

Navigating the Democratic Crisis: Indonesia's Journey Through Political Ethics, Law, and Social Change

Artha Debora Silalahi¹, Rizal Mustansyir², Sindung Tjahyadi³, Siti Murtiningsih⁴,

¹ Faculty of Philosophy Universitas Gadjah Mada, Indonesia; arthadeborasilalahi@mail.ugm.ac.id

² Faculty of Philosophy Universitas Gadjah Mada, Indonesia

³ Faculty of Philosophy Universitas Gadjah Mada, Indonesia

⁴ Faculty of Philosophy Universitas Gadjah Mada, Indonesia

* Corresponding Author

ARTICLE INFO

Keywords:

Pillar of Democracy

Political Trust

Ethical Governance

Political Legitimacy

Political Obligation

Article history:

Received : 2024-09-21

Revised : 2024-12-31

Accepted : 2024-12-31

DOI:

<https://doi.org/10.26593/jsh.v4i02.8547>

ABSTRAK

Artikel ini mengkaji kemunduran demokrasi di Indonesia dengan fokus pada tanggung jawab politik dan etis, terutama terkait kepercayaan politik dan tata kelola yang adil. Dengan pendekatan filosofis Kantian, penelitian ini menunjukkan bagaimana demokrasi berkembang melalui dekonstruksi dan restrukturisasi sosial, sekaligus mengungkap kelemahan prinsip-prinsip demokrasi yang memungkinkan keragaman praktik kebebasan. Studi ini juga menyoroti pentingnya diskusi publik yang terbuka tentang tujuan bersama masyarakat, sambil mengkritisi kesenjangan antara idealisme hukum dan penerapannya, khususnya dampaknya pada kelompok terpinggirkan. Metode yang digunakan adalah analisis kualitatif berbasis kajian filosofis, yang mendalami demokrasi dari sisi teori dan praktik. Hasil penelitian menunjukkan bahwa hukum bukan entitas netral, melainkan dipengaruhi oleh moralitas dan legitimasi politik. Temuan ini mempertegas perlunya refleksi mendalam dan analisis ilmiah terhadap konsep demokrasi, bukan hanya untuk memahami penyebab kemundurannya, tetapi juga proses di baliknya. Kesimpulannya, demokrasi dapat diperkuat melalui kritik dan pengujian konsep-konsep politiknya secara ilmiah, sambil tetap mendorong keterlibatan masyarakat dalam diskursus publik yang inklusif.

ABSTRACT

This article investigates the erosion of democracy in Indonesia through the lens of political and ethical responsibilities, emphasizing the interplay between political trust and ethical governance. Drawing on Kantian philosophy and core democratic principles, the study deconstructs how democracy evolves by reshaping societal structures and exposing inherent flaws that permit diverse freedoms within social practices. It critiques the gap between the doctrinal ideals of lawmaking and its implementation, particularly the law's impact on marginalized communities, highlighting how political morality and legitimacy shape legal frameworks. Employing a qualitative methodology grounded in philosophical inquiry, the research explores democracy's theoretical and practical dimensions by framing law as a reflective tool in the democratic process. The findings underscore the necessity of open public discourse and advocate for scientific analysis and validation of democratic concepts. This approach offers a novel perspective on understanding the decline of democracy, not merely as a consequence of external factors but as a process requiring deeper philosophical and practical scrutiny.

1. INTRODUCTION

The real test of the power and relevance of any social science lies in how effectively its principles can be applied in practice, particularly by those who engage in real-world decision-making, such as judges, lawmakers, or policymakers. Within the context of legal practice, judges interpret traditions and laws with one eye on coherence and the other on policy, striking a balance between the written word and its application in a dynamic society. This approach often leads to an anti-formalist view of law and morality, acknowledging that the rigid application of legal principles without consideration of social realities can undermine justice and fairness. The interplay between law, morality, and politics has long been a focal point of legal and philosophical inquiry, particularly in societies grappling with democratic transitions. In Indonesia, the ongoing challenges to democratic consolidation underscore the need for an adaptive legal framework capable of addressing complex social realities. Indonesia's democracy, ranked as "flawed" by the Economist Intelligence Unit in its 2023 report titled "Democracy Index 2023," illustrates the fragility of democratic institutions in a context marked by corruption, political polarization, and declining public trust (Economist Intelligence Unit, 2023). These issues highlight the urgency of understanding how legal systems can remain responsive to social dynamics while upholding justice and fairness.

One notable example of this is when courts take it upon themselves to remind politicians and voters of the plight of individuals who are left waiting indefinitely for a consensus to be reached. These situations often involve minority groups or those who have been historically marginalized, who may find themselves overlooked or ignored in the political process. Here, the courts, instead of being visionary or making ambitious declarations, take a more grounded approach by focusing on "taking rights seriously," as the philosopher Richard Rorty put it (Rorty, 1999: 98). However, courts may also fall into the trap of treating rights as abstract legal concepts or "metaphysical balloons," detached from the lived experiences and challenges faced by ordinary people (Rorty, 1999: 98).

This anti-formalist stance finds resonance in the pragmatist philosophy of John Dewey, who argued against the creation of broad legal theories that could justify significant decisions without clear constitutional guidance. Dewey's perspective suggests that while legal theories can provide a framework for understanding justice, they should not override the nuances of practical reality and the need for adaptive, context-sensitive solutions (Rorty, 1999: 98). This viewpoint aligns with the idea that law is not merely a rigid set of rules but a living, evolving instrument that must be interpreted in light of the social conditions it seeks to regulate. In distinguishing between scientific philosophy and social science, it's crucial to understand that the latter employs the scientific method to explain social behavior, while the former is concerned with exploring foundational concepts and meanings. As Rorty points out, social science focuses on finding an epistemic foundation, rather than a strictly sociological or moral one (Rorty, 1999: 100). This means that social science is not merely interested in establishing moral norms but in understanding the underlying principles that drive social behavior.

The difference between science and non-science lies in the methods of inquiry and the type of knowledge each seeks to generate. A series of philosophical debates around truth, knowledge, and theory has contributed to a visionary tradition, which continues to shape discussions about the fundamental terms of social life (Rorty, 1999: 100). Philosophy's role in this context is not to expand our knowledge base but to deepen our understanding of the meanings and implications of concepts central to human life. As Rorty suggests, the most significant philosophical issues emerge from within the human mind, independently of their socio-historical contexts (Rorty, 1999: 109). This indicates that philosophical inquiry is an ongoing process, one that is continuously shaped by human experience, rather than being static or contextually bound.

The inherent conflict between social goals and inherited institutions, combined with the tensions introduced by incompatible modern trends, highlights the future role of philosophy as a tool for clarifying human ideas within their social and moral struggles. The purpose of philosophy in this regard is not to dictate what should be done but to provide clarity and insight into the

complexities of human existence, particularly in times of social and moral uncertainty (Rorty, 1999: 109).

In today's society, we are confronted with a wide array of beliefs and values, often leading to divergent views on what is considered essential or worth pursuing. Although abstract similarities exist between past and present notions of justice, both require philosophical perspectives to navigate contemporary challenges and reconcile conflicting modern trends. In the legal context, justice demands that individuals be treated fairly and according to their merits, without falling prey to arbitrary discrimination (Spielthener, 2015: 78).

The inherent conflict between social goals and inherited institutions, combined with the tensions introduced by incompatible modern trends, highlights the future role of philosophy as a tool for clarifying human ideas within their social and moral struggles. Philosophy provides clarity and insight into the complexities of human existence, particularly in times of social and moral uncertainty (Rorty, 1999: 109). It helps to navigate the often-conflicting goals and values that characterize modern life. In contemporary society, there is a wide array of beliefs and values, leading to divergent views on what should be prioritized. While there are abstract similarities between past and present concepts of justice, each era requires its philosophical perspectives to address the unique challenges of its time. In the legal context, justice requires that individuals be treated fairly and according to their merits, without being subjected to arbitrary discrimination (Spielthener, 2015: 78).

This article finding lies in its interdisciplinary approach, combining legal theory, philosophy, and social science to critically analyse Indonesia's democratic challenges. Unlike prior works that focus primarily on institutional or procedural aspects, this research emphasizes the philosophical underpinnings of justice and their practical implications for marginalized communities. By recognizing the distinction between formal and material justice, society can establish standards that ensure individuals are treated equitably, based on their contributions and efforts. This approach emphasizes the need to acknowledge and reward those who work for the benefit of society, rather than simply applying abstract principles in a vacuum. One of the central questions in this regard is how moral considerations can be transformed into ethical concerns that serve as standards in the political arena (Gordon, 2014: 97).

The primary inquiry in both politics and philosophy should not be limited to questions of legitimacy or authority; instead, the focus should be on what can be collectively agreed upon by society. This perspective has been explored in modern philosophical writings on law, where the inseparability of law and politics becomes apparent. Politics, as studied within political philosophy, plays a crucial role in shaping the rule of law, which serves as a fundamental element of any democratic society (Reidy, 2007: 4). A normative inquiry into the rule of law requires established rules and predictable expectations, ensuring that legal frameworks govern societies and guide the exercise of authority. The rule of law serves as a mechanism for organizing and regulating the use of coercive power, ensuring that it is always subject to established legal norms, rather than being wielded arbitrarily (Reidy, 2007: 4). This understanding of the rule of law is essential in maintaining the balance between state power and individual freedoms.

This article attempts to contribute to the broader discourse on democracy, law, and ethics by exploring how legal systems can adapt to the complexities of modern life while remaining true to their foundational principles. One of the key challenges in this context is ensuring that the law remains responsive to changing social conditions and ethical considerations while upholding justice and fairness. As societies evolve, so do their expectations and interpretations of justice, fairness, and morality. Legal systems, therefore, must be flexible enough to accommodate these shifts, while remaining anchored in principles that ensure the protection of individual rights and the equitable treatment of all members of society. This dynamic relationship between law, morality, and politics highlights the need for a continuous dialogue that fosters a deeper understanding of how these elements intersect and influence one another.

This article attempts to contribute to the broader discourse on democracy, law, and ethics by exploring how legal systems can adapt to the complexities of modern life while remaining true to their foundational principles. One of the key challenges in this context is ensuring that the law

remains responsive to changing social conditions and ethical considerations while upholding justice and fairness.

As societies evolve, so do their expectations and interpretations of justice, fairness, and morality. Legal systems, therefore, must be flexible enough to accommodate these shifts, while remaining anchored in principles that ensure the protection of individual rights and the equitable treatment of all members of society. This dynamic relationship between law, morality, and politics highlights the need for a continuous dialogue that fosters a deeper understanding of how these elements intersect and influence one another. Philosophy's role in this process is to provide a critical lens through which to examine the assumptions and beliefs that underpin our legal and political systems. By doing so, it helps to reveal the ways in which these systems can be improved to better reflect the ideals of justice, fairness, and equality that they are intended to uphold. The test of a social science's relevance and applicability lies in how well it can inform and guide real-world decision-making. In the legal sphere, this means recognizing that the law is not just a set of abstract principles but a dynamic instrument that must respond to the changing needs and values of society. The interplay between law, morality, and politics demands a nuanced understanding that goes beyond formalistic interpretations and embraces a more holistic, reflective approach.

By engaging with philosophical inquiry, legal systems can gain insight into the underlying principles that should guide their development and application. This process of reflection and adaptation is essential for ensuring that the law remains relevant, just, and capable of addressing the challenges of contemporary society. In doing so, we can work towards a legal system that is not only grounded in tradition but also open to change, innovation, and the pursuit of a more equitable and just society. This article aims to explore how legal systems can adapt to the complexities of modern life without losing sight of their foundational principles. Central to this inquiry is the recognition that law, when rigidly applied without consideration of social realities, risks perpetuating injustice and undermining democratic ideals. Drawing on the pragmatist philosophy of John Dewey and Richard Rorty's critique of "metaphysical balloons" in legal reasoning, this study investigates the anti-formalist perspective on law as a "living instrument" that evolves in response to societal needs (Rorty, 1999).

Indonesia's political landscape, characterized by declining democratic quality and growing societal inequalities, underscores the urgency of this inquiry. According to Transparency International, Indonesia's Corruption Perception Index (CPI) fell to 34/100 in 2023, highlighting the erosion of public trust in governance (Transparency International, 2023). Simultaneously, the rise of identity politics and restrictive legal reforms poses significant threats to democratic consolidation. This research addresses these pressing issues by proposing a framework for legal systems that prioritize justice, fairness, and inclusivity. By bridging theoretical insights with practical applications, this article seeks to advance the discourse on democracy, law, and ethics in Indonesia, offering pathways to strengthen democratic institutions and promote social equity. This article examines the critical state of democracy in Indonesia, focusing on its misuse as a non-transparent tool to further specific interests rather than a mechanism to achieve collective aspirations. It identifies bias and prejudice as significant factors influencing Indonesia's democratic framework, highlighting the disparity between its conceptual ideals and practical applications.

2. RESEARCH METHOD

The consideration of this research method uses interpretive and critical analysis to examine and explain the democratic sphere in its near decline, particularly concerning political legitimacy and obligation. The interpretive analysis puts his approach questions not only the outcomes of the research concepts but also the reasoning process itself. It considers how democratic principles are applied in practice and their implications on governance and societal equity (Samuel, 2016: 33). This involves scrutinizing the causes and consequences of democratic backsliding, offering dialectical arguments to uncover underlying systemic flaws. The analysis is rooted in the philosophy of law and ethical-political responsibilities, aiming to provide a rigorous critique of current practices and propose actionable pathways for improvement. The data were selected based on their interdisciplinary scope, contemporary applicability, and critical perspectives on democracy, law,

and political ethics. Arguments and implications from these works are critically developed and contextualized within the Indonesian socio-political landscape to enrich theoretical and practical perspectives. By integrating these methodologies, this research provides a comprehensive critique of democratic backsliding while emphasizing ethical and political responsibilities to restore democratic principles effectively.

The questions of the main problems provided are analyzing to give the certainty and rigor dialectical arguments would be arrive to its essential purpose. This paper also represents what could be reasonable explanation regarding to democratic transition to be declined, it shows how the history of legal thought particularly the development of the sciences would then pass through the stage of doubting the democratic practice by the government nowadays. The problems are posing in this article including (1) how can Indonesia's legal systems bridge the gap between doctrinal ideals and practical realities; (2) what role does judicial interpretation play in maintaining justice and fairness amidst political and social complexities; and (3) how can philosophical insights contribute to the ongoing discourse on law, morality, and democracy in Indonesia. The author encourages the scholars to develop their own theories and enrich their perspectives concerning the concept of political legitimacy and democracy. This research has developed and criticized in interdisciplinary scope including the philosophy of law and the legal science based upon the ethical and political responsibilities to criticize and analyze the democracy backsliding nearly its declining.

3. RESULTS AND DISCUSSION

The Concept of Political Legitimacy and Its Importance for Democracy

A significant boost to national self-respect and a reaffirmation of moral progress suggests that the idea of courts not just applying rules but also creating them is no longer intimidating (Raz, 1970: 213). It is futile to determine precisely when, in decisions, the application of old laws ends and the creation of new laws begins (Rorty, 1999: 111). The presupposition that action is aimed at mutual understanding, independent of the transcendental conditions of knowledge, allows for substantive answers to the question of democracy, emphasizing the need for broad stakeholder involvement. Kant's philosophy offers a different approach to understanding democracy by addressing its specific concerns in more detail. Kant acknowledges that synthetic propositions are understood through the distinction between empirical and a priori propositions (Russell, 1972: 1013).

An empirical proposition is one that emphasizes knowledge can only be gained through sense perception, meaning our understanding of history and geography relies on observational data (Russell, 1972: 1013). In contrast, an a priori proposition is not derived from experience, even though it may be prompted by it, but is understood independently of experience (Russell, 1972: 1013). In Kant's major works, he asserts that every person should be regarded as an end in themselves, which is a form of the doctrine of the Rights of Man, emphasizing that a person's actions should not be subject to the will of another (Russell, 1972: 1011).

The structure of government, in a democratic context, places the power of making laws initially in the hands of a few select individuals and their heirs, then transitions to the hands of one person, ultimately leading to a hereditary monarchy (Locke, 2003: 296). The adaptation of ancient Greek theory, where democracy involved both ruling and being ruled in turn, has evolved into modern democratic theory, which is more practical, extensive, and appealing (Locke, 2003: 309). Contemporary thinkers like Rousseau, considered the father of modern democratic theory, developed his concept of the general will in *The Social Contract*, drawing from the ancient Greek democratic model (Locke, 2003: 309). This model was based on the idea of alternating between ruling and being ruled (Schumpeter, 1942: 250). Unlike Rousseau, Locke's democratic theory also included other dimensions, such as political analysis and a robust defense of majority rule as the foundation of institutional legitimacy (Locke, 2003: 309). Kant's philosophy introduced the fact-value dichotomy, where the concept of value, in its earlier use, differs from its modern interpretation. Values are seen as fundamentally distinct from factual knowledge (Grünberg, 2000: 9), with features that separate them from facts (Grünberg, 2000: 9).

Under appropriate conditions, values and practices should be accessible to individuals and capable of guiding their actions and interactions (Rescher 2004: 25). Values reflect the rationale behind preferring one situation over another, serving as a tool for reasoning (Rescher 2004: 25). The existence of value involves the concept of minds, as values deserve and elicit both positive and negative reactions in reflective minds, indicating a type of mental engagement (Rescher 2004: 25). The essence of democracy, both conceptually (*demos*) and practically (*kratos*), must be restored in Indonesia's political life. Those entering politics should be equipped with knowledge and virtue (*arête*), ensuring their contributions uphold justice and the common good (*bonum communa*). Democracy thrives when political decisions reflect fairness and benefit the collective society (Siga, 2024: 183). Philosophical problems aim to provide definitive answers to important and profound questions, and even the act of questioning is significant. Philosophical contemplation takes us to a level of generality that offers a fresh perspective on our lives (Russell, 2009: 12). The importance of trust between citizens and the government is crucial for a functioning democracy, and this requires addressing common political trust (Latour, 2004: 200). To analyze how a lack of trust contributes to democratic decline, it's necessary to explore the factors that can restore this trust by evaluating social, political, and economic influences. The social and political conditions of the lower classes have fostered conspiracy and, at times, supported the use of authoritarian or violent methods, particularly during periods of significant development that transformed and modernized economic structures (Ferraresi, 1996: 70).

Political legitimacy is both a theoretical and practical imperative for democracy. Rooted in philosophical traditions and shaped by historical developments, it ensures that governments operate with moral and institutional authority. By addressing challenges to trust, inclusivity, and justice, democratic systems can strengthen their legitimacy, fostering resilience and societal progress. As Russell (2009) notes, the act of questioning and contemplating these principles offers a transformative perspective, guiding humanity toward a more equitable and democratic future. Legitimacy validates governmental authority and underpins the legal, moral, and institutional framework necessary for societal cohesion. This essay explores the philosophical underpinnings, historical evolution, and contemporary relevance of political legitimacy, emphasizing its critical role in democratic systems. It also highlights the evolving role of courts, not merely as enforcers of established laws but also as creators of new legal paradigms. This duality underscores the dynamic nature of law in democratic governance, where the boundaries between the application of existing rules and the creation of new ones often blur (Raz, 1970: 213).

Rediscovering The Normative and Political Tasks in Upholding Democracy

The normative task for evaluating the specific pattern of value subscription is obviously a matter for empirical inquiry and lies on ground common to the interrelated sciences on the one hand and philosophical value theory on the other (Rescher, 1969: 128). The normative evaluation of values is one of the tasks, to which philosophers have addressed themselves throughout the deliberative critique (Silalahi, 2023: 3). In short, the critical assessment will for the object of study in the rational scrutiny of policies in individual and collective action (Rescher, 1969: 129). The claim standpoint about how such criticism becomes possible bases upon which a reasoned evaluation of democracy can proceed.

Today's social order, even if minimally democratic, could be defended. If we look back to ancient times, it appears that democracy existed more in the minds of philosophers than in actual political practice (Shapiro, 1999: 2). In *The Social Contract*, Rousseau was compelled to abandon the ancient ideal of alternating between ruling and being ruled. Instead, Rousseau introduced the concept of the "general will," which he famously described as "the sum of the difference" that emerges from the aggregation of individual desires (Shapiro, 1999: 2). If the democracy declining put in a nutshell, the proposed claim of moral criticism is an extension into the area of value and ethics studies to espouse principles of policy in justice resources and the evaluation of value with which people are now concerned on the somewhat hard-headed standpoint of the question of value and ethic consideration. The conception of value criticized in this paper came into focus in the wake of

democracy declining in a project of interdisciplinary inquiry about law, politics, and philosophy based upon the *demos* and *kratos* reflection in its theory and practice (Hardiman, 2009: 8).

The erosion of democratic institutions and checks and balances are the consequences of declining democracy based on the rise of corruption and lack of transparency. This part will examine the strategies for ensuring the democracy spheres broadly such as promoting transparency, accountability, and the rule of law, ensuring equal protection under the law for all citizens, and restoring public trust through a just legal system. The version of democracy is to be politically constitutionalized and to be negotiated continuously within a polity (Suteu, 2021: 7). In its radical version, democracy as applied and related to the constitution making context seek to retain the central role of ordinary citizens as the drivers of constitutional change processes from ratifying, initiating, and deliberating such changes (Suteu, 2021: 7).

Democracy is inherently a transitional system because its core principle of freedom does not foster the respect for law necessary to sustain a regime. This lack of respect can pave the way for tyranny, where rulers exploit the state for personal gain (Bloom, 1968: 418). Democracy is never a finished state but an ongoing, open-ended process shaped by continual struggles and contradictions that engage social forces worldwide. Initially, the focus should be on how these conflicting social forces become institutionalized and expressed through political, cultural, and ideological processes (Robinson, 2014: 3). It is crucial not to view political processes as merely the result of interactions between individuals with free will and consciousness (Robinson, 2014: 13). Instead, social relations shape political practices and influence the subjects involved. This approach requires multiple levels of analysis and an emphasis on the different factors that determine political outcomes.

A holistic approach emphasizes viewing smaller units as integral parts of a larger whole. Democratic movements and power structures that inspire democratic renewal can critique avoidance politics along two key lines (Finlayson, 2010: 60). First, the core ideas of weak ontology and its ethos led to a crippling indecision and uncertainty in political engagement, often accompanied by undue leniency toward democracy's adversaries (Finlayson, 2010: 60). Second, the critical force of democratic theory is constrained within a broader conceptual framework that stifles and tames the dynamic energy of democracy (Finlayson, 2010: 60). The main issue with this approach is that one cannot simply conclude that a particular element in democratic analysis is wrong just because it is absent elsewhere; any critique must be exercised carefully. This type of approach should be grounded in a theoretical model (Medécigo 2015: 6).

Democracy, within its theoretical framework, must allow for critical analysis based on reality. This means it should enable the identification and critique of normative elements like legal rules and incorporate the best practices, which can then be applied across systems with diverse legal traditions (Medécigo 2015: 6). The anxiety surrounding democracy, which is rooted in formal procedures, leads to an ambiguous relationship between popular participation in constitution-making and the direct connection of such involvement being seen as a solution to this anxiety. While there are reasons why individuals must make choices, the question remains as to how and why they presume to make decisions for others (Gunawan, 2021: 49-50). Despite its ambiguities, democracy often serves as a dominant principle in all situations where it has any practical impact (Silalahi, 2020: 189).

Democracy can be understood both as a set of institutional structures and as a set of values, meaning it is not merely a concept but a doctrine implemented by governments (Cricks, 2002: 3). As democracy entered modern politics and society, it brought with it rational principles, and while some viewed it with real fear, others saw it as speculative hope (Cricks, 2002: 3). This aligns with Rousseau's critique of illegitimate politics, where he envisioned the possibility of considering people as they are while imagining laws and institutions as they could be (Gordon, 2014: 3).

The issue in politics often stems from an overly formal approach that overlooks essential material elements. Political actions that challenge established structures fail to recognize that individuals require different resources to enhance their chances of political mobilization and success (Jacobs, 2015: 3). The varied discourse on democracy has made effective representation mechanisms difficult and has fostered societal motivation (Madung, 2022: 143). This discourse is seen as a reflection of a changing social totality, shaped by the dynamic nature of social processes

(Madung, 2022: 143). Both social and political processes are crucial for establishing inclusive politics and mobilizing people based on their collective awareness (Madung, 2022: 142-143).

Rediscovering and upholding the normative and political tasks of democracy is essential for addressing its contemporary challenges. By embracing value-based critiques, fostering inclusive governance, and reinforcing institutional integrity, democracies can navigate their inherent contradictions and sustain their foundational principles. Democracy, as both a concept and a practice, requires constant renewal and vigilance to remain a viable and equitable system for collective governance.

Restoring the Legitimacy of Democracy through The Potential Objections of Democracy Declining

Constitutional systems can sometimes limit the scope of democracy, particularly in separation of powers frameworks, which also include entrenched guarantees of democratic governance (Silalahi, 2022: 38). The functioning of modern democracies aligns with Locke's vision, particularly in terms of extensive institutional arrangements set against the backdrop of popular sovereignty (Locke, 2003: 331). Democracy aims to facilitate inclusive decision-making, though it may face opposition from those whose interests are threatened by the exercise of power (Locke, 2003: 331). While a utopian society may not be achievable, it offers a perspective for critiquing and reforming the status quo, revealing hidden priorities and hypocrisies when ideals like real political equality are considered (Hyland, 2005: 264). The challenge of balancing traditional values with modern, often globalized, pressures. In Indonesia's context, the struggle for democratic consolidation reflects tensions between inherited cultural norms and the demands of a globalized political ethos. The article's emphasis on reimagining governance aligns with the need for Indonesia's legal and political systems to evolve in response to societal complexities. Addressing the democratic crisis requires integrating ethical considerations and recognizing the interplay between local and global influences, as both studies advocate for frameworks that uphold justice and inclusivity while adapting to dynamic societal changes. The shared focus on ethics and adaptability underscores the importance of fostering philosophical and practical discourse to address modern challenges, making these studies complementary in addressing Indonesia's socio-political transformation.

Michel Foucault famously argued that power, as a form of positive control, is closely tied to surveillance (Hyland, 2005: 248). An individual may delegate monitoring and surveillance tasks to advisers and subordinates (Hyland, 2005: 248). In a representative system, citizen control over political parties plays a key role, both in holding the ruling party accountable for policy implementation and in shaping party policies (Hyland, 2005: 251). According to Foucault, political elites are generally reluctant to relinquish power. Thus, both political parties and ordinary citizens are crucial in ensuring government accountability and maintaining democratic oversight (Hyland, 2005: 252). Foucault's observation that political elites are generally reluctant to relinquish power resonates with Indonesia's experience. The challenges in transitioning to a robust democracy underscore the necessity of institutional and civic vigilance to prevent the concentration of power. Political parties and citizens must ensure government accountability by leveraging mechanisms like transparent electoral processes and advocacy for civil liberties (Hyland, 2005: 252). In Indonesia's case, the erosion of trust in political institutions since 2014, marked by contentious elections and increasing centralization of power, highlights the need for enhanced democratic oversight. Foucault's insights, applied to this context, emphasize the interdependence of power, surveillance, and accountability in safeguarding democracy. Efforts to institutionalize transparency and empower citizens through education and active engagement remain vital to counter the tendencies of political elites to resist checks and balances.

The concept of human freedom is not immediately clear from simply listing situations we would describe as free or unfree. There is a complex set of assumptions that give deeper meaning and clarity to how we classify such circumstances (Hyland, 2005: 39). Additionally, "free" and "unfree" are just two of many terms we use to describe human choices and actions, highlighting what is valuable and significant about those actions (Hyland, 2005: 38). Terms like deliberate, purposive, intentional, voluntary, accidental, impulsive, and reflexive also contribute to our understanding of

freedom. To fully grasp what we mean by freedom, we must place it within the context of human behavior and trace its relationships with inclusion, implication, exclusion, and compatibility, alongside other dimensions of human action (Hyland, 2005: 40). Through conceptual analysis, we can apply this understanding to questions like “what is democracy?”

The landscape of politics took on a new dimension, particularly as political figures abroad began engaging in public relations efforts (Feith, 2007: 588). The development of democracy revealed a growing sense of frustration among the political elite, as they attempted to operate within the rules but found them ineffective (Feith, 2007: 602). There was a broader perception that the political environment was shifting, prompting individuals to adapt to new circumstances to remain aligned with the larger order of things (Feith, 2007: 602). In traditional Indonesian societies, the importance of social harmony was emphasized, and this value also influenced the political sphere, where there was a desire for a state that provided a sense of organic meaning, reflecting the effects of social change (Feith, 2007: 603).

Restoring the legitimacy of democracy requires a multifaceted approach that addresses its theoretical, institutional, and cultural challenges. By balancing constitutional limits with participatory governance, enhancing accountability, and integrating ethical considerations, democracies can navigate their crises and regain public trust. Drawing on insights from thinkers like Foucault and Locke, this analysis underscores the importance of vigilance, adaptability, and civic engagement in safeguarding democratic ideals. Through such efforts, democracy can remain a viable and transformative system for addressing the complexities of modern governance.

4. Conclusion

The decline of democracy in Indonesia highlights the importance of addressing both political and ethical responsibilities. To secure a stronger democratic future, Indonesia must focus on ethical responsibilities for politicians, citizens, and institutions by emphasizing education, transparency, and accountability. Promoting ethics in politics involves establishing frameworks for legitimate power-sharing and safeguarding citizens' rights. The discourse on democracy should align with the eudemonistic perspective, which emphasizes achieving collective goals grounded in impartial morality. Addressing democratic challenges requires a comprehensive approach that integrates philosophical and practical considerations. This involves acknowledging the authority of moral norms to guide actions and fostering mutual recognition and interpersonal justification within democratic practices. By embedding these principles, Indonesia can create a democratic landscape where justice, fairness, and shared responsibilities prevail, paving the way for a more inclusive and resilient society.

REFERENCES

- Bloom, Allan. (1968). *The Republic of Plato* Second Edition. USA: Basic Books Harper Collins Publishers.
- Cricks, Bernard. (2002). *Democracy: A Very Short Introduction*. Oxford: Oxford University Press.
- Economist Intelligence Unit. (2023). *Democracy Index 2023: Global Democracy in Decline*. Economist Intelligence Unit.
- Feith, Herbert. (2007). *The Decline of Constitutional Democracy in Indonesia*. United States: Cornell University Press.
- Ferraresi, Franco. (1996). *Threats to Democracy: The Radical Right in Italy After the War*. New Jersey: Princeton University Press.
- Finlayson, Alan. (2010). *Democracy and Pluralism: The Political Thought of William E. Connolly*. USA and Canada: Routledge Taylor and Francis Group Publishing.
- Gordon, Jane Anna. (2014). *Creolizing Political Theory: Reading Rousseau through Fanon*. New York: Fordham University Press.

- Gunawan, Theodorus Christian. (2021). "Philosophical Reflection on the Value Hierarchy According to Max Scheler." *Advances in Sciences and Humanities* 7 (3): 49-51. <https://doi.org/10.11648/j.ash.20210703.11>.
- Hyland, James L. (2005). *Democratic Theory: The Philosophical Foundations*. Manchester and New York: Manchester University Press.
- Irianto, Sulistyowati dan Lidwina Inge Nurtjahjo. (2020). *Perempuan dan Anak dalam Hukum dan Persidangan*. Jakarta: Yayasan Pustaka Obor Indonesia.
- Irianto, Sulistyowati. (2009). *Hukum yang Bergerak: Tinjauan Antropologi Hukum*. Jakarta: Yayasan Obor Indonesia.
- Jacobs, Enrich Daniel Luna. (2015). "The Ignorant Philosopher: On Jacques Rancière's Political Ontology." VIII Congreso Latinoamericano de Ciencia Política.
- Jones, W.T. (1969). *Hobbes to Hume: A History of Western Philosophy: Second Edition*. London, Sydney, Tokyo, and Toronto: Harcourt Brace Jovanich.
- Latour, Bruno. (2004). *Politics of Nature: How to Bring the Sciences into Democracy*. USA: President and Fellows of Harvard College.
- Locke, Jhon. (2003). *Two Treatises of Government and A Letter Concerning Toleration*. New Haven and London: Yale University Press.
- Madung, Otto Gusti Ndegong and Adrianus Yohanes Mai. (2022). "Populism, Radical Democracy, and the Indonesian Process of Democratization." *Politika: Jurnal Ilmu Politik* Vol.13 No.1: 131-148.
- Medécigo, Alfredo Nàrvaez. (2015). *Rule of law and Fundamental Rights: Critical Comparative Analysis of Constitutional Review in the United States, Germany and Mexico*. Switzerland: Springer International Publishing.
- Pranowo, Yogie. (2023). "Modernity, Globalization, and Human Civilization." *Jurnal Sapiientia Humana Sosial Humaniora* Vol.3 No.1 (2023): 32-42. <https://journal.unpar.ac.id/index.php/Sapiientia/issue/view/>.
- Raz, Joseph. (1970). *The Concept of a Legal System: An Introduction to the Theory of Legal System* Second Edition. Hongkong: Clarendon Press.
- Reidy, David A. (2007). *On the Philosophy of Law*. USA: Thomson Wadsworth. Rescher, Nicholas. (1969). *Introduction to Value Theory*. New Jersey: Prentice Hall.
- Rescher, Nicholas. (1969). *Introduction to Value Theory*. New Jersey: Prentice Hall.
- Rescher, Nicholas. (2004). *Value Matters Studies in Axiology*. UK: Rutgers University.
- Robinson, William I. (2014). *Global Capitalism and The Crisis of Humanity*. New York: Cambridge University Press.
- Russel, Bertrand. (1972). *The History of Western Philosophy Volume 2*. New York: Simon and Schuster. Russel, Bertrand. (2009). *The Basic Writings of Bertrand Russell*. New York: Routledge.
- Rorty, Richard. (1999). *Philosophy and Social Hope*. UK: Penguin Books.
- Samuel, Geoffrey. (2016). *Epistemology and Method in Law*. London and New York: Routledge Taylor and Francis Group.
- Schumpeter, Joseph. (1942). *Capitalism, Socialism, and Democracy*. New York: Harper.
- Shapiro, Ian and Casiano Hacker-Cordòn. (1999). *Democracy's Value*. Cambridge: Cambridge University Press.
- Siga, Willfridus Demetrius and Onesius Otenieli Daeli. (2024). "Darurat Demokrasi: Krisis Keadilan dan Bias Kepentingan." *Jurnal Sapiientia Humana Sosial Humaniora* Vol.4 No.2 (2024): 180-189. <https://journal.unpar.ac.id/index.php/Sapiientia/issue/view/512>.
- Silalahi, Artha Debora. "Aktualisasi Yuridis Visi dan Misi Presiden dan Wakil Presiden Republik Indonesia melalui Sisitem Perencanaan Pembangunan Nasional. *Jurisprudentie* Vol.7 No.2 (Desember 2020): 185-204.
- Silalahi, Artha Debora. (2022). *Hukum Kedaruratan dan Pandemi Covid-19 di Indonesia*. Depok: PT Rajagrafindo Persada.
- Silalahi, Artha Debora. (2022). *Konfigurasi Kelembagaan BPKP dan BPK RI dalam Sistem Ketatanegaraan Republik Indonesia*.

- Silalahi, Artha Debora. (2023). "The Framework of Law Impacts in Philosophy of Law and Justice: How the Certainty of Law and Justice Understood?" Proceeding of 10th International Conference on Nusantara Philosophy (10th ICNP) Tahun 2022.
- Spielthener, Georg. (2015). "The Role of Formal Justice in Ethical Reasoning." *Res Publica* (2015): 77-92. <https://doi.org/10.1007/s11158-014-9264-8>.
- Suteu, Silvia. (2021). *Eternity Clauses in Democratic Constitutionalism*. Oxford: Oxford University Press.