

Strengthening Democratic Elections and Quality in Indonesia

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Abstract

spa General election, a vital indicator of a democratic country like Indonesia, has been implemented since 1955, but its realization as a truly democratic process remains questionable. The purpose of this research is to examine the standards of democratic, quality and ways to strengthen election in Indonesia. The research uses a normative approach, utilizing secondary data and both juridical and conceptual approaches. The juridical approach is employed due to the legal aspects of the research object, while the conceptual approach is utilized to understand the concepts of Democratic and Qualified Elections. The data, which is in the form of descriptions, is analyzed in a qualitative descriptive manner. It is concluded that the realization of democratic and quality elections in Indonesia is highly dependent on several factors, including the state, election participants, and citizens as voters.

Keywords Election, Democracy, Quality

INTRODUCTION

General election, a crucial aspect of a democratic nation, has been a regular occurrence in Indonesia since 1955 under the presidency of Soekarno (Old Order). Meanwhile, general elections were held in 1971, 1977, 1982, 1987, 1992, and 1997 during the regime of President Soeharto (New Order). General elections failed to improve democracy in the New Order era because they did not result in a regular change of leadership. Moreover, since 1977, there were only three political parties that participated in general elections, with the winner always being the Golkar Party. The following are the election results during President Soeharto's leadership:

Table 1
New Order Election Results

Election	PPP	%	GOLKAR	%	PDI	%
1971	14,833,942 (96 seats)	27.11	34,348,673 (236 seats)	62.80	5,516,894 (30 seats)	10.09
1977	18,722,138 (99 seats)	29.29	39,313,354 (232 seats)	62.11	5,459,987 (29 seats)	8.60
1982	20,871,880 (61 seats)	27.78	48,334,724 (299 seats)	64.34	5,919,702 (24 seats)	7.88
1987	13,701,428 (61 seats)	15.97	62,783,680 (299 seats)	73.16	9,324,708 (40 seats)	10.89
1992	16,624,647 (62 seats)	17.0	66,599,331 (282 seats)	68.1	14,565,556 (56 seats)	14.9



1997	25,340,028 (89 seats)	22.43	84,187,907 (325 seats)	74.54	3,463,225 (11 seats)	3.07
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Source: <http://perludem.org/wp-content/uploads/2020/04/KVP-SLIDE-0-03-Pemilu-dalam-Sejarah-Republik-Indonesia.pdf>

The New Order electoral system was implemented through a closed proportional system that enable political parties to appoint certain people as members of the People's Representative Council (DPR) and the Regional People's Representative Council (DPRD). Elections tend to be electoral authoritarian under the leadership of President Soeharto. According to Rauf Tunde Sakariyau, this act of authoritarianism is when several regimes are neither democratic nor democratizing. Electoral authoritarian regimes lack basic attributes of liberal democracy such as checks and balances, an impartial judiciary, an independent electoral commission, as well as free and fair elections (Sakariyau, 2019).

After the reformation in 1998, Indonesia conducted elections in a different atmosphere. The country elects legislative members using a multi-party and closed proportional system in 1999. Meanwhile, the election of the President was conducted by the MPR with two candidates, Megawati Soekarno Putri and KH Abdurrahman Wahid who eventually succeeded the position. The multi-party system and the presence of the two Presidential candidates become new after the New Order regime. This MPR directly appoint KH Abdurrahman Wahid as President since there are limited parties that participated in the election. In 2004, elections were held to elect members of the DPR, Provincial DPRD, and Regency/City DPRD through an open proportional system. This system which lasted till 2019 was also used to directly elects members of the Regional Representatives Council (DPD) and the President as well as Vice President. In 2024, Indonesia simultaneously elects the President and Vice President, as well as Regional Heads, and legislative members in the DPR, DPD, Provincial DPRD, as well as Regency/City DPRD. The results have not necessarily improved the democracy ranking even though the country conducts elections regularly. This article, therefore, aims to analyze the standards for quality of democratic elections and their strengthening in Indonesia.

IMPLEMENTATION METHOD

The object of this research is Strengthening Democratic and Quality General Elections in Indonesia. This is normative research that uses secondary data and juridical as well as conceptual approaches. The juridical approach is adopted because the object contains legal aspects. In this research, the conceptual approach is used since it is related to Democratic and Qualified Elections. Data which is in the form of descriptions were analyzed in a qualitative descriptive manner.

RESULTS AND DISCUSSION

In 2006, the Economic Intelligence Unit issued a democracy index by focusing on five aspects including the Electoral Process and Pluralism, the Functioning of Government, Political Participation, Political Culture, and Civil Liberties. The survey indicators showed that Indonesia has a flawed democracy because its score is 6.4 (www.eiu.com/n/democracy-index-2021-less-than-half-the-world-lives-in-a-democracy). In 2005, the Alliance for Reform and Democracy in Asia (ARDA) also conducted research by focusing on Civil Rights, Elections and Political Processes, Governance and Corruption, Media, Rule of Law, Participation as well as Representation. The ARDA results showed there are peaceful and

fairly elections in Indonesia since it is included as part of countries that create a conducive situation (Alliance for Reform and Democracy in Asia, 2005).

Until 2021, the progress of democracy in Indonesia is questionable, as reflected by its low score on the democracy index. Despite political reforms being carried out, the country's classification in the index remains in the "flawed democracy" category. Efforts to strengthen democracy in Indonesia have been made through the implementation of multi-party elections, direct election of the President and Vice President, and transitioning from a closed proportional electoral system to an open proportional system. The following is the score for Indonesia's progress in democracy, as reported by the Democracy Index:

Table 2
Democracy index score

2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2008	2006
6.71	6.30	6.48	6.39	6.39	6.97	7.03	6.95	6.82	6.76	6.53	6.53	6.34	6.41

Source: <https://www.eiu.com/n/democracy-index-2021-less-than-half-the-world-lives-in-a-democracy/>

Based on the above survey, general elections serve as an important indicator of democracy. The Economist Intelligence Unit categorized Indonesia as a flawed democracy. Therefore, this country's democracy still needs to be addressed because it has weaknesses or "defects" in practice. The state also needs to focus on the improvement in elections which contributes to these "defects".

In 2024, several preparations were made for Indonesia's general election which is routinely carried out every five years. These reparations start with fixing legal instruments, filling positions in election organizing, supervisory institutions as well as providing opportunities for existing and new political parties. Generally, people understand elections as a democracy because these two phenomena tend not to be separated. Several meanings of elections are associated with democracy: 1) Elections are an institutional mechanism for electing representatives/leaders; 2) Elections are a procedure for rotating power in a regular and participatory manner; 3) Elections are a means of establishing a democratic government with strong legitimacy; 4) Elections are a way to allocate people's votes into seats (parliamentary seats, President and Vice President seats, as well as Regional Head and Deputy Regional Head seats); 5) Elections are a means for people to exercise their political rights; 6) Elections are a means of political education for the people; 7) Elections are a form of political contract between the people and their prospective representatives/leaders; and 8) Elections are a means to achieve the goals of democracy.

Generally, elections are interpreted as the realization of popular sovereignty or a means of providing and strengthening government legitimacy. As a means of realizing popular sovereignty show this phenomenon helps to articulate the state's interests to determine its representatives. Meanwhile, as a means of providing and strengthening government legitimacy with politics indicated that policies and programs can be easily realized. Elections also provide an opportunity for citizens to exercise control over the behavior of rulers and strengthen their power (Hikam, 1998). In a democratic country, it serves as a political necessity to form a government that also becomes responsive to the people's preferences (interests). This democratic government requires three conditions including competition, participation, and political freedom (Mas'ood, 1994). Additionally, this government makes



decisions that are morally acceptable in the community (Nelson, 1990). According to David Held, there is a symmetrical and congruent relationship between citizens and national policymakers. The research further explained that “through the ballot box, voters tend to hold decision makers to make and pursue law as well as policy legitimately for their constituents in a fixed and territorial based community” (Held, 2000). Therefore, elections encompass a media where citizens' voices can enable decision-makers to create and demand legitimate laws as well as policies for their constituents. This is an idealized and pragmatic perspective where two instruments are created to accommodate and protect the interests of citizens.

Currently, elections that serve as a way to pursue and achieve power seem to be very pragmatic in several countries such as Indonesia. This shows people can resort to any means to achieve illegal and irrational power. Therefore, legislative candidates do not need to be smart and good at debating. The only thing that matters in this regard is knowing the way to obtain the candidate's many votes and a chance of winning. Unfortunately, these illegal and irrational steps are supported by irrational voters. Based on the emphasis of Jose Casas Pardo, this is a common symptom in elections that are increasingly far from their ideal meaning. These important issues are not debates as opposed to conceptions of life and the community. Therefore, the public or voters are more willing to suddenly change their vote (Pardo, 2007).

Indonesian elections are also considered not conducive to the development of democracy since 2019. According to Edward Aspinall and Marcus Mietzner:

“At first sight, Indonesia is like an exception to the populist and illiberal trend that has been sweeping the world in recent years. Elections continued the country's slow-motion slide toward democratic regression and marked a decoupling of religious pluralism. In this decoupling process, Jokowi and other pluralism backers are only concerned with Indonesian defense which has become a supreme, sacrosanct, and goal. They believe pluralism's foes which are the Islamists supporting Prabowo need to be kept from power at all costs even though it reduces democratic freedoms” (journalofdemocracy.org/articles/nondemocratic-pluralism-in-indonesia).

Elections are more than a change or formation of power on good and clean government. Therefore, this phenomenon is not just procedural but needs to be democratic and have many uses. According to Jim Schiller, “elections provide opportunities to ratify elites, select leaders, and express grievances with desires. This phenomenon is also designed to consider and provide opportunities for dialogue, confer legitimacy on governments, and strengthen the sense of power as well as people belonging” (https://uvic.ca/research/centres/capi/assets/docs/Schiller_Indonesian_Elections.pdf).

Normatively, the following are the requirements for a democratic election: (Goodwin-Gill, 1999)

1. There is recognition of universal suffrage. Without ideological or political exceptions, all citizens have the right to vote and be voted for.
2. There is the freedom to form 'shelters' for the aspirations of plurality. People have a wide choice of alternative channels for their political aspirations. Meanwhile, limiting the number of contestants in an election that only considers formal juridical reasons serves as a distortion of this principle.
3. There is a political recruitment mechanism for democratic representatives of the people.
4. There is freedom for voters to discuss and make choices
5. There is an independent election committee

6. There is freedom for each contestant to compete fairly

7. Honest vote counting

8. Bureaucratic neutrality.

In realizing democratic elections, there are requirements for the right to vote and be voted for (Goodwin-Gill, 1999):

1. Vote in elections without discrimination

2. Have access to effective, impartial, and non-discriminatory procedures in voter registration

3. Not be prevented from voting or disqualified from registering as a voter, except following objective criteria established by law.

4. Appeal to the competent authority when being denied the right to vote or to register as a voter, having equal rights and access to polling stations

5. Determine that their rights are equal and have the same value as other voters

6. Vote in secret is absolute and shall not be impeded in any way.

In realizing democratic elections, the following are prerequisites regarding nominations, party rights, and responsibilities, as well as campaigns: (Goodwin-Gill, 1999)

1. Have access to mass media to express political opinions

2. The right of candidates to the security of life and property needs to be recognized and protected.

3. The right of every candidate and political party to receive legal protection and redress for violations. Moreover, equal opportunity to be a candidate in elections need not deviate from the country's international obligations.

4. The right of everyone to join, or with others, establish a political party or organization to compete in elections.

5. The right to express opinions without interference from others, seek, receive and share information as well as make informed choices. The right to move within the country to campaign on an equal basis with others including the governing party

6. Every party in an election need to have equal opportunity for political and election rights.

7. The rights mentioned above may only be limited as a legal exception. These are necessary in a democratic community in the interests of national security and public order, the protection of public health and morals, or the protection of rights as well as freedoms, provided that they are consistent with the state's obligations under international law.

8. Any person or party whose nomination, party, or campaign rights are denied or restricted shall have the right to appeal to the competent authority to review the decision and expeditiously as well as effectively correct the error.

9. The rights of candidacy, political parties, and campaigning carry responsibilities toward society. In particular, no candidate or political party shall engage in violence.

10. Every candidate and political party competing in an election have to respect the rights and freedoms of others

11. Every candidate and political party contesting an election need to accept the results of a free and fair election

In realizing democratic elections, the following responsibility of the state tends not to be ignored: (Goodwin-Gill, 1999)

1. The State has to take the necessary legislative and other measures appropriate to its constitutional processes to guarantee the rights and institutional framework for periodic, genuine, free, as well as fair elections based on its obligations under international law. These obligations include (1) establishing an effective, impartial, and non-



discriminatory procedure for voter registration, (2) establishing clear criteria for voter registration according to age, nationality, and residence, and (3) supporting the formation and free functioning of political parties, regulating as far as possible the financing of political parties and election campaigns, ensuring the separation of parties from the State, as well as creating conditions for competition in legislative elections on an equal basis

2. Adopt policies and institutions for the achievement and consolidation of democratic ideals. This includes the provision of trained and impartial personnel as well as publicly announced electoral procedures; ensuring voter registration, updated electoral rolls, and voting procedures; encouraging parties, candidates, and the media to adopt codes of conduct to govern campaigning and voting; ensuring the integrity of the ballot box through appropriate measures to prevent double voting and ineligible voters; ensuring the integrity of the vote-counting process; and ensuring the integrity of the vote-counting process.
3. The state needs to respect and guarantee the human rights of everyone and abide by its laws.
4. The state has to take the necessary steps to provide parties with sufficient opportunities to present their election platforms.
5. The state needs to guarantee the principle of the secret ballot to enable voters to cast their votes freely without fear or intimidation.
6. The state has to ensure that voting is free from forgery with illegitimacy. Also, vote counting which can be monitored or verified fairly needs to be conducted by trained personnel.
7. The state shall ensure transparency of the entire electoral process
8. The state shall ensure that parties, candidates, and supporters are provided with mutual security to prevent electoral violence
9. The state ensures that human rights violations and any complaints relating to the electoral process are addressed promptly within the electoral process period and effectively by an independent as well as the impartial agency, such as an electoral commission or tribunal.

Democratic elections can be shown from several indicators. First, elections can be held democratically because regulations are not positivist instrumentalist (only a tool for achieving power interests). This shows regulations need to be responsive, accommodating the people's interests, not becoming a legalization of the election participants' interests who are "entrusted" through the formulators. Based on this indicator, people must learn from Law No. 10/2008 on the Election of the DPR, DPD, and DPRD Members. Several articles such as the Article on Parliamentary Threshold (PT) and serial numbers were canceled by the Constitutional Court (MK) to determine candidates to sit in the DPR with DPRD being the most votes. These examples only favor those in power rather than people who have the right to determine their voting. The process of changing Law No. 10/2008 shows the existence of a tug of interest and several issues such as the Electoral Threshold (ET), PT, the division of electoral districts, and the closed or open system still revolve around the path to power.

The second indicator is an independent organizing institution that serves as a guarantee for a democratic election. In this institution, there is a big mission such as realizing clean, honest, and fair elections. The independence of the election begins from the membership composition, which is not co-opted by bureaucratic power or contestants, particularly political parties. This shows that non-bureaucratic and non-partisan are absolute requirements since the election management is not intervened by the ruling government or

political parties. Also, members of the election management agency must not have family or organizational ties with contestants or members of DPD, the President and Vice President, as well as Regional Heads.

The third indicator is the role of the election supervisory institution which can truly be relied on for its neutrality and credibility. This institution aims to determine whether the election is truly fair and honest. Also, this supervisory institution which needs to be repressive will make people or electoral participants rethink their fraudulent plans. This shows that strict sanctions against anyone who commits election violations become the key to creating a deterrent effect. Furthermore, election supervision can be carried out formally through institutions established by the state. This institution needs to be filled with credible people who have a strong commitment to carry out the supervisor function and are willing to act indiscriminately to report or take action against any parties who commit fraud in elections. Expeditiously, a transparent selection involving the public and independent academics is needed to produce people who truly have the ability, cognitively and affectively as well as intellectually and morally to carry out their duties.

Election institutions and supervisors need not to be only supported by regulations that guarantee their independence but also by adequate infrastructure, funding, and resources. Considering that Indonesia is an archipelago country with a large population, elections are directly conducted and followed by both political parties and individuals. The costs that the state needs to provide for election institutions are certainly very high. Meanwhile, political costs are not only high to finance election logistics but also institutional activities.

The fourth indicator is the guarantee of people's right to vote or non-discriminatory. Every citizen who has met the requirements has the right to vote and they need to be encouraged to use it rationally. Meanwhile, rational voters tend to determine the outcome of the election. This shows the guarantee of citizens' voting rights need to be protected through legal instruments both constitutional and organic law.

The fifth indicator is truly open, healthy, and broad electoral competition. Competitive participants are one of the determinants of democracy and elections need to open equal opportunities for them. The broad, healthy, and open competition factor tends to make elections a place to improve the quality of the participants. General elections will not guarantee a democratic government when they are only participated in by people who have been determined by the law (as in the New Order). This is because elections are ultimately competed in a limited manner and allow oligarchs to emerge.

The sixth indicator is the level of voter participation which need to extend to all Indonesian citizens without discrimination in terms of race, religion, organization, ideology, or gender. Elections cannot be held without public participation when they are intended to create a regime of power and elect people's representatives. This shows participation greatly affects the legitimacy of the government regime, institutions, or elected officials. Therefore, participants need to be encouraged to give birth to strong legitimacy. Political parties play a very important role to encourage public participation in elections through their commitments and action plans.

According to A. Blais, "*.... for many people, voting is not only a right but it is also a duty. The belief that every citizen needs to feel obliged to vote induces many people to vote in almost elections. This sense of duty is not shared by everyone and it varies from one country to another over time.* (Blais, 2000)" General elections require citizen participation which causes them to have strong legitimacy and the reduction in this can threaten the practice of governance. There will be poor leaders when elections are not supported by the people. The problem formulation of this research is what if the policies of illegitimate leaders are not beneficial to the people and are more oriented toward the leaders' interests? This



shows the consequences of leaders with poor legitimacy are very risky for the life of the nation and the state. Therefore, voter participation is of great importance and there are several things to consider in using their right to vote. First, voter participation needs to occur without mobilization from election participants. Their potential is regarded as the greatest because election participants have a constituency base. However, mobilization needs to be avoided by voters when being performed unfairly. Second, citizens' participation has to be carried out consciously and rationally (rational participation) while using their right to vote. It is prohibited to use money politics or intimidation in encouraging citizens to participate in an election. Third, participation needs to reflect the principle of non-discrimination based on race, religion, gender, or affiliation of organizations legally allowed by the state. Fourth, participants have to uphold the principles of honesty and fairness. These above factors consider the way democratic elections will be open.

The seventh indicator is the enforcement of the law which needs to accommodate the democratic process. In a rule-of-law state, general elections require not only legal instruments but also proper regulation. The democratic process does not always run linearly with the laws that govern it. Sometimes, the law is deliberately violated by state leaders vertically or by other election participants or members of society horizontally. Violations of election regulations are not only in a vertical dimension but also in a horizontal form. Therefore, law enforcement is not only regarded as a cure for election-related diseases but also essential for a democratic rule of law state. The independence of the electoral judiciary includes aspects of whether the judge is professional in their work and has a good track record. Judges who preside over election cases need to also maintain their independence. Meanwhile, the institution's independence can be shown when the government coopts the judiciary. The electoral justice system is not only dependent on the judiciary but also related to supervisory agencies and public reports, as well as the police and prosecutors. Therefore, this justice system has to be designed to work independently in enforcing law and justice. It is better when the electoral justice becomes an ad hoc court within the general judiciary (Schiller, 1997).

In Indonesia, the attainment of a democratic election has proven to be a formidable task, particularly in the 2014 election. However, this should not be perceived as an impossible feat, as the General Election Commission and Election Supervisory Agency have made significant efforts to realize this goal. Elections are of high quality when all the prerequisites and indicators of a democratic election are empirically shown in practice. According to the ARDA, the political process and elections are one of the factors associated with a democratic country. There are five indicators to examine in the political process and elections that contribute to the quality of democracy: First, the freedom of voters to select candidates or political parties without interference. Second, there is fair competition among political parties. Third, effective, independent, impartial election authorities and officials can guarantee free and fair elections. Fourth, there are legitimacy, non-arbitrary, as well as transparent processes in constitutional and legal amendments. Fifth, there is no intervention from external parties in the political process (Alliance For Reform and Democracy in Asia, 2005).

The following are the decisive elements to realizing quality Indonesian elections:

1. Good regulation
2. Independence of the Election Management and Election Supervisory Agencies
3. Bureaucratic Neutrality
4. Quality and Integrity of Election Participants, including political parties and individuals
5. Freedom of citizens to vote

6. The level of public participation in elections that creates rational voters
7. Fair competition between election participants
8. Adherence to the Electoral Law by the Organizing Institutions, Supervisory Institutions, Election Participants, and the Public.
9. Peaceful and fair Electoral Process
10. Law Enforcement by independent professional and integrity judges.

The presence of the state is to strengthen the realization of democratic and quality elections by creating legal instruments, organizing institutions as well as strong and independent mechanisms. Moreover, it needs to recruit competent, integrity, and quality human resources to be placed in election organizing and supervisory institutions, build adequate infrastructure with financial support, as well as increase political education for the community. There is a legal mechanism to process election violations in a consistent, independent, and justice-based manner. Furthermore, the state needs to regulate participants since they are willing to comply with regulations related to elections.

CONCLUSION

The following points need to be considered in realizing democratic elections. Election regulations need to be responsive, accommodate the interests of the community, and not become a legalization of the interests of participants who are "entrusted" through the formulation of regulations. An independent management agency. An election supervisory institution that is truly reliable in neutrality and credibility. Non-discriminatory voting rights. Truly open, fair, and broad electoral competition. Participation needs to be widespread for all adult Indonesian citizens, without discrimination in race, religion, organization, ideology, or gender. Law enforcement from independent law enforcement agencies. The following factors help to determine quality elections. Good regulation. Independence of the Election Organizing and Election Supervisory Agencies. Bureaucratic Neutrality. Quality and Integrity of Election Participants including political parties and individuals. Freedom of citizens to vote. The level of public participation in elections that creates rational voters. Fair competition between election participants. Adherence to the Electoral Law by the Organizing Institutions, Supervisory. Institutions, Election Participants, and the Public. Electoral Process in a peaceful and fair manner. Law Enforcement by Independent professional and integrity judges

Efforts to realize democratic elections are highly dependent on three main aspects: (1) The role of the state in providing good regulations and adequate funding, building infrastructure, creating competent and integrity-minded individuals as well as independent law enforcement institutions that uphold fairness and citizens' rights. (2) The role of election participants in willingly accepting and complying with election regulations. (3) The role of citizens as informed voters who contribute to the quality of elections by being rational voters.

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