

Autocratic Legalism and Democratic Backsliding in Indonesia After the 2024 General Election

Selsie Anggela Putri¹, Fifiana Wisnaeni²

^{1,2}Master of Law, Faculty of Law, Universitas Diponegoro

ABSTRACT: Indonesia's 2024 General Election marked an important transition in the country's democratic development following a decade of institutional and political changes under the previous administration. The election formally maintained competitive electoral procedures, yet several developments surrounding electoral regulation, judicial institutions, political alliances, and the distribution of state power raised concerns regarding the quality of constitutional democracy. This article examines the manifestation of autocratic legalism in Indonesia after the 2024 General Election and analyzes its contribution to democratic backsliding. The study employs a normative juridical method using statutory, conceptual, and case approaches to examine constitutional provisions, electoral regulations, judicial decisions, legislation, and relevant scholarly literature. Autocratic legalism is understood as a process in which political actors utilize formally valid legal instruments to consolidate political authority while gradually weakening institutional checks, judicial independence, political competition, and public accountability. The analysis indicates that post-election democratic challenges cannot be understood solely through electoral outcomes but must also be examined through the interaction between political power and legal institutions. Changes in political coalitions, the increasing concentration of executive and legislative influence, controversies surrounding judicial decisions, and the instrumental use of legal mechanisms demonstrate the potential transformation of law from an instrument of democratic limitation into an instrument of political consolidation. Democratic backsliding therefore occurs gradually through institutional weakening rather than through an immediate transition toward authoritarian rule. Strengthening judicial independence, electoral integrity, institutional checks and balances, civil liberties, and meaningful public participation is essential to prevent the normalization of autocratic legalism and preserve Indonesia's constitutional democracy.

KEYWORDS: Autocratic Legalism; Democratic Backsliding; Indonesian Democracy.

I. INTRODUCTION

Democracy in Indonesia has undergone substantial institutional transformation since the Reformasi era, particularly through constitutional amendments, electoral competition, decentralization, and the establishment of institutions designed to limit executive authority. The post-1998 democratic order was constructed around the principle that political power must operate within constitutional constraints and remain subject to institutional oversight. The 1945 Constitution after its amendments established a more complex distribution of authority among executive, legislative, and judicial institutions, while direct elections strengthened the principle of popular sovereignty. Democratic consolidation nevertheless remains dependent not merely on the existence of elections but also on the ability of institutions to maintain accountability, protect political competition, and constrain the abuse of governmental authority (Shimada, 2024).

The 2024 General Election represented an important test of these democratic institutions because it occurred after a decade characterized by significant political and legislative developments under President Joko Widodo. The administration achieved considerable political stability and maintained strong electoral support, while simultaneously facing criticism concerning the weakening of institutional checks and balances. Several legal and institutional changes during the period demonstrated tensions between governmental effectiveness and constitutional limitations on executive power. Research examining legislative developments during the Jokowi administration indicates that certain legal policies reflected incomplete constitutionalism, particularly when assessed through the principles of limitations on executive authority and respect for human rights (Shimada, 2024).

The concept of autocratic legalism provides an appropriate analytical framework for understanding this phenomenon. Scheppele defines autocratic legalism as a process through which leaders who obtain power through democratic mechanisms subsequently employ legal instruments to dismantle constitutional constraints and consolidate political authority (Scheppele, 2018). The concept is important because democratic erosion does not necessarily begin with the abolition of elections, suspension of

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constitutions, or overt military intervention. Democratic institutions may continue to exist formally while their substantive capacity to constrain political power is gradually reduced through legislation, judicial manipulation, institutional restructuring, and political control over state resources (Scheppele, 2018).

Indonesia's experience illustrates the relevance of this theoretical perspective because the country has not experienced a conventional authoritarian reversal following the Reformasi period. Elections continue to be held, political parties remain active, courts continue to issue decisions, and constitutional institutions retain their formal authority. Democratic backsliding may nevertheless emerge when these institutions become increasingly unable to perform their checking functions independently. The distinction between formal institutional survival and substantive institutional effectiveness is therefore central to evaluating Indonesia's democratic trajectory after the 2024 General Election.

The period surrounding the 2024 election generated particular concern regarding the relationship between political power and judicial institutions. The Constitutional Court became a central institution in the electoral process after issuing a decision concerning the eligibility requirements for presidential and vice-presidential candidates. The subsequent involvement of the Court's leadership in an ethical controversy intensified public debate about judicial independence and conflicts of interest. The episode demonstrated how constitutional adjudication can become politically consequential when judicial decisions directly affect electoral competition and political succession.

The controversy surrounding candidate eligibility was particularly significant because the decision altered the interpretation of the minimum age requirement for presidential and vice-presidential candidates. The decision enabled individuals who had previously been excluded by the ordinary age requirement to qualify under a judicially created exception. The subsequent finding of an ethical violation involving the Chief Justice of the Constitutional Court generated concerns regarding the integrity of judicial decision-making. Such circumstances illustrate the vulnerability of constitutional institutions when legal interpretation intersects with immediate political interests.

The 2024 electoral process also demonstrated the importance of political alliances and the concentration of institutional power. Political competition did not disappear, yet the configuration of political parties after the election produced an unusually broad governing coalition. A broad coalition can provide political stability and facilitate policy implementation, but excessive concentration of political power may reduce the effectiveness of parliamentary opposition and weaken horizontal accountability. Democratic systems require not only the existence of political parties but also meaningful competition among political forces capable of scrutinizing governmental decisions.

The relationship between law and political power became even more significant during the transition from the Jokowi administration to the Prabowo Subianto administration. The electoral victory of Prabowo represented a constitutional transfer of executive authority through an established electoral mechanism. The transition nevertheless occurred within a political environment shaped by the preceding administration's alliances, institutional decisions, and political networks. The continuity of political elites across administrations raises an important analytical question regarding whether electoral transition necessarily produces institutional renewal or may instead facilitate the continuation of previously established patterns of power consolidation.

Recent scholarship directly identifies the 2024 election as a context in which autocratic legalism can be observed in Indonesia. Jebabun identifies several patterns, including manipulation of judicial institutions, problematic internal party mechanisms, manipulative legislative processes, politicization of public policy, and instrumentalization of the state bureaucracy (Jebabun, 2025). The study argues that these practices can distort the rule of law while maintaining the outward appearance of legality. The finding is particularly relevant because it demonstrates that democratic erosion may occur through formally legal procedures rather than through explicit violations of constitutional rules.

The phenomenon of democratic backsliding is closely related to the operation of autocratic legalism. Democratic backsliding refers to a gradual deterioration of democratic institutions, norms, rights, and accountability mechanisms. The process generally occurs incrementally and may be difficult to identify because individual institutional changes can appear legitimate when examined separately. The cumulative effect becomes more visible when legal and political reforms consistently strengthen incumbent power while reducing institutional constraints and opportunities for meaningful opposition.

The Indonesian context requires an analysis that avoids treating democracy as synonymous with electoral procedures. Elections constitute an essential component of democracy, but electoral democracy requires institutional conditions that allow citizens to exercise meaningful political choice. Electoral competition becomes substantively weakened when political institutions are captured, judicial independence is compromised, civil society faces restrictions, or state resources become instruments of political consolidation. Democratic quality therefore depends on the interaction between elections, constitutionalism, rule of law, political pluralism, and institutional accountability.

The post-election period is particularly important because the conclusion of an election does not end the democratic process. Political actors who obtain electoral legitimacy subsequently exercise authority through legislation, executive policies, appointments, public administration, and institutional decision-making. The post-election period therefore provides an opportunity to determine whether electoral legitimacy strengthens constitutional democracy or becomes a justification for expanding political

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control. Scheppele emphasizes that legalistic autocrats frequently rely on electoral mandates to legitimize subsequent efforts to weaken constitutional constraints (Scheppele, 2018).

The Indonesian experience also demonstrates that democratic erosion cannot be attributed to a single political actor or isolated institutional event. Political parties, executive institutions, legislative bodies, courts, bureaucratic institutions, and political elites interact within a broader system of incentives. Institutional weakness may emerge when political actors prioritize short-term political interests over constitutional principles. Democratic resilience consequently requires institutional independence as well as political norms that discourage the instrumentalization of legal authority.

The legal framework governing the formation of legislation provides another important dimension of the analysis. The principle of legality requires laws to be produced through constitutionally prescribed procedures and to respect higher legal norms. Legislative authority can nevertheless become problematic when formal procedures are used to legitimize substantive restrictions on democratic rights or when legislation is designed primarily to facilitate political consolidation. Research concerning the formation of the Nusantara Capital City Law, for example, has examined the relationship between legislative authority, the rule of law, and possible limitations on autocratic legalism (Mahardika, 2024).

The weakening of democratic institutions may also occur through the politicization of public administration. Bureaucratic institutions possess significant resources that can influence electoral and political competition. The instrumentalization of bureaucracy can undermine neutrality when public institutions become closely aligned with governing political interests. Such developments are particularly significant in a democratic system because bureaucratic neutrality constitutes an important safeguard against the unequal use of state resources in political competition.

The same concern applies to the protection of civil liberties and public participation. Democratic institutions require freedom of expression, association, assembly, and access to information to enable citizens to monitor governmental conduct. Legal restrictions that disproportionately burden these freedoms may reduce the capacity of civil society to challenge governmental power. Democratic backsliding therefore involves not only changes to formal institutions but also the gradual narrowing of the social and political space required for effective democratic accountability.

The central problem addressed by this study is the relationship between the continued existence of democratic institutions and the simultaneous possibility of their gradual erosion. Indonesia cannot simply be classified as an authoritarian state because elections, political competition, constitutional institutions, and civil society remain present. The more relevant question concerns whether these institutions continue to operate effectively as mechanisms for limiting political power. The concept of autocratic legalism allows this study to examine precisely this tension between formal legality and substantive democratic accountability.

The study focuses specifically on Indonesia after the 2024 General Election because the election constitutes a critical transition point in the country's contemporary political development. The post-election period provides an opportunity to evaluate whether political and institutional practices associated with the electoral process have strengthened or weakened democratic safeguards. The analysis focuses on judicial independence, legal and institutional arrangements, political consolidation, electoral integrity, and mechanisms of accountability. The study does not characterize every controversial governmental action as authoritarian but evaluates patterns that collectively may indicate democratic erosion.

The first research question examines how autocratic legalism manifests in Indonesia after the 2024 General Election. The second research question examines how such practices contribute to democratic backsliding. The first question focuses on the institutional and legal mechanisms through which political power is exercised, while the second evaluates their broader consequences for constitutional democracy. The distinction allows the analysis to establish a logical relationship between the mechanisms of autocratic legalism and the process of democratic deterioration.

The study contributes to the discussion of Indonesian democracy by placing post-2024 developments within the broader theoretical debate on contemporary democratic decline. Existing discussions frequently evaluate Indonesia through individual issues such as electoral integrity, judicial independence, political dynasties, corruption, or legislative reform. This article connects these dimensions through the analytical framework of autocratic legalism. The approach enables a more systematic assessment of how formally lawful institutional practices can collectively produce consequences that are inconsistent with substantive democratic principles.

The importance of this analysis extends beyond the assessment of a particular administration or political coalition. Democratic institutions can remain vulnerable regardless of which political actor controls government. Institutional safeguards that are weakened for the benefit of one political coalition may subsequently be used by another coalition. The protection of democracy therefore depends on establishing institutional rules that constrain political power regardless of the identity of the governing elite.

The post-2024 Indonesian political environment consequently represents an important case for examining the contemporary forms of democratic backsliding. The country retains significant democratic institutions and a politically active society, indicating that democratic decline is neither inevitable nor complete. The persistence of institutional vulnerabilities nevertheless demonstrates the need for stronger constitutional safeguards, independent judicial institutions, competitive political structures, and meaningful public oversight. The analysis of autocratic legalism can help identify these vulnerabilities before institutional erosion becomes

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sufficiently entrenched to undermine the foundations of constitutional democracy.

II. FORMULATION OF THE PROBLEM

1. How does autocratic legalism manifest in Indonesia after the 2024 General Election?
2. How does autocratic legalism contribute to democratic backsliding in Indonesia after the 2024 General Election?

III. RESEARCH METHOD

This research employs a normative juridical method to examine the relationship between autocratic legalism and democratic backsliding in Indonesia after the 2024 General Election. The research focuses on legal norms, constitutional principles, statutory provisions, judicial decisions, and scholarly interpretations concerning the exercise and limitation of political power within Indonesia's constitutional system. The normative juridical approach is appropriate because the study analyzes how legal instruments and institutional mechanisms may be utilized to strengthen political power while formally remaining within the framework of legality (Soekanto & Mamudji, 2015).

The research applies three approaches, namely the statutory approach, conceptual approach, and case approach. The statutory approach examines relevant provisions of the 1945 Constitution, electoral legislation, legislation concerning state institutions, and other regulations governing democratic institutions. The conceptual approach examines the concepts of autocratic legalism, democratic backsliding, constitutionalism, rule of law, separation of powers, and checks and balances developed in contemporary constitutional and political scholarship (Scheppele, 2018; Bermeo, 2016). The case approach examines relevant constitutional and judicial developments surrounding the 2024 General Election, particularly matters involving presidential candidacy requirements, judicial ethics, institutional independence, and the relationship between legal decisions and political interests.

The legal materials consist of primary, secondary, and tertiary legal materials. Primary legal materials include constitutional provisions, statutes, regulations, and judicial decisions, while secondary materials include peer-reviewed journal articles, academic books, and scholarly studies concerning Indonesian democracy and democratic erosion. The analysis uses a qualitative descriptive method by interpreting legal materials and connecting them with the theoretical framework of autocratic legalism and democratic backsliding. The conclusions are formulated deductively by examining the relationship between the use of legal mechanisms, institutional power, and the quality of Indonesia's constitutional democracy after the 2024 General Election.

IV. DISCUSSION

A. The Manifestation of Autocratic Legalism in Indonesia after the 2024 General Election

Autocratic legalism manifests through the strategic use of legal instruments by political actors to obtain, preserve, and expand political authority while maintaining the formal appearance of constitutional legality. The concept differs from conventional authoritarianism because political power is not necessarily exercised through the suspension of elections or direct abolition of constitutional institutions. Legal rules, judicial decisions, legislative procedures, and institutional mechanisms can instead become instruments through which political interests are advanced within formally recognized constitutional procedures (Scheppele, 2018). Indonesia's post-2024 political environment demonstrates several institutional developments that can be analyzed through this framework, particularly regarding judicial institutions, electoral rules, political consolidation, and the relationship between state institutions and political interests. The manifestation of *autocratic legalism* first becomes visible through the interaction between constitutional adjudication and electoral competition. The Constitutional Court occupies a strategically important position because its decisions can directly determine the legal boundaries of political competition. The Court's authority to interpret constitutional provisions is essential for maintaining constitutional democracy, yet the exercise of such authority requires institutional independence and impartiality. Judicial power becomes vulnerable when constitutional interpretation produces immediate political consequences and simultaneously raises questions regarding conflicts of interest or ethical compliance.

The controversy surrounding Constitutional Court Decision Number 90/PUU-XXI/2023 represents an important example within this discussion. The decision modified the interpretation of the presidential and vice-presidential candidate age requirement by creating an exception for candidates who had experience as elected regional officials. The ruling had significant political consequences because it opened the possibility for Gibran Rakabuming Raka to participate in the 2024 presidential election as the vice-presidential candidate of Prabowo Subianto. The subsequent decision of the Constitutional Court's Honorary Council found serious ethical violations involving the then Chief Justice, Anwar Usman, particularly concerning the handling of the case and conflict-of-interest considerations (MKMK, 2023).

The legal validity of a judicial decision and the institutional legitimacy of the process producing that decision constitute two different dimensions of constitutional governance. A decision may remain formally binding while the circumstances surrounding

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its issuance create concerns about judicial integrity. Judicial independence requires not only protection from direct political intervention but also institutional procedures that ensure impartiality and public confidence. The controversy surrounding Decision Number 90 therefore demonstrates how formal legality alone cannot sufficiently guarantee substantive constitutionalism.

The phenomenon becomes more significant when analyzed through Scheppele's conception of *autocratic legalism*. Political actors operating within democratic institutions may use legal procedures to alter institutional conditions in ways that benefit particular political interests. The crucial characteristic is not necessarily whether a particular decision violates the written law, but whether legal mechanisms are repeatedly employed to weaken institutional constraints and create advantages for those controlling political power (Scheppele, 2018). The Indonesian case therefore requires examination of the cumulative institutional consequences rather than an isolated assessment of individual judicial decisions.

The role of political institutions after the 2024 election provides another manifestation. Indonesia's presidential system requires institutional checks and balances between the executive, legislative, and judicial branches. The effectiveness of such mechanisms depends heavily on the existence of political forces capable of exercising meaningful oversight over the government. A political system in which governing parties dominate legislative institutions may preserve the formal separation of powers while reducing the practical intensity of political accountability.

Political coalition formation following the 2024 election illustrates this tension. Prabowo Subianto's administration developed a broad governing coalition involving numerous political parties. Political coalitions are legitimate components of representative democracy and can contribute to governmental stability. The democratic concern emerges when coalition expansion substantially reduces the institutional capacity of opposition parties to scrutinize executive policies, particularly when political parties prioritize access to governmental power over their constitutional role as mechanisms of representation and oversight.

The consolidation of political parties within government can consequently create an imbalance between governmental stability and democratic accountability. A strong executive supported by a broad parliamentary coalition may encounter fewer political obstacles in passing legislation and implementing policy. The absence of effective opposition does not automatically establish authoritarianism, but it can weaken one of the practical mechanisms through which executive authority is controlled. Such a condition becomes relevant to *autocratic legalism* when legal and institutional arrangements are subsequently used to reinforce the political dominance of the governing coalition.

Political dynasticism also constitutes an important dimension of the analysis. Political families may participate in elections legitimately and voters retain the authority to determine electoral outcomes. Democratic concerns arise when institutional rules are altered or interpreted in ways that facilitate the political advancement of particular family members while simultaneously weakening equal political competition. The use of institutional authority to create or modify eligibility conditions for political succession may transform legal rules from neutral mechanisms of political competition into instruments that facilitate political continuity.

The issue of political succession is especially significant in the Indonesian context because the 2024 election represented both an electoral transition and a continuation of political networks established during the previous administration. Gibran's candidacy generated considerable debate because of his relationship with the incumbent president and the Constitutional Court decision concerning candidate eligibility. The subsequent election of Prabowo and Gibran demonstrated that electoral competition remained operative, yet the circumstances surrounding candidate eligibility raised questions about whether institutional rules had been applied with sufficient neutrality. The situation illustrates the distinction between electoral legality and substantive equality of political competition.

The legislative process constitutes another arena in which *autocratic legalism* may emerge. Parliament possesses constitutional authority to formulate laws, yet legislative power can become problematic when accelerated procedures, limited public participation, or insufficient deliberation are used to produce politically consequential legislation. The formal enactment of a statute does not by itself establish substantive legitimacy. Democratic legislation requires transparency, deliberation, meaningful participation, constitutional conformity, and respect for fundamental rights.

The experience of legislative reform during the Jokowi administration provides an important background for understanding post-election developments. Studies have identified concerns regarding the quality of legislative deliberation and the relationship between executive power and legislative institutions. Shimada (2024) argues that the Indonesian government under Jokowi demonstrated characteristics of incomplete constitutionalism, particularly through institutional and legislative developments that affected the balance between governmental authority and constitutional constraints. These developments provide an institutional context for examining whether patterns of legal instrumentalization continue beyond the 2024 electoral transition.

The use of legal instruments for political consolidation does not necessarily require laws specifically designed to benefit a single political individual. Institutional restructuring may produce broader advantages for incumbent political coalitions by altering the distribution of authority, weakening independent institutions, or reducing the capacity of civil society to challenge government policy. The cumulative effect of these measures can gradually modify the political environment without producing a dramatic constitutional rupture. Democratic institutions therefore require continuous monitoring because erosion frequently occurs through incremental changes rather than a single decisive event (Bermeo, 2016).

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The concept of *democratic backsliding* reinforces this interpretation. Bermeo (2016) explains that contemporary democratic decline increasingly occurs through gradual processes rather than traditional military coups or abrupt executive seizures of power. Electoral manipulation, executive aggrandizement, and strategic institutional changes may gradually weaken democratic competition while maintaining the appearance of constitutional continuity. Indonesia's experience is relevant to this theoretical development because democratic institutions remain formally operational while concerns regarding institutional independence and accountability continue to emerge.

Executive aggrandizement represents one of the most relevant mechanisms in this context. Executive aggrandizement occurs when elected executives gradually expand their authority by weakening institutional constraints without necessarily violating constitutional rules in an obvious manner (Bermeo, 2016). The Indonesian presidential system gives the executive significant authority, particularly when supported by strong legislative coalitions. The potential risk arises when political legitimacy derived from elections is treated as sufficient justification for reducing institutional scrutiny.

The legal system consequently occupies an ambivalent position in the process. Law can serve as a mechanism for limiting government authority, protecting rights, and ensuring institutional accountability. Law can also become an instrument for political consolidation when its production, interpretation, or enforcement is influenced by concentrated political interests. The central issue is therefore not simply whether governmental action has a legal basis but whether the legal system continues to perform its constitutional function as a restraint on political power.

Judicial independence becomes particularly important in this regard. Courts must be capable of reviewing governmental and legislative action without political retaliation or institutional interference. Constitutional courts have an especially sensitive role because their decisions determine the boundaries of political authority and constitutional rights. Any perception that constitutional adjudication is politically influenced can undermine public trust and reduce the effectiveness of judicial review as a democratic safeguard.

The post-2024 period also demonstrates that political consolidation can occur through legitimate democratic mechanisms. Political parties may voluntarily join governing coalitions, legislators may support government policies, and elected officials may appoint political allies to government positions within the applicable legal framework. These actions become analytically significant when their cumulative effect reduces political pluralism and weakens institutional checks. The distinction between legitimate coalition-building and democratic erosion therefore depends on whether alternative political forces retain meaningful capacity to exercise oversight.

The Indonesian case should consequently not be interpreted as a completed transition toward authoritarianism. The country continues to possess competitive elections, an active civil society, independent media organizations, constitutional institutions, and mechanisms of judicial review. These democratic resources indicate substantial institutional resilience. The existence of resilience, however, does not eliminate the possibility of democratic backsliding because democratic erosion can occur while formal institutions remain intact (Lührmann & Lindberg, 2019).

The manifestation of *autocratic legalism* is therefore best understood as a pattern rather than an isolated legal event. Judicial controversies, political coalition consolidation, political succession, legislative practices, and institutional appointments become significant when they collectively reduce the effectiveness of democratic constraints. Each development may possess a formal legal justification, yet their interaction can produce an environment in which political power becomes increasingly concentrated. The analytical focus must consequently remain on the relationship between legality, institutional independence, political competition, and constitutional accountability.

The Indonesian experience after the 2024 General Election demonstrates the importance of distinguishing between **legal constitutionalism** and **substantive constitutionalism**. Legal constitutionalism emphasizes compliance with formal procedures and legal authority. Substantive constitutionalism requires that the exercise of legal authority remain consistent with democratic values, human rights, institutional independence, equality, and limitations on governmental power. *Autocratic legalism* becomes possible when formal legality is preserved while substantive constitutional restraints are progressively weakened.

The first research question can therefore be answered by identifying several manifestations of *autocratic legalism* in Indonesia after the 2024 General Election. The first manifestation concerns the politicization and controversy surrounding constitutional adjudication, particularly where judicial interpretation has direct implications for political succession. The second manifestation concerns political consolidation that may reduce the effectiveness of legislative opposition and institutional oversight, while the third concerns the strategic use of legal and institutional mechanisms to facilitate political continuity. These developments do not establish that Indonesia has ceased to be democratic, but they demonstrate institutional vulnerabilities that can facilitate democratic backsliding when left unchecked.

The central characteristic of Indonesia's post-2024 situation is consequently the coexistence of **formal democratic procedures** and **substantive institutional vulnerabilities**. Elections continue to provide mechanisms for political participation, yet electoral legitimacy alone cannot guarantee democratic governance. Constitutional democracy requires political power to remain subject to independent institutions, legal limitations, public scrutiny, and meaningful competition. The persistence of these

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requirements determines whether Indonesia can strengthen democratic consolidation or move further toward a pattern of gradual democratic erosion.

B. The Contribution of Autocratic Legalism to Democratic Backsliding in Indonesia after the 2024 General Election

Democratic backsliding refers to a process in which the quality of democratic governance gradually deteriorates through the weakening of political competition, institutional checks, civil liberties, judicial independence, and accountability mechanisms. The process differs from a conventional authoritarian takeover because democratic institutions may continue to exist while their substantive capacity to constrain political power progressively declines (Bermeo, 2016). Indonesia's post-2024 political development is relevant to this framework because elections, political parties, courts, and representative institutions remain formally operational, while several institutional developments have generated concerns regarding the resilience of constitutional democracy. The relationship between autocratic legalism and democratic backsliding therefore becomes visible when formally legitimate legal mechanisms are repeatedly utilized in ways that strengthen political concentration and weaken institutional constraints.

The contribution of autocratic legalism to democratic backsliding can first be observed through the transformation of law from an instrument of limitation into an instrument of political consolidation. Constitutional democracy assumes that law functions as a mechanism for restricting governmental authority and protecting citizens against arbitrary power. Autocratic legalism reverses this function by allowing political authorities to employ legislation, judicial interpretation, administrative decisions, and institutional restructuring to advance political objectives while retaining the appearance of legality (Scheppele, 2018). The danger emerges when legal compliance becomes the primary measure of democratic legitimacy while substantive principles of accountability, equality, institutional independence, and political competition receive insufficient protection.

The Indonesian experience demonstrates that the process of democratic erosion cannot be separated from the quality of legal institutions. Jebabun (2025) identifies manipulation of judicial institutions, problematic internal party mechanisms, manipulative legislation, politicization of public policy, and instrumentalization of bureaucracy as interconnected manifestations of autocratic legalism during the 2024 electoral period. These mechanisms have different institutional locations but produce a similar consequence when they reduce the ability of democratic institutions to constrain political power. The cumulative effect is more significant than any individual legal controversy because democratic backsliding generally develops through gradual institutional weakening rather than an immediate abolition of democratic procedures.

Judicial independence represents the first major pathway through which autocratic legalism can contribute to democratic backsliding. Courts constitute essential safeguards because they provide mechanisms for reviewing governmental action, protecting constitutional rights, and resolving political disputes according to law. Judicial institutions lose their democratic function when political interests influence their composition, procedures, or decision-making processes. The erosion of judicial independence consequently removes one of the most important barriers against executive and legislative overreach.

The Constitutional Court occupies a particularly strategic position within Indonesia's democratic system. Its constitutional authority includes reviewing legislation, resolving disputes concerning election results, deciding disputes regarding political parties, and addressing constitutional questions that may affect political competition. Decisions involving electoral eligibility can therefore directly influence the configuration of political power. The controversy surrounding Decision Number 90/PUU-XXI/2023 illustrates how judicial interpretation can become politically consequential when a constitutional ruling changes the conditions of electoral eligibility.

The decision concerning presidential and vice-presidential eligibility generated significant institutional consequences because it created an exception to the existing age requirement based on previous experience as an elected regional official. The decision enabled Gibran Rakabuming Raka to qualify for the 2024 vice-presidential contest despite not meeting the ordinary minimum age requirement. The Constitutional Court's Honorary Council subsequently determined that Chief Justice Anwar Usman had violated ethical principles in relation to the handling of the case and removed him from the position of Chief Justice (MKMK, 2023). The institutional controversy did not invalidate the election itself, but it generated concerns regarding judicial impartiality and the credibility of constitutional adjudication. Judicial legitimacy constitutes an essential component of democratic resilience because citizens must trust that courts apply constitutional principles independently of political interests. Public confidence can decline when judicial decisions appear closely connected to the interests of political elites or particular candidates. The problem becomes more serious when the affected institution is responsible for determining the rules under which political competition takes place. Democratic backsliding can therefore occur indirectly through declining confidence in institutions that are supposed to protect democratic competition.

The revision of the Constitutional Court Law provides another dimension of this concern. The proposed changes in 2024 included provisions affecting judicial tenure and the institutional composition of the Court's ethics mechanism, generating criticism that political institutions could obtain greater influence over judicial independence. Legal observers expressed concern that increased involvement of appointing political institutions could weaken the Court's autonomy (Reuters, 2024). The controversy demonstrates how institutional reform can have consequences beyond technical judicial administration because changes in appointment, tenure,

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and disciplinary mechanisms may affect the independence of constitutional adjudication.

Legislative dominance constitutes a second pathway linking autocratic legalism to democratic backsliding. Parliament is constitutionally responsible for representing citizens and exercising legislative oversight over the executive. Parliamentary majorities can nevertheless become instruments of executive consolidation when party interests are closely aligned with governmental interests. The formal existence of parliamentary procedures does not guarantee effective checks and balances when political incentives discourage legislators from challenging the executive.

The Indonesian political configuration after the 2024 election illustrates this potential problem. Prabowo Subianto's administration was supported by a broad coalition of political parties, creating substantial political support within the legislature. Coalition government is not inherently inconsistent with democracy because democratic parties have legitimate authority to negotiate and cooperate after elections. The democratic risk appears when coalition expansion substantially reduces the number and influence of political actors willing to perform the opposition function.

Effective opposition is an essential element of democratic accountability. Opposition parties provide alternative policy perspectives, scrutinize governmental expenditure, challenge legislation, and communicate public dissatisfaction with government decisions. A legislature dominated by governing coalition parties may retain formal oversight powers while exercising them less aggressively. The weakening of opposition capacity therefore contributes to democratic backsliding when legislative institutions become increasingly oriented toward supporting rather than scrutinizing executive authority.

Political party incentives intensify this problem. Indonesian political parties operate within a system where access to governmental positions, resources, and policy influence can create strong incentives for coalition participation. Political parties may consequently prioritize participation in government over maintaining a clear ideological or institutional opposition. The resulting concentration of political power can reduce political pluralism without eliminating elections or formally prohibiting opposition parties.

The relationship between political parties and democratic backsliding also involves internal party democracy. Political parties are fundamental institutions for aggregating political interests and recruiting political leaders. Weak internal accountability can allow party leadership to concentrate decision-making authority and limit opportunities for members to influence candidate selection or political strategy. Jebabun (2025) identifies the misuse of internal political party mechanisms as one of the patterns associated with autocratic legalism in Indonesia's 2024 election context.

Political dynasticism represents another dimension of this process. Political families are not automatically incompatible with democracy because voters retain the right to elect candidates regardless of family background. The democratic problem emerges when institutional rules or interpretations are altered to create disproportionate opportunities for particular political families. The combination of political influence, institutional control, and legal modification can produce unequal access to political competition. Democratic backsliding consequently occurs when political succession becomes increasingly dependent on elite networks rather than open and competitive political processes.

The candidacy of Gibran provides an important case for examining this issue. His relationship with the incumbent president created a direct connection between electoral competition and presidential family interests. The Constitutional Court decision regarding candidate eligibility subsequently changed the legal circumstances affecting his eligibility. The combination of family political connection and controversial judicial interpretation created a perception that legal institutions could be utilized to facilitate political succession.

Electoral legitimacy alone cannot eliminate these concerns. Prabowo-Gibran obtained victory through the formal electoral process, and the election was constitutionally recognized. Democratic legitimacy nevertheless encompasses more than the numerical outcome of voting because the fairness of the rules governing competition is equally important. An election can remain formally competitive while institutional conditions surrounding candidate eligibility, political resources, media access, bureaucracy, and judicial review create unequal advantages among competitors.

Electoral competition therefore represents a particularly important indicator of democratic resilience. Democratic elections require more than periodic voting because citizens must have meaningful alternatives and candidates must compete under relatively equal institutional conditions. State institutions must remain neutral and public resources must not be systematically transformed into instruments of electoral advantage. Democratic backsliding occurs when the competitive environment gradually becomes less equal while the electoral process itself remains intact.

The instrumentalization of bureaucracy provides a further pathway. Bureaucratic neutrality is essential because state officials administer public programs, control administrative resources, and implement governmental policies throughout the country. Political interference in bureaucracy can create advantages for governing parties while undermining public confidence in state institutions. Jebabun (2025) identifies the instrumentalization of state bureaucracy as one of the principal patterns through which autocratic legalism operated around Indonesia's 2024 elections.

Bureaucratic politicization affects democracy because public institutions possess resources that political competitors do not equally control. Government programs can generate political visibility, public recognition, and electoral advantages for incumbents.

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The distinction between legitimate government policy and political instrumentalization can become difficult when policies are implemented immediately before or during an electoral period. Democratic accountability requires transparent criteria, institutional neutrality, and effective mechanisms for investigating allegations of bureaucratic misuse.

Public policy can similarly become connected to political consolidation. Government policies are legitimate when formulated according to constitutional authority, statutory requirements, public interest, and transparent decision-making. Policy becomes problematic when state resources are distributed selectively to strengthen political loyalty or weaken political opposition. Jebabun (2025) identifies politicization of public policy as another manifestation of autocratic legalism, demonstrating that democratic erosion can extend beyond courts and legislatures into everyday governmental administration.

The legislative process constitutes an additional mechanism through which democratic backsliding may occur. Democratic legislation requires adequate deliberation, transparency, public participation, and respect for constitutional limitations. Legislative acceleration can become problematic when politically significant laws are adopted without sufficient consultation or when public participation becomes merely procedural. Research concerning Indonesia's legislative practices has identified executive dominance and weakened public participation as characteristics that can facilitate autocratic legalism (Putri, 2026).

The experience of the Job Creation Law provides an important institutional precedent. Mochtar and Rishan (2022) identify procedural injustice in the formation of the Indonesian Omnibus Law and associate the process with characteristics of autocratic legalism. Their analysis identifies the co-optation of the ruling party in parliament, violations of legal and constitutional requirements, and weakened judicial independence as factors contributing to the phenomenon. The case demonstrates that legislative procedures can become mechanisms of democratic erosion even when the resulting legislation is formally enacted through parliamentary institutions.

The significance of this precedent extends into the post-2024 period because institutional patterns can persist across administrations. Democratic backsliding does not necessarily begin with a newly elected government. Institutional vulnerabilities created during a previous administration can become resources available to subsequent political actors. The transfer of executive authority therefore does not automatically restore democratic checks when structural weaknesses in courts, parties, parliament, bureaucracy, and legislative procedures remain unresolved.

The weakening of public participation further contributes to democratic backsliding. Public participation enables citizens and civil society organizations to scrutinize proposed legislation, identify potential violations of rights, and demand institutional accountability. Meaningful participation requires access to information, sufficient deliberation time, and mechanisms through which public input can influence legislative outcomes. Participation that exists only formally may preserve the appearance of democratic procedure without providing substantive democratic influence.

Mahardika (2024) emphasizes the importance of strengthening public involvement as a potential limitation on autocratic legalism in legislative processes. The study examines the use of referendum mechanisms in relation to the formation of the Nusantara Capital City Law and connects participatory mechanisms with limitations on legislative authority. The argument reinforces the principle that democratic legitimacy cannot be reduced to parliamentary approval alone. Broader citizen participation can provide an additional institutional barrier against the concentration of law-making power.

Civil liberties constitute another essential dimension of the relationship. Democratic institutions require citizens to criticize government policy without fear of disproportionate legal or administrative consequences. Freedom of expression, assembly, association, and access to information enable society to monitor political institutions. Restrictions that disproportionately affect these freedoms can reduce the capacity of civil society to resist institutional erosion.

The digital environment has made this issue increasingly important. Political communication during the 2024 election relied heavily on social media and digital platforms. Digital platforms can strengthen democratic participation by facilitating political information and mobilization, but they can also intensify misinformation, polarization, and manipulation. Democratic resilience therefore requires institutional capacity to regulate harmful conduct without transforming digital regulation into a mechanism for suppressing legitimate criticism.

The relationship between law and civil liberties becomes especially sensitive when governments invoke public order, security, or digital governance to justify restrictions. Such objectives can possess legitimate constitutional foundations. Democratic accountability requires proportionality, necessity, transparency, and judicial review to ensure that restrictions do not become mechanisms for suppressing dissent. The use of broad legal authority without effective institutional safeguards creates opportunities for autocratic legalism to expand beyond electoral institutions.

The cumulative consequences of these processes demonstrate why autocratic legalism can accelerate democratic backsliding. Judicial controversies can weaken institutional legitimacy, political coalitions can reduce legislative opposition, legal reforms can alter institutional checks, bureaucratic politicization can distort political competition, and restrictions on participation can weaken civil society. Each mechanism affects a different component of democracy. Their interaction creates a reinforcing process in which political power becomes increasingly difficult to challenge through ordinary democratic institutions.

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The process can be represented as a gradual institutional cycle. Political actors obtain legitimacy through elections and subsequently use that legitimacy to strengthen their control over state institutions. Institutional control facilitates legal and administrative decisions that further increase political advantages. Reduced institutional opposition then makes subsequent consolidation easier to implement. The process can continue without eliminating elections because electoral institutions themselves may remain formally functional.

The distinction between democratic survival and democratic quality is therefore essential. Indonesia continues to possess important democratic institutions, including competitive elections, constitutional review, political parties, civil society organizations, and independent media. These institutions demonstrate that democratic backsliding has not produced a complete authoritarian transformation. Institutional vulnerabilities nevertheless indicate that democratic quality can deteriorate even while the basic architecture of electoral democracy remains intact.

Lührmann and Lindberg (2019) emphasize that contemporary democratic decline should be understood through gradual changes in democratic institutions and norms. Such changes may not immediately produce a recognizable authoritarian regime. The gradual nature of the process can make democratic deterioration difficult for citizens and institutions to recognize until significant safeguards have already been weakened. Indonesia's experience demonstrates the importance of identifying incremental institutional changes before they become normalized.

Normalization constitutes a major danger. Legal mechanisms that initially appear exceptional can become accepted political practices when they repeatedly produce favorable outcomes for governing elites. Institutional actors may gradually adapt to political interference, while citizens may become less sensitive to violations of democratic norms. Democratic backsliding becomes increasingly difficult to reverse once weakened institutional practices are treated as ordinary features of governance.

The role of constitutional culture is therefore critical. Constitutional democracy requires political actors to respect not only written rules but also the principles underlying those rules. Political restraint, judicial independence, institutional impartiality, and respect for opposition are essential democratic norms even when they are not always enforceable through direct legal sanctions. The absence of constitutional culture can allow political actors to exploit legal ambiguity and procedural loopholes for political consolidation.

Indonesia nevertheless retains important mechanisms capable of resisting democratic backsliding. The Constitutional Court, Supreme Court, Election Supervisory Agency, General Elections Commission, civil society organizations, universities, media institutions, and citizens provide multiple potential sources of accountability. Public mobilization in response to controversial legislative attempts concerning regional election rules in August 2024 demonstrated that societal resistance can constrain institutional efforts that are perceived as undermining constitutional principles. The episode showed that democratic institutions outside government can function as corrective mechanisms when formal political institutions become insufficiently responsive.

Democratic resilience depends on whether these mechanisms remain sufficiently independent. Institutional resilience cannot rely exclusively on individual officials who are willing to resist political pressure. Durable democracy requires institutional arrangements that make political interference costly and judicial independence structurally protected. Institutional reform should therefore prioritize transparent appointments, secure tenure, effective ethical mechanisms, public participation, and meaningful oversight.

The relationship between autocratic legalism and democratic backsliding can consequently be understood as a relationship between legal instrumentalization and institutional erosion. Autocratic legalism provides political actors with mechanisms for changing institutional conditions without openly abandoning constitutional legality. Democratic backsliding represents the broader consequence when these mechanisms weaken competition, accountability, rights, judicial independence, and checks and balances. The first process concerns how power is exercised through law, while the second concerns what happens to democracy as a consequence.

The second research question can therefore be answered by identifying the cumulative effect of legal instrumentalization on Indonesia's democratic institutions after the 2024 General Election. Autocratic legalism contributes to democratic backsliding by weakening judicial independence, reducing the effectiveness of legislative oversight, facilitating political concentration, creating unequal conditions of political competition, politicizing bureaucracy and public policy, and limiting meaningful public participation. The process remains gradual because formal elections and constitutional institutions continue to operate, creating an appearance of democratic continuity. Democratic backsliding consequently becomes most visible not through the disappearance of democratic institutions but through the progressive reduction of their ability to constrain political power.

Indonesia's post-2024 democratic trajectory therefore cannot be classified simply as either democratic or authoritarian. The more appropriate characterization is a democratic system facing significant institutional vulnerabilities associated with the gradual consolidation of political power. The continued existence of elections and constitutional institutions provides opportunities for democratic recovery, while the normalization of legal instrumentalization presents a continuing risk. The future quality of Indonesian democracy depends on whether political and legal institutions can restore effective checks and balances, protect judicial independence, preserve political competition, and ensure meaningful participation by citizens.

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The central finding is that autocratic legalism does not undermine democracy by eliminating law but by changing the political function of law. Law remains formally present, yet its capacity to limit political power may decline when legal institutions are captured, politicized, or strategically manipulated. The Indonesian case after the 2024 General Election demonstrates that democratic resilience requires more than procedural compliance because constitutional democracy ultimately depends on the substantive independence, accountability, and effectiveness of institutions that constrain political power.

V. CONCLUSIONS

The analysis demonstrates that autocratic legalism in Indonesia after the 2024 General Election manifests through the strategic utilization of legal and institutional mechanisms within formally democratic procedures. The phenomenon can be observed through controversies involving constitutional adjudication, political consolidation, legislative practices, political succession, bureaucratic neutrality, and the relationship between political interests and state institutions. Formal legality remains present, yet the substantive function of law as an instrument for limiting political power can become weakened when legal mechanisms are used to facilitate political consolidation (Scheppele, 2018). The Indonesian experience therefore demonstrates that the existence of elections and constitutional institutions alone cannot guarantee the preservation of substantive constitutional democracy.

Autocratic legalism contributes to democratic backsliding by gradually weakening the institutional mechanisms that limit political authority. Judicial independence may be affected when constitutional institutions become vulnerable to political interests, while legislative oversight can decline when governing coalitions become excessively dominant within representative institutions. Political dynasticism, bureaucratic politicization, instrumentalization of public policy, and restrictions on meaningful public participation can further reduce the quality of political competition and accountability (Bermeo, 2016). Democratic backsliding consequently occurs through cumulative institutional changes rather than an immediate transformation into authoritarian government.

The post-2024 Indonesian political environment should not be characterized as a fully authoritarian system because competitive elections, political parties, constitutional institutions, civil society, media organizations, and judicial mechanisms continue to operate. The findings instead indicate the existence of significant vulnerabilities that can facilitate further democratic erosion when institutional safeguards are not effectively protected. The distinction between formal democratic survival and substantive democratic quality is essential for understanding Indonesia's contemporary political trajectory. Democratic resilience depends on maintaining institutional independence, political pluralism, judicial integrity, transparent law-making, bureaucratic neutrality, and meaningful citizen participation.

Strengthening democratic institutions therefore requires measures that prevent the instrumentalization of law for political consolidation. Judicial appointment and disciplinary mechanisms should guarantee independence and minimize conflicts of interest, while legislative procedures should provide sufficient deliberation and meaningful public participation. Political parties and government institutions should maintain clear boundaries between legitimate political cooperation and practices that weaken institutional oversight. Constitutional democracy in Indonesia can remain resilient when legal authority continues to function primarily as a mechanism for limiting power rather than as an instrument for entrenching political dominance.

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