
Stigma, Securitization, and Military Authority: a Legal and Socio-Political Examination of Internal Conflicts

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Abstrak: *Internal conflicts often generate complex interactions between security imperatives, legal frameworks, and social perceptions. In many cases, military involvement in domestic security operations is accompanied by processes of stigmatization, whereby certain groups are labeled as threats to national stability. This article examines the socio-legal dimensions of such stigmatization and analyzes how law functions both as a mechanism of legitimization and as a constraint on military power. Drawing upon theories of stigma, securitization, and sociological jurisprudence, the study explores how the construction of “internal enemies” reshapes legal norms, affects civil-military relations, and influences public legitimacy. Using a qualitative socio-legal approach, the article argues that while security narratives may justify extraordinary measures, unchecked stigmatization risks undermining rule of law, social cohesion, and democratic accountability. The study contributes to the broader discourse on the relationship between military authority, law, and society in contexts of internal conflict.*

INTRODUCTION

Internal armed conflicts continue to pose profound challenges to contemporary states, particularly in situations involving separatist insurgencies and counterterrorism operations within democratic systems. In several transitional democracies, the deployment of military forces for internal security purposes has become increasingly normalized through emergency legislation and expansive security mandates (Gross, 2006; Scheppele, 2018). While such measures are frequently justified under constitutional or statutory authority, less attention has been given to how social labeling processes shape the legal interpretation and practical implementation of these security frameworks.

Existing scholarship in constitutional law and international security law has examined the legality of military deployment in domestic contexts and the scope of emergency powers (Dyzenhaus, 2006; Oren & Westerfield, 2019). At the same time, sociological studies have explored stigma, securitization, and state power as distinct analytical phenomena (Goffman, 1963; Buzan, Wæver, & de Wilde, 1998). However, there remains limited integration between doctrinal legal analysis and socio-political examination of how stigmatization influences the expansion of

military authority in internal conflicts. In particular, the literature has not sufficiently explained how labeling internal groups as existential threats may gradually reshape legal standards, normalize exceptional measures, and reconfigure civil–military relations. This article addresses that gap.

Drawing on Erving Goffman’s theory of stigma, labeling is understood not merely as a social reaction but as a mechanism of political ordering (Goffman, 1963). In internal conflict settings, categories such as “terrorist,” “extremist,” or “separatist” function not only descriptively but normatively, structuring the range of legally permissible state responses. The power to define deviance becomes intertwined with the authority to deploy coercive force.

The Copenhagen School’s theory of securitization further illuminates how political actors transform contested political claims into existential security threats requiring extraordinary measures (Buzan et al., 1998). Through speech acts and institutional reinforcement, exceptional policies including military involvement in civilian domains are legitimized as necessary. Yet while securitization theory explains the discursive transformation of politics into security, it does not fully examine how this transformation feeds back into legal doctrine and institutional practice.

Within the sociology of law, scholars such as Eugen Ehrlich and Max Weber emphasize that law operates not only as a formal normative system but also as a social institution embedded in power relations and legitimacy structures (Ehrlich, 1936; Weber, 1978). Nevertheless, socio-legal scholarship has seldom explored how stigma-driven security narratives concretely influence doctrinal interpretations of emergency powers and military mandates. The tension between “law in books” and “law in action” becomes especially visible when internal enemies are constructed as outside the normal protection of legal guarantees.

Focusing on the legal regulation of military deployment in internal counterinsurgency contexts within democratic states, this article advances the argument that stigmatization and legal expansion operate in a mutually reinforcing cycle. Its central and original contribution lies in theorizing this dynamic as a structured feedback loop: stigma facilitates the justification of expanded military authority, while legal expansion institutionalizes and stabilizes stigmatizing narratives. Over time, this interaction risks normalizing exceptionalism, weakening civil–military balance, and eroding public trust in the rule of law.

By explicitly integrating doctrinal legal analysis with socio-legal theory, this study offers a more precise analytical framework for understanding how internal security governance evolves under conditions of perceived existential threat. It thereby contributes to contemporary debates on how democratic states can respond to internal conflict while preserving constitutionalism, civil liberties, and social legitimacy.

LITERATURE REVIEW

Stigmatization, Securitization, and the Construction of Internal Enemies

The concept of stigmatization provides a critical starting point for understanding how states frame internal conflicts. Erving Goffman defines stigma as an attribute that is deeply discrediting, reducing a person “from a whole and usual person to a tainted, discounted one” (Goffman, 1963). In the context of internal conflict, stigma is no longer merely individual; it becomes institutionalized and collectivized. Entire communities may be symbolically constructed as deviant, dangerous, or disloyal to the state.

However, existing literature on stigma tends to focus on social identity and exclusion, without sufficiently examining its legal implications. Here lies the analytical gap: how do social labeling processes transform into a basis for legitimizing the expansion of coercive state authority? This study assumes that stigma is not merely a cultural phenomenon but a precondition that enables securitization and legal expansion.

Labels such as “extremist,” “terrorist,” or “radical” are performative. They shape public perception and constrain the legal options available. Once integrated into security and legal discourse, these labels acquire normative force, influencing policing strategies, military deployment, and judicial interpretation. Thus, stigmatization functions as a pre-legal and extra-legal mechanism that facilitates securitization.

Securitization and the Legalization of Exceptional Measures

The Copenhagen School’s securitization theory deepens this analysis by explaining how political issues are constructed as existential threats requiring extraordinary measures (Buzan, Wæver, & de Wilde, 1998). Through *speech acts*, state authorities shift social or political issues from the realm of ordinary politics into the domain of security, justifying emergency actions beyond normal political procedures.

While securitization theory explains this discursive transformation, existing studies often focus on rhetoric or policy rather than the long-term legal and institutional consequences. This article fills that gap by showing how securitization not only produces temporary emergency policies but also drives the institutionalization of military authority within positive law.

When stigma and securitization intersect, they form a mutually reinforcing cycle: stigmatized groups are more easily securitized, and securitized groups become further stigmatized. This cycle creates social and legal legitimacy for expanded coercive powers, including domestic military deployment.

Sociology of Law: Legal Authority and Institutional Transformation

From a socio-legal perspective, law is not merely a formal normative system but a social institution embedded in power relations (Ehrlich, 1936; Weber, 1978). Eugen Ehrlich emphasizes *living law*, norms that exist within society and give formal rules practical efficacy. Max Weber conceptualizes legal authority as a form of legitimate domination, particularly in its rational-legal form.

However, socio-legal literature rarely links the dynamics of stigma and securitization to doctrinal changes and institutional redistribution of authority. This article situates law as the arena in which security narratives based on stigma are translated into formal norms, thereby expanding military mandates through procedurally legitimate mechanisms.

The tension between legality and legitimacy becomes evident when emergency laws extend military powers. While these measures may comply with positive law, their substantive legitimacy depends on social acceptance and perceptions of justice. This is where the gap between *law in books* and *law in action* becomes particularly salient in internal conflict contexts.

Civil–Military Relations and the Structural Feedback Loop

Samuel Huntington’s theory of civil–military relations emphasizes the importance of maintaining military professionalism under strong civilian control to preserve democratic stability (Huntington, 1957). Under normal conditions, the military’s role in domestic security is limited to prevent politicization.

Prolonged internal conflicts, however, complicate this balance. When securitization narratives dominate and stigma frames threats as permanent, military involvement in domestic affairs can shift from a temporary measure to an institutionalized practice. While civil–military literature often addresses professionalism and civilian oversight, it rarely integrates an analysis of how social constructions of threat reshape institutional authority.

The main contribution of this article lies in integrating three strands of literature

stigmatization, securitization, and civil–military relations into a single, coherent analytical framework. The study argues that these dynamics form a *structural feedback loop*: stigmatization facilitates securitization; securitization legitimizes military expansion; and expanded military roles crystallize changes in legal norms and civil–military balance. Consequently, the analysis moves beyond formal legality to encompass the broader social processes that sustain or contest legitimacy in democratic states.

RESEARCH METHODOLOGY

This study employs a qualitative socio-legal research design that integrates normative legal analysis with empirical socio-political inquiry. Rather than treating law as a closed doctrinal system, the research situates legal norms within broader structures of power, discourse, and institutional practice (Ehrlich, 1936; Weber, 1978). The socio-legal approach enables an examination of how legal frameworks regulating military involvement in internal conflicts operate not only at the level of statutory texts but also in practical implementation and social reception (Scheppelle, 2018; Dyzenhaus, 2006). By combining doctrinal interpretation with contextual analysis, the study seeks to uncover the dynamic interaction between legal authority, security narratives, and processes of stigmatization (Goffman, 1963; Buzan, Wæver, & de Wilde, 1998).

Empirical illustrations are selected based on purposive criteria, emphasizing cases where military forces were deployed domestically under statutory or emergency mandates in democratic or transitional states (Gross, 2006; Oren & Westerfield, 2019). These cases are chosen not for statistical generalization but for their capacity to reveal recurring structural patterns in the interaction between legal justification, securitization, and stigmatization. The scope of the comparative dimension is therefore intentionally limited to contexts where legal norms and socio-political dynamics intersect in a manner that is analytically illuminating, rather than exhaustively representative of all internal conflicts.

Analytical steps are operationalized through two complementary methods. First, discourse analysis examines official statements, policy documents, and legal instruments to identify how internal threats are constructed and how exceptional measures are legitimized (Buzan et al., 1998; Scheppelle, 2018). Second, normative evaluation assesses these practices against principles of rule of law, proportionality, and democratic accountability (Dyzenhaus, 2006; Huntington, 1957). The iterative process involves coding themes, comparing patterns across cases, and critically interpreting the interplay between legal authority, institutional behavior, and social perceptions.

Through this integrated approach, the research clarifies how legal systems both constrain and enable military responses in internal conflict settings while illuminating the socio-political consequences of stigmatization embedded within security governance. By explicitly outlining the selection criteria, analytical procedures, and limits of comparative inquiry, the study enhances methodological rigor and ensures transparency in linking empirical observations to socio-legal analysis.

RESULTS AND DISCUSSION

The Discursive Production of Threat and Institutionalized Stigma

The analysis shows that internal conflicts are seldom framed as mere political disagreements; instead, they are discursively reconstructed as existential threats to national integrity (Buzan, Wæver, & de Wilde, 1998). This process actively produces a category of “internal enemy” rather than simply describing reality. Through official statements, security briefings, and legislative debates, certain communities are symbolically positioned outside the moral boundaries of legitimate citizenship (Goffman, 1963).

Empirical evidence from comparative cases indicates that this labeling shapes institutional practice, influencing arrest patterns, surveillance priorities, and rules of engagement (Gross, 2006; Oren & Westerfield, 2019). Once stigma becomes embedded, it functions as a latent assumption within legal reasoning. Courts and policymakers often rely implicitly on threat-based narratives when interpreting emergency powers, thereby normalizing expanded coercive authority. The study finds that stigmatization is not incidental; it is structurally intertwined with legal and bureaucratic mechanisms that govern military deployment, highlighting a concrete mechanism by which discourse shapes practice.

Legal Rationalization and the Expansion of Military Authority

Military involvement in internal conflict is typically justified through constitutional or statutory frameworks (Dyzenhaus, 2006). Yet, legality alone does not resolve the tension between security and rights. The analysis reveals that emergency clauses, counterterrorism statutes, and special security regulations contain deliberately flexible language, producing a “grey zone” between standard law enforcement and armed conflict paradigms (Scheppelle, 2018).

Within this grey zone, military actors often assume quasi-policing roles while civilian oversight adapts slowly. Data from selected case studies indicate that persistent stigma-driven narratives bias legal rationalization toward order and stability at the expense of procedural safeguards (Ehrlich, 1936; Weber, 1978). This provides empirical support for the structural interaction between discourse, law, and institutional authority that distinguishes this study from prior scholarship.

Legitimacy, Civil–Military Balance, and Social Cohesion

Beyond formal legality, the study demonstrates that stigmatization and legal expansion have measurable socio-political effects. Communities subjected to stigmatizing practices frequently exhibit reduced trust in state institutions, reinforcing alienation and potential resistance (Huntington, 1957; Scheppelle, 2018). Comparative evidence also indicates that prolonged domestic military deployment reshapes civil–military dynamics, enhancing military influence in policy while weakening civilian oversight.

The findings show a feedback loop: stigma facilitates securitization, securitization legitimizes military expansion, and expanded authority reshapes legal norms and civil–military balance. This structural dynamic, supported by empirical observation, provides a clear distinction from prior literature by linking discursive practices directly to institutional change.

CONCLUSION

This study demonstrates that military responses to internal conflict cannot be fully understood by reference to doctrinal legality or operational necessity alone. The analysis identifies three interlinked processes that structure the socio-legal environment of domestic military deployment. First, stigmatization operates as a discursive mechanism, actively constructing certain communities as “internal enemies,” thereby predisposing them to coercive state interventions. Second, securitization reframes political dissent and social grievances as existential threats, justifying extraordinary military authority. Third, legal rationalization institutionalizes this expanded authority through flexible statutory interpretation, emergency clauses, and counterterrorism regulations.

The originality of this research lies in demonstrating empirically that these processes do not operate in isolation but form a mutually reinforcing feedback loop, which produces structural normalization of exceptional authority in internal conflicts. Comparative case evidence shows that

when stigma driven narratives persist, legal mechanisms increasingly prioritize order over proportionality, eroding public trust and shifting civil–military balance. Unlike prior literature that treats discourse, law, and military authority separately, this study integrates them into a coherent framework that directly links socio-legal processes to observable institutional outcomes.

In sum, sustainable conflict management requires not merely operational effectiveness but also careful legal restraint, discursive responsibility, and institutional accountability, as these are critical for preserving legitimacy, trust, and social cohesion in the long term.

RECOMMENDATIONS

Based directly on the study’s findings, the following implications are prioritized and targeted:

1. Prioritize Legislative Precision in Emergency and Security Laws
 - a. Legal texts should incorporate clear definitional thresholds for what constitutes an internal threat and emergency powers.
 - b. Emergency powers should include proportionality standards and sunset clauses to prevent the inadvertent normalization of exceptional authority, as evidenced in comparative case analyses.
 - c. Periodic legislative reviews should explicitly assess how stigma and securitization are shaping military authority in practice.
2. Strengthen Civilian Oversight Linked to Operational Evidence
 - a. Parliamentary and judicial oversight must evaluate not only formal legality but also how coercive measures impact civil–military balance and legitimacy.
 - b. Oversight should prioritize interventions in contexts where empirical evidence shows persistent stigmatization of specific groups, as this is a key driver of normalization.
3. Implement Discursive Responsibility and De-Stigmatization Measures
 - a. Political leaders and security institutions should avoid collective blame and ensure communications distinguish between violent actors and broader communities.
 - b. Evidence-based engagement, restorative dialogue, and community consultation should be applied in areas where stigmatization and securitization feedback loops have been observed.
4. Integrate Security with Justice and Social Inclusion
 - a. Policies should address structural grievances economic, political, and identity-based to prevent recurring cycles of securitization and stigmatization.
 - b. Military deployment must remain strictly temporary, exceptional, and accountable to civilian constitutional authority, reflecting the study’s finding that prolonged domestic engagement erodes democratic governance structures.

These recommendations are derived directly from the analytical evidence of the study, ensuring that reform efforts are targeted at the mechanisms stigmatization, securitization, and legal rationalization that the research identifies as shaping internal military interventions.

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