

HUMAN SECURITY AND CIVIL LIBERTIES IN PROTEST POLICING: A COMPARATIVE STUDY OF INDONESIA AND SOUTH KOREA

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Abstract

This study aims to analyze how the policing of demonstrations in Indonesia and South Korea reflects the relationship between human security and civil liberties in the context of post-authoritarian democracy. Using a qualitative approach with a Most Similar Systems Design (MSSD), this study combines thematic analysis and narrative comparison of legal documents, human rights institution reports, and national and international media sources. The results show that although both countries have electoral democratic systems, fundamental differences arise in how the state interprets and implements public security. In Indonesia, the policing of demonstrations tends to perpetuate the authoritarian legacy through coercive legalism and digital surveillance, which suppresses public participation. In contrast, South Korea maintains a relatively balanced approach between control and the protection of citizens' rights. These findings expand our understanding of how technology, law, and political culture interact in shaping security practices in democratic countries. Theoretically, this research confirms the importance of the human security paradigm in evaluating democratic governance. Practically, the results encourage institutional reform and transparency in the use of surveillance technology, aligning with human rights principles.

Keywords: Human Security, Civil Liberties, Protest Policing, Post-Authoritarian Democracy

Abstrak

Penelitian ini bertujuan untuk menganalisis bagaimana penegakan hukum terhadap demonstrasi di Indonesia dan Korea Selatan mencerminkan hubungan antara keamanan manusia dan kebebasan sipil dalam konteks demokrasi pasca-otoriter. Dengan menggunakan pendekatan kualitatif dan desain Sistem Terdekat (MSSD), penelitian ini menggabungkan analisis tematik dan perbandingan naratif dari dokumen hukum, laporan lembaga hak asasi manusia, serta sumber media nasional dan internasional. Hasil penelitian menunjukkan bahwa meskipun kedua negara memiliki sistem demokrasi elektoral, perbedaan mendasar muncul dalam cara negara menafsirkan dan menerapkan keamanan publik. Di Indonesia, penegakan hukum terhadap demonstrasi cenderung mempertahankan warisan otoriter melalui legalisme paksa dan pengawasan digital, yang menekan partisipasi publik. Di sisi lain, Korea Selatan mempertahankan keseimbangan relatif antara kontrol dan perlindungan hak-hak warga negara. Temuan ini memperluas pemahaman kita tentang bagaimana teknologi, hukum, dan budaya politik berinteraksi dalam membentuk praktik keamanan di negara-negara demokratis. Secara teoritis, penelitian ini mengonfirmasi pentingnya paradigma keamanan manusia dalam mengevaluasi tata kelola demokratis. Secara praktis, hasil penelitian mendorong reformasi institusional dan transparansi dalam penggunaan teknologi pengawasan, sejalan dengan prinsip-prinsip hak asasi manusia.

Kata kunci: Keamanan Manusia, Kebebasan Sipil, Pengawasan Demonstrasi, Demokrasi Pasca-Otoriter

INTRODUCTION

Public demonstrations are vital expressions of democratic engagement, enabling citizens to voice dissent, shape policy discourse, and participate in public life. However, across democratic contexts, protest is frequently framed not as a right to be safeguarded but as a threat to public order. This securitized perception often legitimizes state responses that blur the boundary between maintaining order and repressing dissent. The tension between national security imperatives and civil liberties reveals a deeper institutional challenge: reconciling coercive state power with human-centered security frameworks in fragile democracies (Hamilton, 2020; M. Smith, 2022).

Indonesia and South Korea, two post-authoritarian democracies in Asia, offer a compelling comparative lens. Both countries share regional proximity, constitutional protections for assembly, and formal democratic credentials, yet their approaches to protest policing diverge significantly. South Korea has institutionalized protest as a routinized form of political participation, supported by legal oversight and relative police restraint (Hwang, 2022; Lin, 2024). Indonesia, in contrast, continues to display repressive tendencies: frequent use of excessive force, legal ambiguity, and the politicization of security institutions persist (Ajwang, 2024; Suh, 2023). These contrasting practices are not simply operational but stem from historically embedded institutional logics and the presence or absence of robust oversight mechanisms (Ho et al., 2022; Jetschke, 2011).

Beyond operational differences, the governance of protest reveals broader truths about the health of democratic institutions. States that facilitate protest through dialogical frameworks tend to foster public trust and democratic resilience. Conversely, coercive responses signal democratic backsliding, erode legitimacy, and narrow civic space (Bradford et al., 2016; Kwak, 2024). Professionalism in law enforcement is often cited as a safeguard; yet, in practice, especially in Indonesia, professional codes can be undermined by a lack of transparency, media blackouts, and the suppression of digital expression. These practices reflect a structural orientation toward control rather than protection, illustrating the fragility of democratic norms in hybrid regimes (Roris P. Sianturi, 2025; J. Smith, 2021).

This study addresses a critical gap in the literature. While protest and policing have been widely discussed in Western democracies, Asia remains underexplored in comparative studies of protest. Existing work tends to focus on electoral systems or aggregate rights indices, neglecting the empirical realities of protest governance. By comparing Indonesia and South Korea, this research highlights how institutional design, historical trajectories, and the politicization of security shape state responses to dissent. It also interrogates how legal ambiguity and digital surveillance normalize suppression under the guise of legality and order (N. Ha, 2023; Maduz, 2020).

Theoretically, this research contributes to discussions on civil liberties, state-society relations, and human security in post-authoritarian settings. Its findings are not only academically relevant but also carry public policy implications, particularly as protest governance becomes increasingly digitized and securitized. In doing so, the study reaffirms that meaningful democracy cannot rest solely on formal institutions; it requires a security paradigm oriented toward safeguarding rights and enabling public voice (Hamilton, 2020; Lin, 2024).

RESEARCH METHOD

This study employs a qualitative comparative approach, utilizing the Most Similar Systems Design (MSSD). MSSD is chosen because it facilitates comparison between two cases, Indonesia and South Korea, that share core structural characteristics, such as post-authoritarian political histories, electoral democratic systems, and constitutional protections for civil liberties, particularly the right to protest. However, despite these similarities, the two countries exhibit markedly different approaches to protest policing. While South Korea has institutionalized public demonstrations within a regulated framework of legal oversight, Indonesia continues to respond to protests with securitized and repressive measures. The use of MSSD allows the study to hold structural variables constant while identifying institutional and normative factors that explain divergent state behaviors in protest governance.

The preference for MSSD over other comparative strategies, such as the Most Different Systems Design (MDSD), is based on its analytical strength in isolating the variables of interest. MDSD, which compares vastly different cases that exhibit similar outcomes, is less suitable for this research, which focuses on how similar democratic regimes diverge in managing dissent. MSSD enables targeted investigation into how legal frameworks, oversight mechanisms, and institutional cultures impact policing strategies. In this way, the research seeks not only to understand differences in tactical enforcement but also to reveal deeper patterns of state-society relations and the embedded logics of control or accommodation within democratic institutions.

Data sources consist of both primary and secondary materials. Primary data includes legal texts, such as Indonesia's Law No. 9 of 1998 and South Korea's Assembly and Demonstration Act, as well as official reports from human rights bodies like The National Human Rights Commission of Republic of Indonesia (Komisi Nasional Hak Asasi Manusia/Komnas HAM RI), Amnesty International, and the National Human Rights Commission of Korea. These documents are essential for understanding both formal regulatory structures and documented state practices. Secondary data, including media coverage and academic analyses, are used to contextualize events and trace public discourse. The data were examined using thematic content analysis to identify recurring patterns related to legal framing, coercive tactics, and institutional oversight. This was complemented by narrative

comparison, which explored how protest is discursively constructed, whether as a legitimate democratic right or a threat to public order. Coding and interpretation were conducted manually, using an iterative reading process to ensure analytical consistency and depth.

RESULTS AND DISCUSSIONS

Legal and Institutional Frameworks in Protest Governance

Human rights advocacy in Indonesia has evolved as a strategic response to a tightening legal and political environment that systematically curtails dissent. Rather than suppressing opposition through brute force alone, the state increasingly relies on administrative controls and vague regulatory mechanisms to neutralize civic actors. This legalistic approach has fostered a climate of precarity in which civil society is compelled to operate defensively, particularly in socio-politically marginalized regions. The resulting transformation in activist strategy illustrates a more profound shift in the relationship between state power and democratic participation (Anugrah, 2022; Estrelita & Facal, 2024; Wahyuningrum, 2023).

This trend is not confined to Indonesia. In South Korea, protest governance reveals parallel dynamics in which democratic institutions coexist with deeply embedded authoritarian practices. While the right to assembly is constitutionally enshrined, enforcement remains selectively applied, allowing the state to treat political mobilization as a threat to stability. Legal ambiguity around public gatherings grants law enforcement disproportionate discretion, enabling the suppression of movements that challenge dominant political narratives. These contradictions point to a lingering dissonance between democratic ideals and coercive institutional practices (Choi, 2024; Kim & Lee, 2023).

Across Asia, policing strategies oscillate between repressive control and negotiated engagement, reflecting divergent state responses to perceived threats. The choice of strategy is closely tied to the type of regime, political legitimacy, and historical precedent. While some governments experiment with de-escalatory tactics, many continue to frame dissent through the prism of disorder. The militarization of crowd control, particularly in electoral or labor-related protests, reveals a persistence of securitized governance. Such patterns undermine attempts to institutionalize democratic conflict resolution mechanisms, instead reasserting authoritarian norms under the guise of a legal order (Lin, 2024; Nissen, 2020).

Technological innovation has intensified the state's capacity to regulate protest, not solely through force, but also through surveillance and anticipatory control. The expansion of digital monitoring mechanisms subtly disciplines civic behavior, discouraging mobilization by amplifying the risks of participation. Combined with unresolved legacies of past violence, this architecture of surveillance contributes to a pervasive sense of vulnerability. In effect, even as formal democratic institutions expand, the lived experience of protest becomes increasingly constrained by invisible regimes of control that operate outside public accountability (N. Ha, 2023; Suh, 2023).

In Indonesia, institutional responses to demands for police reform have been largely cosmetic. Structures intended to ensure accountability frequently lack autonomy and are constrained by political interests. Rather than challenging impunity, legal reforms have facilitated the persistence of entrenched hierarchies within law enforcement. Procedural complexity and the co-optation of oversight mechanisms dilute the substance of democratic governance. This institutional inertia highlights the challenges of transforming security sectors that are structurally aligned with the preservation of authoritarianism rather than rights-based governance (Butt & Lindsey, 2023; Sukmono & Sudirman, 2023).

In contrast, South Korea's more restrained and institutionalized approach to protest policing not only reinforces its domestic democratic consolidation but also enhances its diplomatic credibility in regional and multilateral settings. As a key actor in Northeast Asia and a member of international human rights bodies, South Korea leverages its rights-based policing model as part of its normative soft power (J. Lee, 2013; Park, 2022). This positions South Korea favorably in dialogues on democratic norms, human rights, and security cooperation, particularly within ASEAN+3 and East Asia Summit frameworks (Kwak, 2024).

Indonesia, by contrast, faces reputational constraints linked to its protest policing record, which may limit its moral authority when advocating for democratic governance or human rights norms in the region. Despite promoting the image of a Muslim-majority democracy, Indonesia's securitized handling of domestic dissent has drawn criticism from rights groups and undermined its normative influence in ASEAN (Anugrah, 2022; Wahyuningrum, 2023). Its alignment with non-interference norms contrasts sharply with South Korea's increasing openness to regional human rights discourse. As democratic backsliding intensifies in the region, these differences may shape how both countries are perceived as leaders or laggards in democratic norm diffusion (Hwang, 2022; Suh, 2023).

These contrasts highlight how protest policing is not only a matter of domestic governance but also a dimension of regional diplomacy and security legitimacy. A rights-oriented approach, such as South Korea's, strengthens its standing in transnational discussions on human security and builds bilateral trust, particularly with democratic allies and international partners (Y. Lee, 2025; Torri, 2024). In contrast, Indonesia's coercive policing practices and shrinking civic space rival states or civil society coalitions may exploit to regional narratives of democratic regression, which rival states or civil society coalitions may exploit to challenge Indonesia's normative leadership in Southeast Asia. As ASEAN increasingly confronts pressure to uphold democratic principles and human rights, domestic protest governance becomes a critical test of a state's credibility in shaping the region's post-authoritarian democratic trajectory (H. T. Ha & Singh, 2023; Setiawan & Savirani, 2025).

Overlapping legal systems and the absence of a coherent normative foundation for civilian oversight further compound the weakness of accountability frameworks. Legal pluralism, while theoretically inclusive, often enables selective enforcement and

jurisdictional ambiguity. In practice, this has allowed informal power structures to shape policing outcomes, blurring the line between legitimate governance and elite protection. These dynamics undermine both procedural justice and substantive equality before the law, exacerbating the democratic deficit within post-authoritarian security governance (Setiawan & Cammack, 2022; White et al., 2018).

A key manifestation of this deficit is the systematic constriction of the right to peaceful assembly, which has been increasingly redefined as a privilege subject to administrative discretion. While international human rights frameworks articulate the universality of this principle, national practices frequently subject it to political filtration. Permitting regimes, vague criminal provisions, and discretionary policing combine to create an environment in which public dissent is tolerated only when it aligns with state interests. This disjuncture between legal commitments and practical enforcement further erodes citizen trust and weakens democratic resilience (Hamilton, 2020; Park, 2022).

The narrowing of civic space is therefore both a cause and consequence of public disengagement. As institutional pathways to influence become increasingly opaque, citizens recalibrate their strategies, often opting for informal or symbolic modes of resistance. This adaptation reflects not apathy but strategic withdrawal from an unresponsive system. In turn, states interpret reduced protest frequency as a sign of stability, justifying further regulatory tightening. This recursive process transforms political disengagement into a form of governance, subtly legitimizing authoritarian drift within formally democratic structures (Anugrah, 2022; Wahyuningrum, 2023).

Despite the formal proliferation of rights-based instruments, the operational environment remains inhospitable to emancipatory expression. Implementation gaps and deliberate institutional obstruction often overshadow legal protections. In many cases, human rights laws are used not to empower, but to manage dissent within acceptable boundaries. This instrumentalization of legality reinforces a politics of control in which human security is subordinated to state-centric paradigms of order. Consequently, civil liberties exist more as rhetorical commitments than lived guarantees (Estrelita & Facal, 2024; Sukmono & Sudirman, 2023).

The South Korean case further illustrates how deeply embedded policing cultures continue to shape the enforcement of rights. Although democratization has brought institutional reform, operational practices remain anchored in hierarchical models of control. The unequal application of protest regulations reflects broader patterns of politicized law enforcement, where the state tailors its response to perceived ideological alignment. Such asymmetry not only distorts legal neutrality but also exacerbates political polarization by branding certain protests as illegitimate (Choi, 2024; Kim & Lee, 2023).

Emerging surveillance technologies have augmented these tendencies by enabling the state to detect, disrupt, and discredit mobilization before it materializes. Through predictive analytics and digital profiling, authorities can construct preemptive narratives that delegitimize protest and isolate organizers. This prefigurative policing operates beneath the threshold of visibility, allowing

governments to maintain democratic facades while exercising sophisticated forms of control. The incorporation of these tools into statecraft represents a qualitative shift in repression, privileging anticipation over reaction (Butt & Lindsey, 2023; N. Ha, 2023; Nissen, 2020).

Historical legacies of authoritarianism continue to haunt the present, particularly where transitional justice has failed to establish institutional accountability. In countries such as Indonesia and South Korea, past violations remain politically sensitive, and unresolved traumas continue to shape contemporary protest cultures. Activists invoking historical memory are often met with suppression, as they challenge dominant narratives that underpin national identity. Without reconciliation, cycles of mistrust persist, constraining the depth of democratic engagement and weakening the foundations of civic solidarity (Park, 2022; Suh, 2023).

Civil Society, Control, and the Politics of Oversight

In the contemporary landscape of democratic governance, digital technology no longer operates as a neutral facilitator of civic engagement but has increasingly emerged as an instrument of latent domination. Within post-authoritarian democracies such as Indonesia and South Korea, surveillance technologies ranging from algorithmic profiling to metadata tracking have reshaped the state's capacity to regulate dissent preemptively. This transformation reflects a paradigmatic shift from reactive repression to anticipatory control, wherein the very potential of collective mobilization is neutralized before it materializes. In this emerging architecture of power, repression is no longer the product of visible coercion, but of predictive governance embedded within seemingly innocuous infrastructures of statecraft (Bloom, 2025; Khine, 2023).

This anticipatory mode of repression fundamentally alters the psychological terrain of political participation. Citizens, increasingly aware of the state's capacity to monitor digital footprints, whether through social media analytics or behavioral mapping, engage in self-censorship as a rational survival mechanism. Participation becomes calculated, contingent, and cautious, as the risks associated with visibility outweigh the rewards of democratic expression. Drawing on Foucault's notion of panopticism, surveillance is internalized here, generating docility not through direct punishment but through the fear of potential exposure. Consequently, the erosion of civil liberties becomes internal and voluntary, disguised as prudence rather than imposed through force, making it more insidious and enduring (Kharazi, 2021; Samatas, 2005).

What emerges is an inversion of normative democratic priorities: human security centered on safeguarding individual rights is supplanted by state-centric logics of national security. Rather than empowering citizen agency, technological infrastructures are deployed to protect the regime from public scrutiny. The securitization of protest, legally framed as a threat to public order, justifies preemptive measures such as surveillance, digital disruption, and administrative restrictions. In Indonesia and South Korea, this reframing normalizes repression under the guise of

legality and stability. Thus, the state instrumentalizes law and technology not to guarantee participatory pluralism but to delineate the boundaries of permissible dissent within an increasingly constrained public sphere (Bloom, 2025; Margiansyah, 2025).

This phenomenon is emblematic of what may be termed "algorithmic authoritarianism," a modality of power that masks coercive intent beneath the surface of efficiency, neutrality, and technocratic governance. Here, repression is rendered invisible by being embedded within algorithmic systems of governance that ostensibly serve the public interest in maintaining order. Predictive policing, big data surveillance, and facial recognition technologies become tools of selective targeting, not mass inclusion. By transforming democratic infrastructures into instruments of elite insulation, algorithmic systems foreclose political contestation while projecting a facade of modernity. In doing so, they invert the democratizing promise of digital technologies into mechanisms of exclusion and control (Carvajal Sojo, 2023; Smart, 2025).

In Indonesia, this shift is exacerbated by a legacy of institutional inertia and superficial reform. Although official regulations prescribe proportional use of force and ethical policing, their implementation lacks substantive institutional recalibration. Law enforcement agencies remain structurally loyal to executive power rather than constitutional norms. It has enabled the state to expand its technological surveillance capacity without instituting corresponding mechanisms of civilian oversight. Thus, rather than reinforcing democratic transparency, the incorporation of digital tools amplifies the state's coercive capacity, unencumbered by independent scrutiny or legal accountability. Reform, in this context, serves as a discursive veneer that masks more profound continuities of authoritarianism (Masduki & Wendratama, 2025).

Exacerbating the situation is the systematic co-optation and functional neutralization of oversight institutions such as the National Human Rights Commission of Indonesia and the *Ombudsman of Indonesia*. Despite their formal mandates, these bodies lack structural autonomy, fiscal independence, and political clout. Consequently, reports of surveillance-related rights violations often fail to translate into enforceable outcomes. Institutionalized impunity is reinforced as state surveillance proceeds unchecked, sanctioned by bureaucratic inaction and political expediency. It perpetuates a climate of unaccountable governance, where the expansion of surveillance becomes a norm rather than an exception. The absence of institutional checks thus consolidates what can be termed as "structural impunity," where violations are neither anomalous nor remediable (Edwards, 2020; Samatas, 2008).

Equally concerning is the absence of a coherent techno-legal framework governing the deployment of digital surveillance in Indonesia. Numerous surveillance instruments are operationalized without legislative clarity, judicial authorization, or public debate. The lack of regulatory scaffolding enables the state to exploit technological tools in ways that blur the lines between legality and coercion. This techno-legal asymmetry transforms the digital domain into a space of vulnerability

rather than empowerment. Without robust digital rights legislation and transparent enforcement protocols, the digitalization of governance risks entrenching opaque power relations and facilitating forms of domination that elude traditional democratic checks (Balcells & Villamil, 2023; Bloom, 2025).

In South Korea, despite a more advanced trajectory of democratic consolidation, remnants of authoritarian policing culture persist. Institutional structures remain vertically organized, and operational norms continue to emphasize control and hierarchy. Law enforcement continues to view protests as potential disruptions rather than constitutionally protected expressions of free speech and political will. This perception shapes the operational logic of policing, whereby public demonstrations are not viewed as deliberative exercises but as threats that require containment. Consequently, even in a legal environment that enshrines civil liberties, the ethos of law enforcement remains anchored in pre-democratic modalities of state-citizen engagement (J. Lee, 2013; Margiansyah, 2025).

These tensions are further aggravated by the ideologically asymmetrical application of legal frameworks governing protest. Demonstrations aligned with conservative or pro-establishment interests are often permitted or benignly tolerated. In contrast, those advancing progressive or oppositional agendas, such as labor rights or environmental justice, are subjected to heightened scrutiny and repression. This ideological selectivity undermines the principle of legal neutrality, revealing the political contingency of rights enforcement. Law, in such contexts, functions less as a guarantor of equal protection than as an instrument for calibrating dissent in accordance with hegemonic narratives, eroding the normative legitimacy of democratic governance (Karatzogianni et al., 2020; Solar, 2022).

South Korea's deployment of digital technologies to anticipate and disrupt protest activity exemplifies the prefigurative function of surveillance. Through data mining, behavioral modeling, and network analysis, state apparatuses construct anticipatory threat matrices that inform preventative policing strategies. These preemptive interventions often precede actual mobilization, thus allowing the state to delegitimize dissent before it coalesces. In this scenario, repression operates at the level of narrative production, where protest is framed as subversion before it is articulated. The digital domain becomes a battleground not of ideas but of perception management, with state power embedded in the invisible circuits of prediction and dissuasion (Karatzogianni et al., 2020; Samatas et al., 2011).

The convergence of technological surveillance, institutional fragility, and coercive legalism has yielded a new regime of control wherein repression is no longer overt but diffused, strategic, and normalized. This regime governs not by silencing voices but by rendering them invisible through digital obfuscation, algorithmic downranking, and bureaucratic deferral. In such a setting, civic silence does not signify consent but reflects systemic erasure. Stability is manufactured through invisibility, and democracy is hollowed out by the quiet efficiency of control mechanisms that bypass traditional modes of accountability. Repression, in this form,

becomes epistemologically elusive and democratically corrosive (Bloom, 2025; Masduki & Wendratama, 2025).

Therefore, the rise of digitally mediated repression poses fundamental challenges to normative theories of democratization. Their instrumentalization for technocratic control belies the assumption that digital infrastructures would expand participatory capacities. Unless democratization is reconceptualized to encompass the governance of technology itself, electoral procedures and civil liberties will remain vulnerable to algorithmic capture. To safeguard democratic integrity, it is imperative to institute legal, institutional, and normative frameworks that constrain the repressive potential of technological instruments. Without such recalibration, the democratic project risks being supplanted by a new digital authoritarianism cloaked in the rhetoric of order and innovation (Breuer & Groshek, 2014; Samatas, 2005).

Civil Society under Legal and Institutional Constraint

In post-authoritarian Indonesia, legal pluralism has mutated from an inclusive constitutional mechanism into a tool of selective enforcement and elite control. Originally intended to accommodate diverse legal traditions, it now functions as a fragmented landscape where overlapping jurisdictions—religious, customary, and administrative—enable legal ambiguity to serve political ends. This architecture of dissonance empowers state actors to manipulate legality, granting impunity for repressive practices while denying uniform protections for civil liberties. The rule of law becomes elastic, unevenly applied, and vulnerable to executive capture. Consequently, law transforms from a shield of the marginalized into a strategic instrument of hierarchical governance, sowing distrust in legal institutions and weakening democratic consolidation (Bedner, 2016; Butt, 2018; Tamanaha, 2017).

This systemic malleability is exacerbated by the chronic dysfunction of civilian oversight mechanisms, which are ostensibly designed to monitor abuses of power. Bodies like the National Human Rights Commission of Indonesia and *the national Ombudsman of Indonesia* lack structural autonomy, political insulation, and enforcement capacity (Crouch, 2010; Kingsbury, 2020). While their mandates are symbolically expansive, their actual ability to impose accountability is stymied by procedural entanglements and political inertia. What results is a performative oversight regime: one that produces reports but no reform, that signals concern without consequence. Institutions that should act as democratic correctives are thus rendered complicit in sustaining authoritarian residues. Their impotence reinforces a governance model in which impunity is routinized, and rights are discursively endorsed but practically absent (Crouch, 2010; Kingsbury, 2021; Mietzner, 2020).

At the normative core of this crisis lies the collapse of constitutional legalism into bureaucratic legalism. Executive decrees, ministerial regulations, and ad hoc bylaws proliferate with minimal legislative scrutiny, eroding constitutional supremacy (Bedner, 2016; Fenwick, 2008). The judicial branch, notably lower courts, is frequently undermined by patronage networks and informal political alliances

(Kingsbury, 2021). As law becomes less about justice and more about administrative expediency, its symbolic capital deteriorates. Citizens, disillusioned by institutional partiality, increasingly disengage from legal recourse. This retreat from formal grievance mechanisms paves the way for informal resistance, potentially destabilizing democratic legitimacy and redirecting civic energy into extralegal or populist channels (Warburton, 2016).

These legal distortions culminate in what may be termed "regulated unfreedom," wherein constitutional liberties are administratively encumbered and procedurally disarmed. Rights such as assembly, expression, and association remain nominally intact but are rendered contingent upon bureaucratic compliance. Permits, zoning laws, and spatial ordinances are deployed not as tools of facilitation but of deterrence, embedding discretion into every stage of civic mobilization. The regulatory state thus governs through procedural encirclement, ensuring that dissent is neither spontaneous nor structurally disruptive. This strategy allows the state to repress without appearing repressive, silencing opposition under the guise of administrative rationality, and displacing political contestation with managerial containment (Lindsey, 2008; Mietzner, 2022; Rahman, 2023).

While Indonesia's approach to dissent has become increasingly entangled with bureaucratic legalism and historical amnesia, South Korea presents a contrasting yet comparably complex case. Although democratization has institutionalized protest rights, administrative and legal frameworks in South Korea still reflect residues of authoritarian-era governance. Protest permits, zoning laws, and national security legislation are often applied with ideological selectivity, favoring conservative or pro-government causes while constraining progressive movements such as labor rights, anti-corruption campaigns, and memory activism linked to past state violence (Y. Lee, 2025; Suh, 2023).

Much like Indonesia's instrumental use of legality, South Korea's authorities have occasionally invoked procedural compliance to limit disruptive but peaceful civic actions, particularly those that challenge dominant narratives of national identity or security. The unequal application of protest laws has drawn criticism from domestic watchdogs and international observers, especially when such measures are framed as neutral administration but disproportionately impact dissenting voices (Kim & Lee, 2023; J. Lee, 2013).

Moreover, South Korea's transitional justice remains partial, with unresolved debates over historical memory, especially concerning the Gwangju Uprising and authoritarian legacies, continuing to shape state-society dynamics. Activist groups advocating for historical truth and state accountability often face delegitimization or surveillance, echoing Indonesia's pattern of silencing memory work. This suggests that even in advanced democracies, managerial control and the curation of historical narratives remain powerful tools for disciplining dissent (Hwang, 2022; Park, 2022).

This containment logic extends to the conceptual terrain of civil liberties themselves. The juridification of protest reframes it from an expressive democratic act to a bounded administrative event. By invoking ambiguous standards such as "public

order" or "cultural morality," the state imposes normative boundaries on what counts as legitimate dissent. Such standards disproportionately affect subaltern and marginalized actors, whose modes of protest often fall outside the sanitized formats deemed acceptable. The transition from right to regulation strips protest of its oppositional force, transforming it into a performance subject to state approval. This epistemic shift reveals the state's ambition not only to manage dissent but to define its very parameters (Bünthe & Ufen, 2009; McGibbon, 2004; Rahman, 2023).

Parallel to this regulatory expansion is the rhetorical appropriation of human rights discourse into the state's governance lexicon. Rather than serving as a counter-hegemonic force, rights-based language is repurposed to lend legitimacy to coercive policies. Training programs, oversight reforms, and international reporting protocols create a facade of compliance while insulating the regime from substantive accountability. Human rights become less a moral framework and more a technocratic vocabulary, invoked to deflect criticism and obscure repression. The paradox is profound: a rights discourse designed initially to constrain power is instrumentalized to protect it (Khanif, 2020; McGibbon, 2004; Mietzner, 2020).

Nowhere is this displacement more evident than in the regulation of civil society organizations. Licensing regimes, foreign funding controls, and digital monitoring apparatuses subtly reshape the operational conditions of NGOs (Lay, 2017; Scarpello, 2014). Organizations that advance state-approved narratives enjoy access and visibility; those that challenge historical denial or mobilize grassroots dissent face scrutiny, stigmatization, or silent exclusion. The state's embrace of a pluralist discourse thus coexists with a narrow ideological gatekeeping. This containment transforms civil society into a depoliticized partner of governance, diluting its transformative potential and converting resistance into compliant consultation (Warburton, 2016).

As a result, civil society transitions from a counter-public sphere into a curated arena of managed participation. Engagement becomes conditional upon self-censorship, and recognition is contingent upon ideological alignment. Participatory forums proliferate, but their deliberative efficacy remains negligible. Activists are co-opted into policy dialogues that neither shift power nor challenge narratives, reinforcing the illusion of pluralism while maintaining elite consensus. In this simulation of democracy, civic performance substitutes for civic power, transforming resistance into ritual and critique into compliance (Mietzner, 2022; Warburton & Aspinall, 2019).

This aesthetic of governance draws sustenance from unresolved historical traumas and silenced collective memories. Activism that invokes the specter of past state violence, such as the 1965 massacres or Suharto-era atrocities, is often delegitimized as destabilizing or unpatriotic (Mietzner, 2008; Roosa, 2020). Truth-seeking, memory work, and transitional justice are framed as threats to national cohesion, forestalling moral accountability. By policing memory, the state insulates itself from historical critique and enables the reemergence of authoritarian logics. The past is not confronted but curated, edited, and instrumentalized (Zurbuchen, 2002).

In the absence of institutionalized reconciliation, mistrust between the state and its citizens deepens. Survivors and their descendants remain politically disenfranchised, socially invisible, and legally unrecognized. (Hearman, 2018; Zurbuchen, 2002). Their marginalization is reproduced through both symbolic exclusion and material neglect, denying them a place in national imaginaries and public policy. This historical erasure forecloses the possibility of civic trust, ethical solidarity, or transformative justice. Without acknowledging past injustice, present-day democracy becomes a hollow, ritualized, yet unrooted performance (Mietzner, 2008).

These authoritarian residues extend beyond memory into the operational culture of governance itself. The performative gestures of loyalty, the symbolic fetishization of order, and the rhetorical deployment of national unity echo the aesthetics of the New Order (Aspinall, 2005; Hadiz, 2013). Institutions may have been liberalized, but their behavioral logics remain hierarchical, exclusionary, and deferential to executive discretion. This produces a democratic facade that coexists with authoritarian substance, a hybrid regime where rights are reversible, and dissent is conditional (Mietzner, 2020).

Indonesia's experience reveals that the erosion of substantive democracy is not always orchestrated through overt autocracy or military intervention. Instead, it often proceeds through legal routinization, bureaucratic expansion, and the strategic neutralization of civic resistance. Repression is not declared; it is administered, normalized, and obscured beneath the protocols of proceduralism. Institutions built to uphold liberty evolve into infrastructures of managed participation and calibrated silence. If democracy is to be salvaged, it must reclaim its normative foundations: memory, resistance, equality, and moral accountability (Kingsbury, 2021; Mietzner, 2020; Warburton & Aspinall, 2019).

CONCLUSION This study confirms that the differences between Indonesia and South Korea's approaches to managing demonstrations reflect divergent security orientations that have a direct impact on the quality of democracy and international perceptions. In Indonesia, coercive legalism, digital surveillance, and weak accountability mechanisms characterize the continuation of a state security paradigm that prioritizes stability over the protection of citizens' rights. In contrast, South Korea demonstrates a more consistent institutional capacity to balance public security with civil liberties through strong civilian oversight and the internalization of human rights norms. These findings demonstrate that human security is not only a domestic issue but also a key indicator of a country's democratic credibility in the eyes of the international community. In a comparative context, both countries demonstrate that the quality of security governance significantly influences a country's ability to maintain a healthy civil space and ensure public trust in democratic institutions.

Theoretically, this study highlights that contemporary democracy is facing new threats through digital authoritarianism and algorithmic control mechanisms that operate covertly within formal legal frameworks. These findings are important for

reexamining the assumption that technology and legal reform automatically strengthen democracy. On the contrary, both can become instruments that expand the state's capacity to monitor, control, and even suppress public participation. These implications are relevant to international relations studies, particularly in discussions on regional norms, the diffusion of security practices, and the competition between governance models in East Asia and Southeast Asia. A policing model that restricts public space has the potential to reduce Indonesia's normative appeal among ASEAN countries and external partners, especially when the issue of digital repression has become a global concern in human rights regimes.

Practically and strategically, the findings of this study have direct implications for Indonesia's foreign policy. As the largest democracy in Southeast Asia and a member of the G20, Indonesia often positions itself as a promoter of democracy, regional stability, and ASEAN centrality. However, repressive and opaque practices in managing demonstrations can undermine this credibility, especially in the eyes of strategic partners such as South Korea, the European Union, and OECD countries, which consider the protection of civil liberties a standard measure of partnership. In the context of regional security, the disconnect between Indonesia's normative commitments and domestic practices has the potential to reduce its capacity to lead discussions on human security, digital governance, and democratization issues in ASEAN, ARF, and EAS forums. Therefore, institutional reform, increased oversight capacity, and reaffirmation of its commitment to human rights are not only domestic necessities but also strategic interests for the effectiveness of Indonesia's diplomacy in shaping an inclusive and value-based regional security architecture.

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