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***Kamisan as Counter-Democracy: Confronting Indonesia's
Shift to Illiberal Democracy***

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Abstract

The thesis analyzes how Indonesia is turning towards illiberal democracy after the hopeful period as Soeharto's autocratic regime ended. Further, it examines how Kamisan protests function as a counter-democracy to save the nation's liberal democracy. It started with laying out a theoretical framework for democracy, illiberal democracy, and counter-democracy. Followed by the history of Indonesia and, lastly, the analysis of Indonesia's case. Overall, the thesis asserted that Kamisan serves as a core manifestation of counter-democracy in Indonesia. However, despite its long-standing endurance, it still needs to achieve its objectives to hold the government accountable. Thus, the paper concludes that Indonesia needs to strengthen its counter-democratic mechanisms to avoid the trap of being an illiberal democracy.

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Chapter I: Introduction

'This nation is cowardly because it dares not punish the wrongdoers' - Gus Dur, Indonesia's

4th President

Democracy champions the principle that power should reside with the people and be used for their collective benefit. Yet, the fabric of democracy is woven with varied threads, each manifesting differently across contexts when foundational criteria are met. It can be challenging to discern who wields power, in whose name, and for whose benefit. This complexity underscores the adaptive nature of democratic systems across the globe. Over the last four decades, democracy's reach has expanded to 96 out of 167 countries worldwide,¹ a testament to its growing appeal and the hope it offers for delivering equitable benefits. Among these stories of democratic evolution, Indonesia's progression toward stable democracy over the past twenty-five years stands out as both an anomaly and a marvel. Despite the hopeful transition following the collapse of Suharto's autocratic regime, Indonesia still grapples with challenges that prevent it from fully realizing a true democracy.² This makes Indonesia's case interesting as it highlights both the potential and the pitfalls of transitioning from authoritarian rule to a democratic system, reflecting the intricate and ongoing journey of democratic consolidation.

However, despite Indonesia's strides toward embodying democratic principles, recent developments have cast long shadows over its achievements. The February election of this year marked a critical juncture, as Indonesians elected a successor to President Joko Widodo. Prabowo Subianto, a 72-year-old former army general with a controversial tenure under Mr. Soeharto's

¹ DeSilver, Drew. 2019. "Despite Global Concerns About Democracy, More Than Half of Countries Are Democratic." Pew Research Center, May 14, 2019. <https://www.pewresearch.org/short-reads/2019/05/14/more-than-half-of-countries-are-democratic/>.

² Kenawas, Yoes C. "The irony of Indonesia's democracy: The rise of dynastic politics in the post-Suharto era." *Asian Journal of Comparative Politics* 8, no. 3 (2023): 748-764.

regime, emerged as the frontrunner.³ However, his record is marred by accusations of human rights abuses, such as the abduction of pro-democracy activists, leaving many families still in anguish and seeking justice. This situation, seemingly endorsed by the outgoing president's coalition, signals a concerning drift from democratic integrity in Indonesia.⁴ The unofficial direct support of Prabowo by Joko Widodo, despite significant public backlash and ongoing calls for justice due to Prabowo's unresolved abuses, allowed him to secure a victory in the election. This outcome, perceived by some as implausible, suggests a potential erosion of democratic processes and may indicate an unsettling alignment of political power that undermines public trust and accountability in the system.

In the face of tribulations, the indomitable spirit of democracy vividly manifests through the collective actions of those affected. Weekly silent protests at the State Palace in Jakarta, where families demand accountability for past wrongs, highlight a crucial democratic tenet: the public's right to hold power to account. One protester, who lost his son, poignantly challenges, '*Will the case just disappear just because he's president? It's impossible,*' underscoring a broader call for justice that extends beyond personal grief.⁵ Known as *Kamisan*, these actions have been ongoing for 17 years, started within a decade after President Suharto's overthrow.⁶ They act as an indication to society and the state of past injustices that remain unaddressed by law enforcement. The protests are not merely about the anger of the victims' families; they represent a nation's call for its fundamental rights, including the right to life and freedom from persecution. These demonstrations also demand political rights, such as the privilege to engage in politics and to hold the government

³ Bland, Ben. 2024. "‘Continuity’ Prabowo Means Change for Indonesia." Chatham House, February 15, 2024. <https://www.chathamhouse.org/2024/02/continuity-prabowo-means-change-indonesia>.

⁴ Widodo, Ari Santoso, and Rendro Dani. "When the President Endorses the Nation's Next Leader: Detecting the Concept of Power in Javanese Culture Through Presidential Communication." *Warta Ikatan Sarjana Komunikasi Indonesia* 6, no. 1 (2023): 95.

⁵ Lamb, Kate. 2024. "Indonesia's Likely New President Haunts Father of Missing Activist." Reuters, February 15, 2024. <https://www.reuters.com/world/asia-pacific/indonesias-likely-new-president-haunts-father-missing-activist-2024-02-15/>.

⁶ Atmojo, Bambang Tri, and Yumalaksmi Anggi Safara. "New Social Movements (A Case Study of Aksi Kamisan in Jakarta)." In *Forum Ilmu Sosial*, vol. 48, no. 1, pp. 51. 2021.

accountable. This collective demand challenges an unjust government that claims democracy but falls short of protecting human rights and ensuring fairness in the eyes of the court. In this thesis therefore, I argue that indeed, human rights are a condition for a good democracy,⁷ and furthermore, that there is a need for a counter-democratic force to not only remind us so, but to actively surveil regular democratic forces to adhere to those human rights.

The manifestation of democracy is inherently complex, varying significantly in form and substance across nations. A democracy may be recognized through its adherence to liberal constitutional principles, such as the assurance of fair elections, the maintenance of a free market, and the inclusion of liberal values within its constitution.⁸ Integral to these principles are human rights, which serve as a cornerstone, reinforcing the structure of liberal democracy by ensuring that individual freedoms are protected and respected.⁹ This connection highlights that human rights are not just complementary to democracy but are essential in shaping its character and ensuring its integrity. However, when a governance system obscures non-democratic practices behind a veneer of democratic institutions and processes, it veers into the realm of illiberal democracy.¹⁰ This thesis will explore the case of Indonesia, where, despite the formal adherence to electoral democracy, the influence of powerful coalitions and pre-election manipulations reveal the challenges in the composition of its democratic processes.

⁷ Beetham, David. "Linking Democracy and Human Rights." *Peace Review* 9, no. 3 (1997): 351–56. doi:10.1080/10402659708426076.

⁸ Rhoden, T. F. "The liberal in liberal democracy." *Democratization* 22, no. 3 (2015): 565.

⁹ Sajó, András, Renáta Uitz, and Stephen Holmes, eds. *Routledge handbook of illiberalism*. Routledge, 2021. P.

¹⁰ Holmes, Stephen. "The Antiliberal Idea." In *Routledge Handbook of Illiberalism*, pp. 3-15. Routledge, 2021.

Chapter II: Theoretical Framework

Democracy

In our quest to define democracy, a nuanced interpretation is crucial—one that extends beyond simplistic definitions. Democracy derives from the Greek words '*demos*', which means '*people*', and '*kratos*', which means '*rule*'.¹¹ Initially practiced as direct democracy in ancient Greece,¹² it evolved into representative democracy due to growing populations and societal complexity. The shift demonstrates how the system adapts to maintain its core principle: the rule by the people. Democracy is fundamentally about the people who establish and govern the state directly or by officers elected by the people.¹³ From its origins in the assemblies of ancient Athens, where it epitomized the power of the polis,¹⁴ to the intricate, multifaceted democracies of today,¹⁵ the essence of democracy has been continually reinterpreted and contested.¹⁶ This historical evolution highlights democracy's capacity to adapt under varying conditions, reflecting the enduring power of its foundational principle.

To fully understand democracy in all its complexity, we engage with frameworks like Robert Dahl's, which synthesizes ancient Greek democracy, the republican tradition, representative government, and political equality.¹⁷ Dahl identifies several key characteristics of an ideal democratic society, including effective participation, voting equality, agenda control, and the inclusion of all adults.¹⁸ These criteria help structure an approach through which democracy strives to achieve its ideal state. Among these, let's consider the criterion of agenda control to explore the dynamism of democracy. Dahl challenges us to examine who sets the political agenda

¹¹ Joshi, Naman. "Democracy: Basic Concepts, Origin, Types." *Origin, Types (November 30, 2018)* (2018). 2.

¹² *Ibid.*, 14.

¹³ Pennock, James Roland. *Democratic political theory*. Princeton University Press, 2015. 3.

¹⁴ Robert A. Dahl, *On Democracy* (New Haven: Yale University Press, 1998), 11.

¹⁵ *Ibid.*, 30.

¹⁶ *Ibid.*, 03.

¹⁷ *Ibid.*, 34.

¹⁸ Robert A. Dahl, *On Democracy* (New Haven: Yale University Press, 1998), 37-38.

and whose interests it serves,¹⁹ often revealing the degree to which governance where a small number of influential people have all the authority.²⁰ Nonetheless, the indispensable principle for the operation of democracy is pluralism, which paves the way for polyarchy as an antidote to oligarchy.²¹

Furthermore, democracy is heralded primarily for its potential to circumvent tyranny, guarantee essential rights and freedoms, encourage moral autonomy, advance human development, safeguard personal interests, and ensure political equality.²² To understand how these principles manifest in a real-world context, consider the example of American democracy in the 1830s as observed by Alexis de Tocqueville.²³ Reflecting on this period, Tocqueville attributed the equality of conditions in the United States to its democratic ideals. Despite France's claim to democracy, Tocqueville noted a stark difference: the active engagement of the American public in the democratic process, facilitated by the presence of political and civil associations,²⁴ a factor conspicuously absent in European democracies of the time.²⁵ This absence of pluralism hindered the full fulfillment of democratic principles, highlighting that public participation plays in the democratic fabric. Tocqueville particularly admired how the American Constitution, with its structure of checks and balances and the principle of federalism, was instrumental in preventing the tyranny of the majority and ensuring a balanced distribution of power.²⁶ This framework not only safeguarded individual liberties but also promoted political equality.

Transitioning from this historical perspective to our contemporary understanding, it becomes evident that the core of modern democracy lies in the evolution of these foundational principles into what we now recognize as *liberal* democracy. This form of governance, central to

¹⁹ Ibid., 38.

²⁰ Nilsson, Astrid Noren, Elizabeth Morrow, and Riley Quinn. *An Analysis of Robert A. Dahl's Democracy and its Critics*. Macat Library, 2017, 74.

²¹ Ibid., 75.

²² Robert A. Dahl, *On Democracy* (New Haven: Yale University Press, 1998), 45.

²³ Tocqueville, Alexis. *Democracy in America: And two essays on America*. Penguin UK, 2003, 12.

²⁴ Ibid., 596.

²⁵ Ibid., 585.

²⁶ Ibid., 264, 282-286.

the thesis at hand, is characterized by its strong emphasis on individual rights, equality under the law, and societal plurality. Liberal democracy operates within a carefully designed framework that safeguards against the overreach of majority power through established constitutional checks and balances.²⁷ Therefore, this distinct evolution in Western democracies marks a significant advancement, fostering a governance model that respects and integrates a diverse spectrum of socio-economic and moral viewpoints. It is crucial to understand the differentiation between pure democracy, which often simplifies decision-making to majority rule, and liberal democracy, which intricately connects democratic principles with liberal ideals to create a more complex political system. This sophisticated political system evolved from historical transitions, moving away from states primarily concerned with cultivating virtue among their citizens to those focused on protecting individual rights. This pivotal shift was significantly influenced by the Reformation and the subsequent fragmentation of Europe's religious unity, which spurred new political philosophies that emphasized the protection of natural rights and the establishment of constitutional limits to government power.²⁸ The government is tasked with securing unalienable rights, while the constitution guards against governmental overreach.

The transition from feudalism to representative democracy also marked a significant shift towards liberal democracy. This change moved from a system where power was typically held by a select few to one where power is obtained from the agreement of the citizens. Tocqueville argued that feudalism was destined to collapse because it contravened fundamental principles of justice, which are central to liberal democracy.²⁹ For Tocqueville, justice has been established and accepted not just by one nation, but by humanity as a whole. Every nation's rights are therefore bound by what is just. A nation can be seen as a jury representing society, applying this universal

²⁷ Pennock, James Roland. *Democratic political theory*. Princeton University Press, 2015. 12.

²⁸ Voegelin, Eric, Mary, and Keith Algozin. "Liberalism and Its History." *The Review of Politics* 36, no. 4 (1974): 504–505. <https://doi.org/10.1017/S0034670500024256>.

²⁹ Tonsor, Stephen J. "Feudalism, Revolution and Neo-Feudalism: A Review Article." *Comparative Studies in Society and History* 21, no. 1 (1979): 134. <https://doi.org/10.1017/S0010417500012706>.

law of justice.³⁰ Hence, feudalism's rigid hierarchical structure and systemic inequality were fundamentally unjust,³¹ leading to its inevitable decline as societies transitioned to liberal democratic system that respected individual rights.

This evolution involved a gradual acceptance of the idea that individual rights are inherent and should be protected by the state, rather than being granted at the discretion of a monarch or religious authority. Immanuel Kant's philosophy has significantly contributed to the conceptualization of liberal democracy, especially through his ideas about individual freedom of action and the structure of laws. Kant proposed that the laws of a state should enable the maximum possible freedom for each individual that is compatible with the freedom of others.³² This principle suggests a government form where individual liberties are maximized, yet balanced, so they do not infringe on the freedoms of others. Kant's view is not directly about the protection of rights but focuses more broadly on how freedom can be universally legislated within a community while maintaining justice. Therefore, liberal democracy cannot merely be understood as simple democracy. John Rawls asserted that liberal democratic states should not only ensure electoral fairness and governmental accountability, but also uphold robust individual freedoms and maintain a well-balanced separation of powers.³³

Thus, in an effort to provide a comprehensive definition tailored to the context of Indonesia, this thesis seeks to integrate these diverse perspectives under the framework of liberal democracy. One of the central tenets of democracy is its ability to protect individual liberty and human rights. This protection is predicated on the idea that human rights can only be fully realized when governmental power supports the rights to autonomy and independence, ensuring that all individuals receive equal treatment under the law. Another fundamental aspect is the concept of

³⁰ Democracy in America, Henry Reeve, 2002, 287.

³¹ Tonsor, Stephen J. "Feudalism, Revolution and Neo-Feudalism: A Review Article." *Comparative Studies in Society and History* 21, no. 1 (1979): 134. <https://doi.org/10.1017/S0010417500012706>.

³² Immanuel Kant, *The Metaphysics of Morals*, in *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 393.

³³ András Sajó, Renáta Uitz, and Stephen Holmes, eds., *Routledge Handbook of Illiberalism* (London: Routledge, 2021), 889.

public autonomy, realized through equitable participation. This allows the populace to decisively influence government actions, engage actively in policymaking, and maintain a system of checks and balances. Such a system ensures power is appropriately distributed among various government branches, preventing any single entity from gaining excessive control. Lastly, the rule of law is essential, involving a body of universally recognized rules that are made by and for the people. These rules bind everyone, including those in positions of power. In this thesis, I explore these principles—alongside the perspectives discussed earlier—to depict the ideal form of democracy as it could be realized in Indonesia.

The aspiration for an ideal form of liberal democracy often confronts significant challenges in the real world, making this ideal increasingly elusive. One major issue is the risk that democratic systems can lead to the majority oppressing minority groups, resulting in a form of tyranny that contradicts the core principles of liberty.³⁴ This tyranny is not just about numerical majorities; it also encompasses power and wealth. Mill further added, the tyranny of the majority is often feared because it manifests through the actions of public authorities,³⁵ highlighting how institutional power and influence can undermine democratic ideals. Moreover, a significant barrier to achieving the ideal form of democracy is the profound information asymmetry between the public and the democratic system. This issue is exacerbated by people's limited knowledge and capacity to fully and fairly represent everyone's desires in policy, compounded by the pervasive unreliability of information sources, often tainted by deliberate misinformation efforts.³⁶ For instance, politicians can easily exploit their power and the asymmetry of information to further their personal agendas, neglecting their moral and ethical obligations to the citizens they represent.³⁷ This occurs because citizens typically possess less knowledge about the policy-making process. Once they elect public

³⁴ John Stuart Mill, *On Liberty* (Kitchener, ON: Batoche Books, 2001), 8.

³⁵ *Ibid.*, 9.

³⁶ Emmanouil M. L. Economou, Nicholas C. Kyriazis, and Athanasios G. Platias, eds., *Democracy in Times of Crises: Challenges, Problems and Policy Proposals* (Cham: Springer, 2022), 208-210.

³⁷ Angshuman Pal, "Political Choice under Asymmetry of Information: In Pursuit of the Homo Economicus," available at SSRN 4137465 (2022), 4.

officials, they often lack the means to participate meaningfully in policy decisions that directly impact their daily lives.

This revision sharpens the discussion on the challenges facing liberal democracy today, distinctly highlighting the gap between philosophical ideals and the pragmatic realities of modern political life. This gap is particularly evident in electoral politics, which will be explored through the case of Indonesia. Therefore, the failure to realize the ideal of liberal democracy often leads states to transition to a system known as illiberal democracy, which will be further examined in the following sub-chapter.

Illiberal Democracy

In the manifestation of democratic principles in real life, contemporary nation-states possess elements of to varying degrees. No nation is purely democratic or purely liberal but instead exhibits a blend of which shifts over time. Thus, throughout this spectrum, a nation can move between the axis over time, indicating that it has more democratic principles or move further away from it. This trend of change or movement away in the opposite direction from liberal democracy is called illiberal democracy. To understand illiberal democracy completely, it is important to know the history of illiberalism. The term illiberalism has evolved alongside liberalism, both originated during the era of the French Revolution to describe emerging political ideologies.³⁸ However, before that period, liberal and illiberal primarily described personal qualities and broader cultural values rather than specific governmental systems, indicating the depth and complexity of these terms throughout history.

As history progressed to the World Wars, illiberalism began to be associated with totalitarian characteristics such as dictatorship, despotism, and tyranny, defined by their disregard

³⁸ Helena Rosenblatt, "The History of Illiberalism," in *Routledge Handbook of Illiberalism*, ed. András Sajó, Renáta Uitz, and Stephen Holmes (London: Routledge, 2021), 16-17.

for individual liberty.³⁹ When such features appear in the institutional structures of modern political regimes, they are critiqued as contrary to liberalism. Consequently, liberalism has come to describe a framework that safeguards individual rights against state intrusion, while illiberalism evolved to represent disregard or contempt for these rights.⁴⁰ The emergence of illiberal democracy signifies a distinct phase in global political evolution, challenging the dominance of liberal democracy that followed the Cold War. Celebrated as a triumph for liberal democracy, the Berlin Wall's collapse in 1989 gave Francis Fukuyama the idea that liberal democracy represented the culmination of mankind's ideological development.⁴¹ However, liberal democracy soon struggled to fulfill its core promises, leading to growing public distrust and the rise of illiberal alternatives.

This perspective initiated a global shift towards adopting Western democratic values, a movement known as *the age of imitation*.⁴² However, the widespread effort to replicate Western liberal democracy instead provoked a significant backlash, giving rise to right-wing populist and nationalist movements. These groups often rejected the norms of liberal democracy, defining themselves in opposition to its principles. Fareed Zakaria highlighted this divergence, noting that while electoral democracy was becoming widespread, the fundamental civil liberties associated with it were increasingly disregarded.⁴³ Despite the proliferation of democracies, the core elements of liberalism—protection of human rights, public autonomy, and the rule of law—are experiencing a decline. The current threat to democracy is evident from over a decade and a half of declining global freedom. In 2021-2022 alone, 60 countries experienced declines in freedom, while only 25 showed improvements.⁴⁴ This trend towards illiberalism, characterized by the widespread erosion

³⁹ Helena Rosenblatt, "The History of Illiberalism," in *Routledge Handbook of Illiberalism*, ed. Andrés Sajó, Renáta Uitz, and Stephen Holmes (London: Routledge, 2021), 22.

⁴⁰ *Ibid.*, 27.

⁴¹ *Ibid.*, 23.

⁴² Michael H. Creswell, "Review of *The Light that Failed: Why the West Is Losing the Fight for Democracy*, by Ivan Krastev and Stephen Holmes," *Journal Title* (2020): 107-109.

⁴³ Helena Rosenblatt, "The History of Illiberalism," in *Routledge Handbook of Illiberalism*, ed. Andrés Sajó, Renáta Uitz, and Stephen Holmes (London: Routledge, 2021), 24.

⁴⁴ Sarah Repucci and Amy Slipowitz, *Freedom in the World 2022: The Global Expansion of Authoritarian Rule* (Washington, DC: Freedom House, February 2022), 2.

of individual liberties across various aspects of society.⁴⁵ When freedom levels decrease, it means that democracy is lost.⁴⁶ This decline underscores Zakaria's assertion that "*illiberal democracy is a growth industry*" among democratizing countries, with the percentage of such regimes increasing from 22 percent to 35 percent between 1990 and 1992.⁴⁷ This persistent crisis raises significant questions about the rise of illiberal democracies—regimes that gain legitimacy through popular elections but fail to uphold key liberal principles, such as the rule of law and the preservation of minority rights.⁴⁸

Zakaria warns of the normalization of such systems, suggesting a potential shift towards governance models that merge democratic appearances with illiberal practices. The issue is that they derive their legitimacy from the fact that they are still rationally democratic, although simultaneously discrediting liberal democracy itself.⁴⁹ To provide you a simple illustration, illiberal democracy can be envisioned as a stage show in which democratic institutions are the puppets, showcased to the public. At the same time, undemocratic practices are orchestrated from behind the curtains. This analogy poignantly highlights the dichotomy between the outward display of democracy and the underlying erosion of liberal values. This theatrical display is mirrored in reality by leaders like Viktor Orbán of Hungary, who has openly criticized and rejected liberal democratic principles.⁵⁰ Orbán has notably declared Hungary to be an illiberal state, a model that has been enthusiastically emulated by leaders across the region and beyond.⁵¹ Under the guise of protecting national values, such leaders have often undermined democratic institutions and freedoms, such as the press, judiciary, and civil rights, steering their countries toward authoritarian practices.

⁴⁵ András Sajó, Renáta Uitz, and Stephen Holmes, eds., *Routledge Handbook of Illiberalism* (Routledge, 2021), preface, xxi.

⁴⁶ Larry Diamond, "Indonesia's Place in Global Democracy," in *Problems of Democratisation in Indonesia: Elections, Institutions and Society*, ed. Edward Aspinall and Marcus Mietzner (Singapore: ISEAS Publishing, 2010), 25, <https://doi.org/10.1355/9789814279918-007>.

⁴⁷ Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs* 76, no. 6 (1997): 24.

⁴⁸ Ruzha Smilova, "The Ideational Core of Democratic Illiberalism," in *Routledge Handbook of Illiberalism*, ed. András Sajó, Renáta Uitz, and Stephen Holmes (Routledge, 2021), 177.

⁴⁹ Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs* 76, no. 6 (1997): 42.

⁵⁰ Innes, Abby. "Hungary's Illiberal democracy." *Current History* 114, no. 770 (2015): 95.

⁵¹ Ruzha Smilova, "The Ideational Core of Democratic Illiberalism," in *Routledge Handbook of Illiberalism*, ed. András Sajó, Renáta Uitz, and Stephen Holmes (Routledge, 2021), 186.

Illiberal democracies, despite their tendencies, remain distinct from outright authoritarian regimes. They maintain electoral processes and a degree of political competition, although these are often flawed and manipulated to ensure the ruling party's dominance. In contrast, authoritarian regimes may completely dispense with democratic processes. Thus, the primary difference between illiberal and authoritarian regimes lies in the nature of the harm they inflict and their political consequences.⁵² Illiberal systems infringe on individual autonomy and dignity, presenting significant human rights issues. Authoritarian, however, sabotage accountability and directly threaten democratic processes. There can be a causal connection between the two: illiberal practices often pave the way for authoritarian regimes since both undermine the right to freedom of expression.⁵³ However, in illiberal democracies, certain policies can be normalized and justified by the majority,⁵⁴ even if they violate human rights and liberal democratic principles. This is less likely in authoritarian regimes, where such actions are typically hidden and dissent is not tolerated.

However, there are many debates surrounding the definition of illiberal democracy, especially regarding how liberalism is quantified and assessed within different democracies, reflecting the complexity of these issues. Notably, the incremental erosion of liberal values, a defining characteristic of illiberal democracy, finds historical resonance in various contexts. One of these contexts is Indonesia, which will be closely examined in the next chapter. Examining Indonesia's situation sheds light on how liberal democratic systems can deteriorate and highlights the need for effective responses. Such effective responses can be realized through the framework of counter-democracy, which will be expanded upon in the subsequent sub-chapter.

⁵² Marlies Glasius, "Illiberal Practices," in *Routledge Handbook of Illiberalism*, ed. András Sajó, Renáta Uitz, and Stephen Holmes (London: Routledge, 2021), 343.

⁵³ Marlies Glasius, "Illiberal Practices," in *Routledge Handbook of Illiberalism*, ed. András Sajó, Renáta Uitz, and Stephen Holmes (London: Routledge, 2021), 343.

⁵⁴ *Ibid.*, 344.

Counter-democracy

The emergence of illiberal democracies across the globe presents a critical challenge to the foundational trust between citizens and their governments. In such political climates, where democratic norms and civil liberties are progressively undermined, the conventional mechanisms of liberal democracy struggle to sustain public confidence. This erosion of trust not only diminishes public's desire to engage in democratic processes but also fosters a passive citizenry, further weakening the democratic fabric. This growing distrust, while detrimental, can be addressed through innovative democratic frameworks that reinforce accountability and transparency. Pierre Rosanvallon's theory of counter-democracy offers a nuanced framework for bolstering democratic resilience by embedding skepticism and vigilance within the political process. As Rosanvallon said "*What counter-democracy means is that democracy isn't just defined by its institutions, democracy isn't just defined by voting, it is also defined by the role of the citizen.*"⁵⁵ Hence, counter-democracy is not antithetical to democratic principles; rather, it enhances them by integrating continuous civic engagement into the governance model. This approach is built on the premise that while trust is essential for democratic efficacy, a healthy dose of skepticism ensures the integrity of democratic institutions.⁵⁶ By instituting systematic checks on power, counter-democracy aims to reconcile the gap between governmental actions and public expectations, thus renewing trust in political systems. Counter-democracy can be understood through three key mechanisms: powers of oversight, powers of prevention, and the testing of judgments.⁵⁷ To fully grasp the concept, I will provide illustrative case examples to explore each of these counter-mechanisms.

⁵⁵ Pierre Rosanvallon, "Democracy, Counter-Democracy and Climate Action: Interview with Pierre Rosanvallon (Part 1)," interview by Alexandre Lercher, *YouTube video*, 6:09, November 16, 2020, published by Albert Hirschman Centre on Democracy, <https://youtu.be/meOr4Ij424I?si=0Ob4-lAzEB8euyIm>.

⁵⁶ Sara Kalm, Lisa Strömbom, and Anders Uhlin, "Civil Society Democratizing Global Governance? Potentials and Limitations of 'Counter-Democracy'," *Global Society* 33, no. 4 (2019): 501.

⁵⁷ Pierre Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust*, trans. Arthur Goldhammer (Cambridge: Cambridge University Press, 2008), 8.

The first pillar of counter-democracy is oversight, which involves mechanisms that enable citizens to continuously monitor government actions, ensuring adherence to democratic principles beyond just voting.⁵⁸ Understanding oversight requires exploring the historical roots of popular sovereignty—the notion that the agreement of the governed confers the authority on the governed. Popular sovereignty, discussed in Rousseau's *The Social Contract*, asserts that the general will of the citizen is the ultimate source of legitimate political authority. The sovereign people have the authority to create laws, while the government enforces these laws.⁵⁹ The government, composed of elected officials, is accountable to the people. However, since Rousseau's ideal of direct democracy is impractical in large modern societies, oversight has become a crucial complement to voting. This continuous scrutiny ensures that elected representatives fulfill their promises and act in the interest of the general public.

According to Rosanvallon, oversight in a counter-democracy operates through three modes: vigilance, denunciation, and evaluation.⁶⁰ Vigilance involves the monitoring of governmental actions by the public. This mode ensures that any deviation from democratic norms or abuses of power are promptly identified and addressed.⁶¹ For example, watchdog organizations like *Transparency International* monitor government expenditures to ensure transparency. Next, denunciation involves publicly exposing wrongdoing or unethical behavior, which reaffirms collective norms by exposing violations by the government. Unlike vigilance, denunciation has an institutional effect and can be more direct and immediate.⁶² A notable case is the Watergate scandal, where investigative journalism led to the exposure of significant governmental misconduct in the United States.⁶³ Lastly, evaluation involves the detailed assessment of specific policies to improve government quality and efficiency.

⁵⁸ Pierre Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust*, trans. Arthur Goldhammer (Cambridge: Cambridge University Press, 2008), 12.

⁵⁹ Jean-Jacques Rousseau, *The Social Contract*, trans. C. Betts (Oxford: Oxford University Press, 1994), 318.

⁶⁰ Pierre Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust*, trans. Arthur Goldhammer (Cambridge: Cambridge University Press, 2008), 32.

⁶¹ *Ibid.*, 39-41.

⁶² *Ibid.*, 45-46.

⁶³ Perlstein, R. "Watergate scandal." *Encyclopedia Britannica*, April 12, 2024. <https://www.britannica.com/event/Watergate-Scandal>.

This process relies on expertise and technical knowledge to judge the competence of government officials. the systematic assessment of government performance and policies. For instance, this mode is conducted by *Freedom House* by evaluating the democratic credentials of different governments globally.⁶⁴ Therefore, oversight is a continuous process that can be exercised by general public. By embedding these oversight mechanisms, counter-democracy ensures a more resilient and responsive democratic system.

Unlike oversight, which involves continuous monitoring, prevention—the second pillar of counter-democracy—involves actions taken by citizens to stop or nullify government actions that threaten democratic principles.⁶⁵ Before the formal establishment of democratic institutions, citizens often demonstrated their ability to resist authority through indirect means. Historical records are filled with instances of tax resistance, such as the American colonists' refusal to pay British taxes leading up to the American Revolution, demonstrating the early presence of preventive action.⁶⁶ Prevention operates through three mechanisms: passive resistance, public protest, and institutional vetoes. The first mode involves non-cooperation and the subtle subversion of government policies. An instance is Gandhi's nonviolent opposition to India's British colonial government. By refusing to comply with certain laws, citizens can disrupt government functions and critique injustices. Often, the lack of opposition was frequently seen as evidence of the people's consent.⁶⁷

Protest is a significant form of preventive action in counter-democracy, allowing citizens to actively oppose and halt government policies or decisions they find undemocratic.⁶⁸ This mode is direct aimed at drawing public attention and forcing reconsideration of government actions. Public protests

⁶⁴ "About Us," Freedom House, accessed May 31, 2024, <https://freedomhouse.org/about-us>.

⁶⁵ Pierre Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust*, trans. Arthur Goldhammer (Cambridge: Cambridge University Press, 2008), 121-123.

⁶⁶ Pierre Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust*, trans. Arthur Goldhammer (Cambridge: Cambridge University Press, 2008), 121.

⁶⁷ *Ibid.*, 123.

⁶⁸ *Ibid.*, 303-306.

demonstrate the power of collective action in influencing governmental decisions and promoting social change. Lastly, within formal democratic frameworks, mechanisms such as judicial review and legislative vetoes are essential for preventive measures. For example, the U.S. Supreme Court has the authority to strike down legislations and executive orders that contravene the Constitution,⁶⁹ serving as a critical check on governmental power. In modern democracies, a veto power is at the core of the people's authority. The nature of political regimes today is defined by the capacity of various public actors to issue vetoes, thereby influencing the conditions and outcomes of political actions.⁷⁰

A third approach to testing power is through judgment, which involves formal legal processes (e.g., court trials) and informal societal mechanisms (e.g., media investigations).⁷¹ It requires a thorough examination and a reasoned decision, often culminating in a judgment or verdict. This active engagement goes beyond oversight and prevention, enabling citizens to hold their leaders accountable through inquiries, audits, and judicial proceedings. For example, public inquiries in the United Kingdom into issues like the Iraq War have allowed citizens to critically assess government decisions and hold officials accountable.⁷² To stop the increasing trend of illiberal democracy, it is vital to strengthen the checks and balances that ensure ultimate power rests with the people through their elected representatives. This involves making democratic decision-making more effective, restoring constitutional liberalism, and rebuilding political institutions and civic associations.⁷³ Without these counter-democratic measures, democracy risks becoming dangerous, leading to the erosion of liberty and manipulation of freedom.

⁶⁹ Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, No. 51 (1788; repr., New York: New American Library, 1961).

⁷⁰ *Ibid.*, 15-16.

⁷¹ *Ibid.*, 191-193.

⁷² House of Commons Public Administration Select Committee, *Government by Inquiry: First Report of Session 2004-05, Volume I, Report, together with formal minutes and annexes*, ordered by the House of Commons to be printed 27 January 2005.

⁷³ Fareed Zakaria, *The Future of Freedom: Illiberal Democracy at Home and Abroad* (New York: W. W. Norton & Company, 2003), 184-185.

Chapter III: Indonesia's case

Post- Independence History

All in all, the theories of liberal democracy, illiberal democracy, and counter-democracy provide a framework for examining Indonesia's democratic system. To analyze Indonesia's case effectively, I will review the country's political history from independence to the present. Understanding this historical context is essential for comprehending the complexities and challenges of Indonesia's democracy today. This background will pave the way for a detailed analysis of the current democratic landscape, identifying areas where *Kamisan*, as a counter-democratic measure, can enhance democratic integrity.

Over the past few decades, Indonesia has experienced an intriguing evolution in its democratic system. Since gaining independence in 1945, the country has shifted from a colonial regime to a dynamic democratic state.⁷⁴ The development of democracy in Indonesia unfolded through a sequence of events, struggles, and ongoing reforms, rather than happening instantly. This extensive progression includes various significant historical periods, from the early days of independence, through the Old Order, the New Order, and up to the current era of reform.⁷⁵ Each of these periods has distinct features that have influenced Indonesia's democratic development.

The first period of the Old Order is known as *the parliamentary democracy* system. This period was adopted a month after the proclamation of independence and was further established through the constitutions of 1945 and 1950.⁷⁶ However, this system proved unsuitable for Indonesia. The latter Constitution implemented a parliamentary system where the executive body consisted of the President and his ministers held political responsibility. Due to political party fragmentation, coalitions formed around two major parties and several smaller ones often failed, leading to

⁷⁴ John L. Esposito, Tamara Sonn, and John O. Voll, *Islam and Democracy after the Arab Spring* (Oxford: Oxford University Press, 2015), 117.

⁷⁵ Kus Hananto and Sity Daud, "The Evolution of Indonesia's Military Doctrines in Old Order, New Order and Reformation Era (Evolusi Doktrin Ketenteraan Indonesia Masa Orde Lama, Orde Baru dan Era Reformasi)," *Akademika* 90, no. 3 (2020): 15.

⁷⁶ Evi Purnamawati, "Perjalanan Demokrasi di Indonesia" (in Indonesian), *Solusi* 18, no. 2 (2020): 255.

frequent cabinet collapses due to internal coalition rifts.⁷⁷ The instability of cabinets hindered the political and economic development as governments struggled to implement their programs.

The second period, *Guided Democracy*, was characterized by the dominant role of the president, the limited role of political parties, growing communist influences, and an expanded role of the military in socio-political matters.⁷⁸ During this time, there were numerous deviations from democratic practices. One of it was when President Soekarno was declared president for life by MPRS Decree No. III/1963, negating the constitutional limit of a five-year presidential term.⁷⁹ This period also marked the end of the Old Order which was a form of authoritarian rule, ending with the 30 September Movement (G30S/PKI).⁸⁰ Following the failed coup of G30S/PKI, a massive anti-communist purge ensued, leading to the executions and imprisonment of many suspected communists. This shift weakened President Sukarno, who had balanced military, communist, and nationalist forces. In 1967, Sukarno was removed from office, and Suharto took over as president, ending the Old Order.

Era of Undemocratic Practices

With the fall of the Old Order administration, Indonesia entered an era marked by a foundational emphasis on Pancasila and the 1945 Constitution, aiming to restore the government based on these principles. This period, known as Pancasila Democracy, began with promises of equal political participation rights. Soeharto, the leader of the New Order government, successfully revitalized Indonesia's economy and attracted Western investment.⁸¹ However, his administration was fundamentally authoritarian, with significant military influence permeating both the government

⁷⁷ R. William Liddle, "Indonesia's Democratic Past and Future," *Comparative Politics* 24, no. 4 (July 1992): 455.

⁷⁸ Daniel S. Lev, *The Transition to Guided Democracy: Indonesian Politics, 1957-1959* (Jakarta: Equinox Publishing, 2009), 12-13.

⁷⁹ Evi Purnamawati, "Perjalanan Demokrasi di Indonesia" (in Indonesian), *Solusi* 18, no. 2 (2020): 256.

⁸⁰ Justus M. van der Kroef, "Guided Democracy in Indonesia," *Far Eastern Survey* 26, no. 8 (August 1957): 113-124, <https://www.jstor.org/stable/3024455>.

⁸¹ Kian Wie Thee, "Indonesia's Economic Development During and After the Soeharto Era: Achievements and Failings," *Cambridge University Press*, October 21, 2015.

and economic sectors. As a result, the military elite and a select few of Soeharto's friends came to control a disproportionate amount of money and influence.

Golkar, the political party led by Soeharto, rose to prominence and influenced the political climate of the nation's institutions to establish a system that was essentially one-party. Human rights abuses were common, especially when "mysterious shooters" were used to kill thousands of people.⁸² This approach generated widespread distrust and dissatisfaction among the populace. The situation worsened with the Asian Financial Crisis, which precipitated a severe economic downturn and mass riots in various Indonesian cities. Dangerous factions within the military created uncertainty about the military's loyalty, raising fears of internal conflict or a coup. Ultimately, on May 21 1998, President Soeharto stepped down, an event that had once seemed impossible.

Current Political Climate

After the 32-year rule of President Suharto came to an end, Indonesia entered a transformative Reformasi era. This period was marked by increased freedom of the press, the holding of fair elections at both local and national levels, and greater regional independence.⁸³ Significant efforts were made in governance, human rights, and economic reforms, setting the foundation for a more democratic Indonesia. The country made notable progress in decentralizing power and promoting regional autonomy, fulfilling the hopes for a democratic nation as promised in the 1945 independence constitution. In 2009, democracy scholar described Indonesia as a relatively liberal democracy, noting that the public had the highest support for liberal principles and confidence in public institutions among East Asian democratic states.⁹⁸

⁸² Dini Hardianti and Joko Setiyono, "TANGGUNG JAWAB NEGARA MENYELESAIKAN KASUS PELANGGARAN BERAT HAM MASA LALU MELALUI PROSES REKONSILIASI DI INDONESIA," *Diponegoro Law Journal* 5, no. 3 (2016): 1-9, <https://doi.org/10.14710/dlj.2016.12247>.

⁸³ Krishna Sen and David T. Hill, *Media, Culture and Politics in Indonesia* (Jakarta: Equinox, 2007).

Throughout the first four years of the Reformasi era, Indonesia saw four presidents, none of whom completed their full terms. After Suharto resigned, Habibie succeeded him and served for a year. Gus Dur (1999–2001) followed as Indonesia’s first democratically elected president in over 40 years. Despite hopes that his presidency would strengthen Indonesia’s democracy, Gus Dur was impeached by the Indonesian parliament before completing even half of his term. This outcome was not entirely unexpected, as democratization often provides space for illiberal actors previously constrained by an authoritarian regime, who may then seek to undermine the emerging democratic system.⁸⁴ Gus Dur was replaced by Megawati Sukarnoputri (2001–2004), who focused on national unity and economic recovery but faced significant challenges, including terrorist attacks and political corruption. Susilo Bambang Yudhoyono (SBY) won the presidency in 2004 and again in 2009, significantly improving Indonesia's economic and political stability despite natural disasters. However, his administration’s lack of effort to tackle corruption remained significant challenges for consolidating democracy in Indonesia.⁸⁵ After the end of SBY’s term, Jokowi was elected president in 2014 and re-elected in 2019, maintaining popularity throughout his presidency by focusing on infrastructure and social welfare programs.

However, recent political and social developments have sparked debates about the country's future democratic direction. As political landscape remains primarily divided along Islamic and pluralistic lines—a division that became distinctly evident during Jokowi's first term in office.⁸⁶ The 2017 Jakarta’s governor’s election exemplified this divide, as Ahok, an ethnic Chinese Christian, faced intense sectarian opposition. His opponent, Anies Baswedan, supported by Prabowo and hardline Islamist groups, accusing Ahok of blasphemy after his controversial

⁸⁴ Richard Boyd, *Uncivil Society: The Perils of Pluralism and the Making of Modern Liberalism* (Lanham, MD: Rowman & Littlefield/Lexington Books, 2004).

⁸⁵ Larry Diamond, "Indonesia’s Place in Global Democracy," in *Problems of Democratisation in Indonesia: Elections, Institutions and Society*, ed. Edward Aspinall and Marcus Mietzner (Singapore: ISEAS Publishing, 2010), 48, <https://doi.org/10.1355/9789814279918-007>.

⁸⁶ Saiful Mujani; R. William Liddle, "Indonesia: Jokowi Sidelines Democracy," *Journal of Democracy* 32, no. 4 (October 2021): 72.

remarks about the Quran's stance on non-Muslim leaders.⁸⁷ This political reality reflects a longstanding unspoken rule that politicians must favor Islamic values.⁸⁸ Such polarization poses one of the most significant challenges to maintaining a healthy democracy. Moreover, the broader landscape of civil liberties in Indonesia shows troubling developments as recent legal revisions have notably curtailed freedom of expression. Under these new regulations, tech companies are mandated to swiftly remove content deemed illegal or disruptive to public order and to surrender user data to the government upon request.⁸⁹ Although these measures are presented as adherence to the rule of law, they effectively establish one of the strictest internet governance structures in the world. Additionally, Indonesian journalists have encountered escalating physical harassment and intimidation, as highlighted by an incident where a governor's aide forcibly deleted footage from a reporter's phone during coverage of student protests.⁹⁰ This incident underscores the broader threats to press freedom in the country.

Furthermore, the Constitution also does not prohibit incumbents' family members from seeking office, making political dynasties a tactic for retaining power.⁹¹ This trend became particularly evident, when President Jokowi's eldest son, Gibran Rakabuming Raka, was selected as Prabowo's vice-presidential candidate, aided by a high court ruling led by Gibran's uncle.⁹² Prabowo and Gibran's coalition, supported by Jokowi's political party and his allies, promised to continue Jokowi's policies and unify Indonesia. If there are no significant institutional adjustments,

⁸⁷ Diego Fossati, "The resurgence of ideology in Indonesia: Political Islam, Aliran and political behaviour," *Journal of Current Southeast Asian Affairs* 38, no. 2 (2019): 120.

⁸⁸ Mohamed Nawab Mohamed Osman and Prashant Waikar, "Fear and Loathing: Uncivil Islamism and Indonesia's Anti-Ahok Movement," *Indonesia*, no. 106 (October 2018): 98, <https://www.jstor.org/stable/10.5728/indonesia.106.0089>.

⁸⁹ International Commissions of Jurists, "Indonesia: Newly Revised ITE Law Threatens Freedom of Expression and Must Be Amended," 2023, accessed May 9, 2024, <https://www.icj.org/indonesia-newly-revised-ite-law-threatens-freedom-of-expression-and-must-be-amended>.

⁹⁰ Liam Scott, "Is Indonesia Criminalizing Journalism?" *Coda*, August 24, 2022, accessed May 9, 2024, <https://codastory.com/authoritarian-tech/indonesia-freedom-of-expression/>.

⁹¹ Kenawas, Yoes C. "The irony of Indonesia's democracy: The rise of dynastic politics in the post-Suharto era." *Asian Journal of Comparative Politics* 8, no. 3 (2023): 758.

⁹² Paddock, Richard C., and Muktita Suhartono. "For Indonesia's President, a Term Is Ending, but a Dynasty Is Beginning." *New York Times*, January 7, 2024, A7. *Gale Academic OneFile* (accessed June 1, 2024). <https://link.gale.com/apps/doc/A778460135/AONE?u=anon~17f0946&sid=googleScholar&xid=5750e16b>.

this pattern is probably going to continue in Indonesia.⁹³ Given these developments, although Indonesia successfully overthrew the authoritarian regime of Suharto and showed improvements in some aspects of its governance, the country is once again drifting away from its democratic aspirations. These illiberal practices, along with counter-democracy approaches to prevent the regression of liberal democracy in Indonesia, will be further analyzed in the following chapter.

Chapter IV: Analysis of Indonesia's case

Democracy under pressure

As illustrated in the previous chapter, the country's democratic landscape has taken an illiberal turn. The democracy anticipated after the fall of authoritarianism in the late 1990s has yet to be realized and remains under pressure. Digital platforms have emerged as new arenas for manipulating public opinion and polarizing society.⁹⁴ Political elites, including Jokowi, managed to control most media companies by using both pressure and incentives.⁹⁵ For instance, Hary Tanoesoedibjo, a media owner, pledged his loyalty to Widodo in 2017 after being warned that a case would be opened against him if he didn't support Jokowi in the 2019 election.⁹⁶ This instrument was used to delegitimize critics and disseminate disinformation which represents a regression in the preventive measures that Rosanvallon considers essential for holding those in power accountable and upholding democratic ideals. Many restrictive laws, particularly those curtailing religious freedom and expression, persist. These regulations further deepening the polarization and allows the rise of radical political Islam in Indonesia. The 2006 regulation, for instance, continued to empower religious majorities within communities to

⁹³ Kenawas, Yoes C. "The irony of Indonesia's democracy: The rise of dynastic politics in the post-Suharto era." *Asian Journal of Comparative Politics* 8, no. 3 (2023): 760.

⁹⁴ Tapsell, Ross. *Media power in Indonesia: Oligarchs, citizens and the digital revolution*. Rowman & Littlefield, 2017.

⁹⁵ Ufen, Andreas. "The Rise of Digital Repression in Indonesia under Joko Widodo." (2024): 10.

⁹⁶ Mietzner, Marcus. 2024. "The Limits of Autocratisation in Indonesia: Power Dispersal and Elite Competition in a Compromised Democracy." *Third World Quarterly*, March, 4.

obstruct the religious practices of minority groups or impede their construction of worship facilities.⁹⁷ This has predominantly affected all religions except Muslim, while smaller minorities and indigenous faiths have faced even more severe discrimination. The government's response has been inadequate, failing to prevent Islamic groups from harassing religious minorities or to hold perpetrators accountable.⁹⁸ This undermines the pluralism that is critical to sustaining a polyarchal democracy that Indonesia supposedly is.

Such constraints on free expression highlight the broader challenges that can affect democratic processes, including voting. In democratic societies, fair elections serve as significant symbols of a flourishing liberal democracy. This is because elections give citizens the agency and responsibility to influence and control the public policies in their society.⁹⁹ Achieving genuinely free elections is, however, a formidable task, particularly in large democracies such as Indonesia. The logistical complexity of conducting a presidential election, which necessitates the mobilization of millions of electoral workers in a single day across a nation comprising over ten thousand habitable islands, is enormous.¹⁰⁰ The electoral process is fraught with opportunities for manipulation, particularly because it takes over a month to collect and transport election materials from even the most remote areas. Such corruption in the electoral process suggests that the resultant political representation is illegitimate, born not out of lawful democratic processes but through fraudulent activities. In the context of Indonesia's 2024 elections, allegations have surfaced against President Jokowi for ostensibly utilizing state resources and funds to bolster the campaign of the Prabowo's coalition joined by his son.¹⁰¹ Despite legal prohibitions against the

⁹⁷ Harsono, Andreas. 2020. "Indonesia's 'Religious Harmony' Regulation Brings Anything But." *The Jakarta Post*, April 11.

⁹⁸ Harsono, Andreas. 2023. "Indonesia: Events of 2023." *Human Rights Watch*. Accessed [9 May 2024]. <https://www.hrw.org/world-report/2024/country-chapters/indonesia>.

⁹⁹ Manin, Bernard. *The principles of representative government*. Cambridge University Press, 1997, 79.

¹⁰⁰ Antlöv, Hans, and Sven Cederroth. "Elections in Indonesia." *The New Order and beyond* (2021).

¹⁰¹ Astuti, Ngudi, and Dewi Setyarini. "The Advancement Of Gibran In Political Contestation As Vice President Of The 2024 Election In The Perspective Of Political Ethics Of The Indonesian Nation." *Journal of Social Science (JoSS)* 3, no. 1 (2024): 1174-1195.

use of state resources for campaign purposes, Jokowi has been accused of leveraging his political influence to support his son's coalition.

These different aspects of Indonesia's current political regime indicate the country's gradual drift away from liberal democratic values. While laws exist, they are often manipulated and primarily affect citizens without power. Equitable participation is restricted by laws that limit media use and freedom of critique. The human rights of minority groups are constantly undermined by laws restricting religious practices and places of worship. Although Indonesia adheres to some democratic norms, such as holding fair elections, allowing media to be privately owned, and permitting people to upload criticism on social media, these mechanisms are not fully democratic. These measures are in the interests of Jokowi and his elites to maintain a low-level democracy, which provides the advantage of democratic legitimacy without the inherent instability of an authoritarian regime.¹⁰²

Kamisan as counter-democracy

a. Kamisan beyond the court

In this thesis, I will use Kamisan, Indonesia's longest-running human rights protest, to analyze the existing counter-democratic mechanisms in the country. Kamisan, which held weekly on Thursdays since 2007, was established by the families of people who had their rights violated, particularly those who had died or disappeared during Suharto's authoritarian regime (1966-1998).¹⁰³ Participants in the protest wear all-black attire and hold black umbrellas in front of the Presidential Palace. Kamisan is a peaceful protest rooted in the hope that the perpetrators of these crimes will eventually be sentenced in a court of law. Peaceful protests like Kamisan encourage unity among many social groups and are emulated in other Indonesian cities, where protestors congregate at locations that represent governmental authority. Over the years, Kamisan's goals have expanded to include calls for judicial proceedings to

¹⁰² Hadiprayitno, Irene. "Systematic fraud: Tempo coverage of Indonesia's presidential election 2024." (2024): 298-305.

¹⁰³ Setiawan, Ken MP. "Struggling for justice in post-authoritarian states: Human rights protest in Indonesia." *The International Journal of Human Rights* 26, no. 3 (2022): 549.

hold human rights violators accountable.¹⁰⁴ The protest has become a public tradition among Indonesian human rights activists and organizations, symbolizing the ongoing struggle for justice and accountability.



Figure 1. Kamisan protestors carrying banners that read ‘600 Thursdays, when is the justice for human rights victims?’ and ‘Don’t be silent! Fight!’. Photograph by Bisma Septalisma, September 5, 2019. CNN Indonesia.¹⁰⁵

Kamisan epitomizes the essence of counter-democratic measures in Indonesia by encompassing the three key mechanisms of counter-democracy. Firstly, this protest represents vigilance by maintaining a consistent presence every Thursday, acting as a watchdog that keeps the government accountable for past human rights abuses. The protest's regularity ensures that these issues remain in the public consciousness and are not forgotten. Through denunciation, Kamisan condemns the injustices and human rights violations committed during Soeharto’s

¹⁰⁴ Atmojo, Bambang Tri, and Yumalaksmi Anggi Safara. "New Social Movements (A Case Study of Aksi Kamisan in Jakarta)." In *Forum Ilmu Sosial*, vol. 48, no. 1, pp. 46-57. 2021.

¹⁰⁵ Bisma Septalisma, *600 Aksi Kamisan di Seberang Istana Tanpa Keadilan Negara*, September 5, 2019, CNN Indonesia, <https://www.cnnindonesia.com/nasional/20190905201651-20-427966/600-aksi-kamisan-di-seberang-istana-tanpa-keadilan-negara>.

authoritarian regime. This public condemnation serves to shame those responsible and pressures the government to address these wrongs. Kamisan also involves evaluation by continuously assessing the government's actions and inactions regarding human rights. In order to make sure that the government is held accountable for past atrocities, the protest assesses the dedication to justice and the rule of law. Kamisan engages in passive resistance by its very nature as a silent, peaceful protest. This non-violent approach challenges the government to acknowledge the protest without providing grounds for violent suppression, thereby preventing further human rights abuses. Lastly, the protest calls for legal accountability, urging the judiciary to take action against perpetrators of human rights violations. Through media coverage and public discourse, Kamisan employs informal societal mechanisms to amplify its message. Media investigations and reports on the protest bring greater awareness and support from the broader public, reinforcing the call for justice.

However, 17 years of Kamisan's existence have not been enough to secure the justice that the victims deserve. President Jokowi proposed non-judicial resolutions for past human rights violations, but the demonstrators rejected these offers and continued their resistance through Kamisan. The participants remain steadfast in their refusal to support any presidential candidates involved in human rights abuses, particularly Prabowo, who is allegedly responsible for the deaths of activists near the end of the New Order regime. Thus, Kamisan received public support from other presidential candidates, Ganjar and Anies, who brought Prabowo's electoral results to court. Both candidates used Kamisan as a symbol, emphasizing Indonesia's need to fight against human rights violators and avoid Jokowi's illiberal practices, thereby preventing a repeat of its authoritarian history. Sumarsih, one of the founders of Kamisan, stated, "*We continue to call for a*

*resolution that holds those accountable through judicial means. If our demands had been met, there would be no Kamisan”.*¹⁰⁶

b. Kamisan in the court

Kamisan underscores the broader narrative that democracy involves more than the mere mechanisms that authorize and legitimize government actions; it includes active participation and contestation by the governed.¹⁰⁷ When the integrity of the ballot box is called into question, citizens frequently resort to the judiciary as means to uphold political accountability. This shift from the public square to the courthouse underscores a perception that normal political processes have faltered, thereby necessitating legal intervention to maintain governance standards.¹⁰⁸ In this instance, Kamisan became a focal point in the 2024 presidential election when Ganjar, one of the presidential candidates, sought to embody its core principles of government accountability in Indonesia’s Constitutional Court. Ganjar questioned the legitimacy of Gibran's candidacy due to his familial connections with the current president, Jokowi. This move underscored the broader issues of political accountability and the influence of entrenched power structures in Indonesia's electoral process.¹⁰⁹

The supporters of Ganjar and another coalition led by Anies Baswedan are endorsing this petition, hoping for a re-evaluation of the election results and a reconsideration of Gibran’s eligibility for the vice presidency. This legal maneuver is a reflection of judgment as a democratic countermeasure, an assertion of the public's oversight role in governance, which is seen as a radical yet necessary action when traditional political avenues fail to rectify perceived injustices.¹¹⁰ This

¹⁰⁶ Salsabila Putri Pertiwi, "They Lied to Us Every Five Years, They are Only Giving Pompous Promises: 17 Years of Kamisan Action," *Konde.co*, March 15, 2024, <https://www.konde.co/2024/02/tiap-5-tahun-kami-dibohongi-janji-manis-tak-dipenuhi-17-tahun-aksi-kamisan-tuntut-keadilan-korban/>.

¹⁰⁷ Rosanvallon, Pierre, and Arthur Goldhammer. *Counter-democracy: Politics in an age of distrust*. Vol. 7. Cambridge University Press, 2008, 180.

¹⁰⁸ Manin, Bernard. *The principles of representative government*. Cambridge University Press, 1997, 228.

¹⁰⁹ Pujianti, Sri. Translated by Fuad Subhan (RA). 2024. "Court Rejects Ganjar-Mahfud's Allegation of Presidential Election Violations." *The Constitutional Court of the Republic of Indonesia*. April 22. Accessed May 9, 2024. https://en.mkri.id/news/details/2024-04-22/Court_Rejects_Ganjar-Mahfud's_Allegation_of_Presidential_Election_Violations.

¹¹⁰ Rosanvallon, Pierre, and Arthur Goldhammer. *Counter-democracy: Politics in an age of distrust*. Vol.

legal demand reflects that democracy is not merely about right to elect representatives; democracy also inherently includes the citizens' right to judge its leaders. Therefore, in this Indonesian scenario, public judgment is rendered through media, demonstrations, and legal challenges, portraying a collective call for accountability where the judiciary operates on behalf of the people, and those judged are cognizant that their decisions help define the political system itself.¹¹¹

However, the court dismissed the petition as legally baseless, stating Ganjar and Anies provided insufficient evidence to support their claims.¹¹² This irrevocable judgment effectively concludes the legal challenges against the election outcome, facilitating Prabowo's securing the presidential office in October 2024. Rosanvallon warns that the idealization of court trials as bastions of legal rigor and transparency often falls short, underscoring the imperfect nature of judicial proceedings in democratic contexts.¹¹³ Moreover, public expectations were already low, given the widespread perception that the court is one of the most tainted institutions in the country. Commonly held views suggest that judges and court officials engage in corrupt practices, such as accepting bribes to favor certain litigants—a sentiment humorously but poignantly captured in an Indonesian adage that equates the word for 'judge' with a phrase meaning "*call me if you want to win*".¹¹⁴ Hence, while a jury's decision might be seen as a more genuine decision than one from the ballot box due to the ramifications of court rulings, the judiciary's credibility is deeply tarnished when it fails to challenge the powerful.¹¹⁵

The official acceptance of Ganjar's petition by the courts, ostensibly reviewing the facts of the case, does not necessarily equate to an unbiased or informed decision-making process. Thus,

7. Cambridge University Press, 2008, 191.

¹¹¹ Ibid., 192.

¹¹² Pujianti, Sri. Translated by Fuad Subhan (RA). 2024. "Court Rejects Ganjar-Mahfud's Allegation of Presidential Election Violations." *The Constitutional Court of the Republic of Indonesia*. April 22. Accessed May 9, 2024. https://en.mkri.id/news/details/2024-04-22/Court_Rejects_Ganjar_Mahfud's_Allegation_of_Presidential_Election_Violations.

¹¹³ Rosanvallon, Pierre, and Arthur Goldhammer. *Counter-democracy: Politics in an age of distrust*. Vol. 7. Cambridge University Press, 2008, 232.

¹¹⁴ Butt, Simon, and Tim Lindsey. "Judicial mafia: The courts and state illegality in Indonesia." In *The state and illegality in Indonesia*, pp. 189-213. Brill, 2010.

¹¹⁵ Ibid.

while mechanisms such as judicial reviews and public appeals are integral to democratic governance, their effectiveness is contingent upon the transparency and integrity with which they are conducted. The alteration of presidential regulations to accommodate candidates under 40,¹¹⁶ ostensibly to succeed Gibran in 2024 presidential election, proving that Indonesian constitutional law does not constrain elites seeking to circumvent it. In this light, both elections and judicial appeals may fall short of democratic ideals, as they do not necessarily empower the governed to mandate the policy changes for which they voted.¹¹⁷

Chapter V: Conclusion

In this thesis, Indonesia serves as a compelling case study to illustrate the transformation from a liberal democracy to an illiberal democracy. To understand this shift, I have elaborated on the theories of liberal and illiberal democracy. Furthermore, I employed counter-democracy theory to elucidate how the people of Indonesia resist these illiberal practices. Kamisan was presented as a central manifestation of existing counter-democracy measures in Indonesia. After all, the counter-democratic processes in Indonesia provoke mixed reactions: they inspire positive citizen activism but also generate political disillusionment. While this form of political involvement is inevitable, it can be challenging to fully comprehend. The effectiveness of counter-democracy lies in its capacity to diminish the influence of ruling powers, as the act of citizens serving as watchdogs directly impacts their role as voters. Democracy paradoxically restricts itself because elected officials find their actions tightly constrained by voter pressures.¹¹⁸

Kamisan plays a crucial role in Indonesia, offering a hopeful means of reinforcing checks and balances, particularly with the support of political actors. However, counter-democratic actions like Kamisan have yet to achieve their aims, largely because protests are often viewed with

¹¹⁶ Heiduk, Felix. *Setting the course after elections in Indonesia: President Prabowo Subianto and the complex legacy of Jokowi*. No. 12/2024. SWP Comment, 2024.

¹¹⁷ Manin, Bernard. *The principles of representative government*. Cambridge University Press, 1997, 183.

¹¹⁸ Rosanvallon, Pierre, and Arthur Goldhammer. *Counter-democracy: Politics in an age of distrust*. Vol. 7. Cambridge University Press, 2008, 253.

suspicion by the Indonesian public, especially when associated with high-risk ideologies such as human rights.¹¹⁹ Additionally, Kamisan's attempt to challenge Gibran and alleged electoral fraud in court was unsuccessful due to a lack of legal evidence,¹²⁰ which can be difficult to obtain if the court is complicit in the process.

Despite these setbacks, Kamisan continues to symbolize the ongoing struggle for justice and accountability in Indonesia. For Kamisan to achieve its goals and gain greater legitimacy, it needs broader public support. Indonesians must collectively criticize the government and take action against undemocratic practices, much like they did in the past while fighting against Soeharto's New Order regime. After all, democracy thrives through the collective actions of elites, the masses, and social groups. If only one group fights while others remain silent, the struggle against impunity becomes futile. If this is the case, then what Gus Dur said remains true: *'This nation is cowardly because it dares not punish the wrongdoers'*.

¹¹⁹ Setiawan, Ken M. P. 2021. "Struggling for Justice in Post-Authoritarian States: Human Rights Protest in Indonesia." *The International Journal of Human Rights* 26 (3): 19. doi:10.1080/13642987.2021.1947805.

¹²⁰ Pujianti, Sri. Translated by Fuad Subhan (RA). 2024. "Court Rejects Ganjar-Mahfud's Allegation of Presidential Election Violations." *The Constitutional Court of the Republic of Indonesia*. April 22. Accessed May 9, 2024. https://en.mkri.id/news/details/2024-04-22/Court_Rejects_Ganjar_Mahfud's_Allegation_of_Presidential_Election_Violations.

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