systematic literature review employed a structured methodology to gather and synthesize data from a wide array of sources, including peer-reviewed academic journals, reports from international organizations (e.g., UNDP, World Bank, Amnesty International), and recent case studies spanning 2019-2023. The review followed PRISMA guidelines for systematic reviews, ensuring transparency and reproducibility. Data were collected via databases such as JSTOR, Google Scholar, and official UN repositories, with inclusion criteria focusing on relevance to HR violations in the context of global disruptions. Qualitative analysis was conducted using thematic coding to identify recurring patterns, such as gaps in implementation, structural injustices, and reform needs. This dual-method approach not only bridged legal theory with empirical evidence but also provided a holistic view of how HR norms interact with socio-economic realities, offering insights into systemic failures and potential pathways for reform.

Key Findings from Normative Analysis

A doctrinal analysis of the UN UDHR reveals that core norms, including the rights to life (Article 3), health (Article 25), and social justice (Article 28), are fundamentally aspirational and often lack operational specificity, rendering them ineffective in mitigating the impacts of global disruptions. For example, during the COVID-19 pandemic, movement restrictions disproportionately affected vulnerable populations such as migrant workers and indigenous communities, violating the non-discrimination principle enshrined in Article 2. These restrictions, often justified under public health emergencies, led to increased poverty, loss of livelihoods, and social exclusion, as evidenced by UN Human Rights Committee (UNHRC) decisions in General Comment No. 36 (2018), which underscores the indivisibility of civil and political rights with economic and social rights. However, implementation is frequently obstructed by geopolitical barriers, including veto powers exercised by major powers in the UN Security Council, which prevent unified global responses to crises.

Further analysis of the 1951 Refugee Convention exposes its limitations in addressing modern displacement drivers. The convention's narrow definition of a "refugee"—centered on persecution due to race, religion, nationality, membership in a particular social group, or political opinion—fails to encompass climate-induced refugees, who flee environmental disasters rather than direct persecution. This normative gap is starkly illustrated by empirical data from Amnesty International's 2022 report, which documented a 20% surge in HR violations against refugees, with over 100 million people displaced globally due to conflicts, climate events, and economic instability. Such findings indicate that these legal frameworks are not only outdated but also unresponsive to the scale and complexity of contemporary disruptions, perpetuating cycles of vulnerability for affected populations.

Connection to Empirical Data and Relevant Literature

Empirical data from the UNDP Human Development Report (2023) highlights a global Gender Inequality Index of 0.468, with significant declines in access to health and education in developing countries like Indonesia and India, exacerbated by the pandemic's economic fallout. This data corroborates Samuel Moyn's critique in *Not Enough: Human Rights in an Unequal World* (2020), where he argues that international HR law has historically prioritized civil and political rights over socio-economic ones, thereby entrenching capitalist inequalities and failing to address systemic poverty. Philip Alston's UN Special Report on extreme poverty (2021) further supports this, noting a 10% increase in deaths in developing nations due to unequal vaccine distribution during COVID-19, aligning with World Bank data (2023) estimating 1.3 billion people in extreme poverty. These sources reveal empirical gaps: HR laws are predominantly reactive, responding to crises after they unfold rather than proactively preventing exploitation in global supply chains or forced migration driven by climate change.

Nancy Fraser's *Cannibal Capitalism* (2022) provides a philosophical lens on structural injustice as an outcome of neoliberal globalization, emphasizing how economic policies perpetuate gender and racial disparities. This research builds on Fraser's work by integrating legal and sociological perspectives, demonstrating how global disruptions amplify these injustices. For

instance, UNDP (2023) data shows women and ethnic minorities disproportionately burdened by economic crises, with higher rates of unemployment and reduced access to social services. Case studies from the European Court of Human Rights (ECHR), such as *Urgenda Foundation v. Netherlands* (2019), affirm state accountability for climate action, yet international enforcement remains weak due to jurisdictional limitations. Human Rights Watch (2023) reports on labor exploitation in global supply chains during the pandemic further illustrate the unenforced status of norms like ILO Convention No. 189 (2011) on domestic workers, highlighting how structural injustices persist despite legal frameworks. Additional literature, including Oxfam's 2022 report on inequality, underscores how the top 1% captured wealth gains during crises, reinforcing the need for HR reforms that address economic disparities.

Gaps and Reform Recommendations

The primary gap identified is in implementation: while HR legal norms are universal in aspiration, they are fragmented by geopolitical interests, national sovereignty claims, and resource asymmetries, making them ineffective against systemic disruptions. For climate change, the Kyoto Protocol (1997) and Paris Agreement (2015) lack enforceable mechanisms for compensating Southern countries affected by environmental degradation, as evidenced by IPCC (2022) data on rising forced migration and biodiversity loss. This fragmentation is compounded by weak monitoring bodies, such as the UNHRC, which rely on voluntary compliance rather than binding sanctions.

To address these gaps, this research recommends integrative reforms, including the establishment of specialized international courts, such as an International Court for the Environment, to adjudicate climate-related HR violations. Additionally, enhancing accountability in UN treaties through mandatory reporting and peer-review mechanisms could strengthen enforcement. An interdisciplinary approach, merging legal reforms with sociological insights, advocates for embedding socio-economic rights into civil legal frameworks, such as amending the UDHR to include enforceable provisions for climate refugees. Policy recommendations also include capacity-building for developing nations to participate in global HR governance and integrating HR principles into trade agreements to curb exploitation in supply chains. These reforms aim to create resilient justice systems that proactively mitigate future crises.

In summary, global disruptions like pandemics, climate change, and economic crises expose the inadequacies of international HR law, reinforcing structural injustices through normative failures and implementation deficits. However, through targeted reforms, these systems can be fortified to promote equity and resilience. This research contributes to the literature by offering an in-depth, evidence-based analysis that bridges legal doctrine with empirical sociology, providing actionable insights for HR advocates, policymakers, and scholars to avert further humanitarian crises.

Conclusion

In conclusion, this study underscores the profound interplay between global disruptions—such as pandemics, climate change, and economic crises—and structural injustices within the framework of human rights law. Through a normative legal analysis and systematic literature review, key findings reveal that existing international instruments, including the UN Universal Declaration of Human Rights and the 1951 Refugee Convention, are aspirational yet inadequately enforced, perpetuating systemic inequalities exacerbated by geopolitical barriers and neoliberal policies. Empirical data from sources like UNDP and Amnesty International highlight the disproportionate impacts on vulnerable groups, such as refugees, women, and ethnic minorities, while scholarly critiques from Moyn, Alston, and Fraser emphasize the reactive nature of current HR norms that fail to address socio-economic disparities.

The research contributes significantly to human rights discourse by advocating for integrative reforms, including the establishment of specialized international courts, enhanced accountability mechanisms in UN treaties, and the embedding of socio-economic rights into legal frameworks. These recommendations aim to bridge normative ideals with practical realities, fostering equitable justice systems resilient to future crises. Ultimately, by critiquing and proposing actionable changes, this study calls for urgent legal interventions to mitigate structural injustices, ensuring human rights protections evolve to safeguard global stability and human dignity in an era of unprecedented disruptions.

Closing Conclusion

This research underscores the critical inadequacies of international human rights (HR) legal frameworks in addressing global disruptions such as the COVID-19 pandemic, climate change, and economic crises. Through normative analysis and empirical synthesis, it reveals that foundational norms like those in the UN UDHR and the 1951 Refugee Convention are aspirational but operationally deficient, often failing to protect vulnerable populations due to geopolitical fragmentation and implementation gaps. Empirical evidence from sources like UNDP (2023) and Amnesty International (2022) highlights exacerbated inequalities, with structural injustices disproportionately affecting women, ethnic minorities, and displaced communities. By integrating legal doctrine with sociological insights, the study affirms that reactive HR laws perpetuate capitalist inequities and fail to prevent crises, yet normative reforms offer pathways to more resilient and equitable systems. Overall, these findings contribute to HR scholarship by providing evidence-based critiques and actionable insights, urging a shift toward proactive, interdisciplinary approaches to safeguard human dignity in an interconnected world.

Recommendation

To bridge the identified gaps, the following recommendations are proposed: Strengthen International Enforcement Mechanisms: Establish specialized bodies, such as an International Court for the Environment, to enforce HR norms in climate-related cases, drawing from precedents like the ECHR's *Urgenda* ruling (2019).

Integrate Socio-Economic Rights into Legal Frameworks: Amend treaties like the UDHR to include enforceable provisions for climate refugees and economic protections, ensuring alignment with ILO conventions (e.g., No. 189, 2011). Enhance Global Accountability: Implement mandatory reporting and peer-review processes in UN treaties, supported by capacity-building for developing nations to participate in HR governance.

Promote Interdisciplinary Policies: Encourage collaboration between legal, sociological, and economic experts to embed HR principles into trade agreements and supply chains, mitigating exploitation as noted in Human Rights Watch (2023) reports. Foster Proactive Advocacy: HR organizations should prioritize preventive measures, such as early-warning systems for disruptions, to complement reactive responses and build long-term resilience.

References

- Fraser, N. (2022). *Cannibal capitalism: How our system is devouring democracy, care, and the planet—and what we can do about it*. Verso Books.
- Moyn, S. (2020). *Not enough: Human rights in an unequal world*. Harvard University Press.
- Alston, P. (2021). *The parlous state of poverty eradication: Report of the Special Rapporteur on extreme poverty and human rights*. United Nations.
- Amnesty International. (2022). *Amnesty International Report 2022/23: The state of the world's human rights*. Amnesty International.
- Human Rights Watch. (2023). *World report 2023: Events of 2022*. Human Rights Watch.
- Intergovernmental Panel on Climate Change. (2022). *Climate change 2022: Impacts, adaptation, and vulnerability*. IPCC.
- Oxfam International. (2022). *Inequality kills: The unparalleled action needed to combat unprecedented inequality in the wake of COVID-19*. Oxfam International.
- United Nations Development Programme. (2023). *Human Development Report 2023: Uncertain times, unsettled lives*. UNDP.
- World Bank. (2023). *Poverty and shared prosperity 2023*. World Bank.
- United Nations. (2023). *UN data and statistics*. Retrieved from <https://www.un.org>
- World Bank. (2023). *Global poverty overview*. Retrieved from <https://www.worldbank.org>
- United Nations Development Programme. (2023). *Gender Inequality Index*. Retrieved from <https://hdr.undp.org>
- Republic of Indonesia. (1999). *Law No. 39 of 1999 on Human Rights*.
- Republic of Indonesia. (2005). *Law No. 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights (ICCPR)*.
- Republic of Indonesia. (2005). *Law No. 11 of 2005 on the Ratification of the International Covenant on Economic, Social and Cultural Rights (ICESCR)*.