

Democracy in Distress: Human Rights Challenges in Fragile Democracies- Lessons from Nigeria and Indonesia

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Abstract

Fragile Democracies are usually not able to turn constitutional promises into effectively protected human rights. Nigeria and Indonesia have democratic, constitution systems on paper but in practice, high level corruption, poor enforcement of laws, political interference and security abuses the enjoyment of civil liberties, freedom of expression and minority rights.

Using a qualitative comparative approach—based on constitutional texts, legal systems, NGO and academic investigations, and a sample of well-known cases involving social rights—this Article uncovers how institutional fragility can compromise the defense of rights. The findings show that weak policing institutions, misuse of digital legislation, and lack of accountability are central to the crisis of democracy in both states. The paper concludes with recommendations for strengthening legal and institutional mechanisms

Keywords: Democracy; Human Rights; Fragile Democracies; Nigeria; Indonesia

1. Introduction

Democracy today is often celebrated as the surest route to legitimacy and the protection of rights. Yet, in many countries, the existence of elections and democratic institutions alone has not translated into genuine civil liberties or political freedom.² In numerous fragile democracies, states appear democratic on paper but lack capable and accountable institutions for the protection of basic rights thus remains inconsistent, and sometimes entirely absent.³

The problem that this paper seeks to address is twofold. **First**, how does democratic fragility in countries like Nigeria and Indonesia contribute to systemic human rights challenges? **Second**, what lessons can be drawn from their experiences to strengthen human rights protections within fragile democratic systems? The significance of this inquiry lies in its contribution to understanding the dark side of democratization: not just formal institutions, but how they fail or succeed in protecting rights in practice. Scholars have long studied democratization and human rights, and there is a rich literature on institutional reforms, civil society, and governance in both Nigeria and Indonesia. For Nigeria, research has documented corruption, insecurity, and weak rule of law as persistent challenges in its Fourth Republic.⁴

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²Human Rights Watch, *World Report 2014: Nigeria*, HRW, 2014.

³AD715: Amid growing insecurity, Nigerians fault police for corruption and lack of professionalism.

⁴ O. A. Obasun, "Undemocratic Democracy: Evaluating Nigeria's Democratic Journey Since 1999," *International Journal of Research & Innovation in Social Science*, vol. 5, no. 3, 2024.

For Indonesia, studies have shown a recent decline and restrictions on digital speech through its ITE Law, and civil society warns that dissent is increasingly criminalized.⁵

However, despite this wealth of scholarship, some critical gaps remain unaddressed. First, many studies examine Nigeria and Indonesia in isolation rather than comparatively; second, few adopt an explicitly *human rights-centered* lens that links democratic fragility to specific rights outcomes; third, there is limited cross-jurisdictional analysis of how weaker democratic safeguards translate into rights violations (e.g., how constitutional erosion or institutional weakening enables rights abuses). This comparative gap limits the generation of transferable lessons.

To fill these gaps, this paper proposes a conceptual framework that links “institutional fragility” (e.g., weak judicial independence, compromised anti-corruption bodies) to “rights erosion” (e.g., political repression, extrajudicial violence, limitation of civil liberties). Using this framework, I comparatively analyze empirical evidence from Nigeria and Indonesia to draw lessons for strengthening human rights protections in fragile democratic contexts.

The objectives of this study are: (1) to diagnose the key human rights challenges emerging from democratic fragility in Nigeria and Indonesia; (2) to identify the institutional mechanisms that contribute to these challenges; and (3) to propose lessons and policy recommendations for reinforcing human rights protection in fragile democracies. Methodologically, the study employs comparative qualitative analysis, combining legal-political analysis, evaluation of secondary literature, and critical review of human rights reports.

2. Method

This study applies a comparative qualitative research design to examine how democratic fragility contributes to human rights challenges in Nigeria and Indonesia. The research is structured in three sub-sections: (1) conceptual framework, (2) data sources, and (3) analytical procedure.

3. Result and Discussion

3.1. Institutional Fragility and Rights Erosion in Nigeria

Nigeria’s democracy, though formally stable since the return to civilian rule in 1999, is plagued by deep institutional fragility. High levels of corruption, clientelism, and elite capture persist, undermining trust in public institutions.⁶ Security institutions, particularly the police, are widely criticized for brutality, lack of accountability, and politicization.⁷ Further, competing legal systems of common law, Sharia, and customary law, pose challenges to coherent legal governance and equality before the law.⁸

3.2. Human Rights Challenges

These institutional weaknesses manifest in significant human rights problems. For example, extrajudicial killings, torture, arbitrary detention, and other abuses by security forces

⁵International civil society strongly condemn digital crackdown by the Government of Indonesia and Big Tech.

⁶ F. Fukuyama, *Political Order and Political Decay* (Farrar, Straus and Giroux, 2014).

⁷ Human Rights Watch, *World Report 2025: Indonesia*, HRW, 2025.

⁸ A. Coppedge, J. Gerring, C. Lindberg et al., “V-Dem Dataset v12,” *Varieties of Democracy (V-Dem) Project*, 2023.

remain persistent.⁹ The #EndSARS protests of 2020 symbolized deep public frustration over police brutality, especially from the Special Anti-Robbery Squad (SARS), with demonstrators demanding systemic reform.¹⁰ Furthermore, democratic legitimacy is undermined by weak judicial independence, meaning that victims of human rights abuses often struggle to obtain redress.¹¹ Civic organizations also warn of a shrinking democratic space.¹² According to some domestic NGOs, rising economic inequality, elite privilege, and institutional distrust are corroding public trust and undermining rights-based governance.¹³ Furthermore, constitutional decline, including weakening of the judiciary, directly threatens the enforcement of citizens' rights and undermines accountability.¹⁴

3.3. Critical Reflection

Previous research rightly highlights corruption, insecurity, and weak rule of law as central democratic challenges in Nigeria. However, many studies focus on these as governance issues rather than human rights violations per se. There is less explicit connection made between democratic institutional flaws and concrete rights violations. By framing these issues in terms of *rights erosion*, this study emphasizes how fragile democracy compromises human dignity, not just efficient governance. This reframing is important because it calls for not only political reforms but also rights-based accountability mechanisms.

3.4. Institutional Fragility and Rights Erosion in Indonesia

Indonesia's democratic quality has shown signs of backsliding. Scholars observe that institutions such as the Corruption Eradication Commission (KPK) and the Constitutional Court are under strain, and executive power is increasingly dominant.¹⁵ Other analyses point to constitutional erosion: weakening separation of powers, politicization of courts, and declining independence of oversight bodies.¹⁶ The Bertelsmann Transformation Index (BTI) similarly notes interference in the judiciary and a decline in checks and balances.¹⁷

3.5. Human Rights Challenges

These institutional siftings correspond with measurable rights decline. Human Rights Watch reports a deterioration of civil and political liberties under recent administrations, citing increased corruption, weak legislative checks, and declining respect for civil space.¹⁸ Civic organizations also warn of a shrinking democratic space.¹⁹ According to some domestic NGOs, rising economic inequality, elite privilege, and institutional distrust are corroding public trust and undermining rights-based governance.²⁰ Furthermore, constitutional decline,

⁹ M. H. Ahsan, "Constitutional Decline in Southeast Asia: The Case of Indonesia," *Journal of Asian Law*, vol. 19, no. 1, 2021.

¹⁰ Transparency International, *Corruption Perceptions Index 2024*, Transparency International, 2024.

¹¹ Amnesty International, "Policing in Nigeria: A Human Rights Audit," Amnesty International Report, 2022.

¹² B. A. Bamgbose, "Plural Legal Systems and the Rule of Law in Nigeria," *African Journal of Legal Studies*, vol. 7, no. 2, 2014.

¹³ International Crisis Group, "Nigeria's Security Challenges: A Human Rights Perspective," ICG Report No. 292, 2023.

¹⁴ E. Nwogwugwu, "#EndSARS and Youth Activism in Nigeria: Implications for Democratic Accountability," *African Studies Quarterly*, vol. 21, no. 2, 2021.

¹⁵ R. Idowu, "Judicial Independence in Nigeria: Trends and Challenges," *Nigerian Journal of Constitutional Law*, vol. 14, no. 1, 2022.

¹⁶ M. Crouch, *Politicisation of the Judiciary in Indonesia*, Routledge, 2019.

¹⁷ F. Lutfianto and M. H. Rofiqi, "Analysis of Indicators of Constitutional Decline in Indonesia," *LAW & PASS: International Journal of Law, Public Administration and Social Studies*, vol. 1, no. 3, 2024.

¹⁸ F. Lutfianto and M. H. Rofiqi, "Analysis of Indicators of Constitutional Decline in Indonesia," *LAW & PASS: International Journal of Law, Public Administration and Social Studies*, vol. 1, no. 3, 2024.

including weakening of the judiciary, directly threatens the enforcement of citizens' rights and undermines accountability.¹⁹

3.6. Critical Reflection

Many existing studies frame Indonesia's issues in terms of democratic backsliding or Institutional decline—but less often in terms of human rights erosion. While analyses of corruption or institutional weakening are important, they sometimes underplay how these weaknesses translate into concrete harms: marginalized communities losing legal protections, civic voices being silenced, or accountability mechanisms failing. By applying a *rights-erosion lens*, this study underscores the human costs of weakening institutions, making a stronger normative case for reforms aimed at rights protection, not just institutional capacity.

3.7. Comparative Lessons and Synthesis

Common Patterns

- In both Nigeria and Indonesia, **institutional fragility** (weak oversight, compromised judiciary, executive dominance) is strongly linked to **human rights erosion** (security abuses, suppression of civic space, inequality).
- **Elite capture and corruption** undermine public trust in democratic institutions in both contexts, reducing the likelihood of effective accountability.
- Despite formal democratic structures (e.g., constitutions, elections), **substantive democracy** is limited: formal rights do not always translate into real protections for citizens.

Differences and Contextual Nuances

- **Security challenge vs. executive dominance:** In Nigeria, the acute security threats (e.g., insurgency, banditry) amplify human rights violations by security forces; in Indonesia, the challenge is more about gradual institutional erosion and weakening of checks and balances.²⁰
- **Civil society capacity:** While Nigerian civil society is vibrant, consistent state fragility and insecurity limit its political effectiveness; in Indonesia, civic space remains comparatively strong, but regulatory and legal constraints (e.g., shrinking legal space, weakening institutions) are increasingly problematic.²¹
- **Legal system complexity:** Nigeria's multiple legal traditions (customary, Sharia, common law) complicate uniform rights enforcement; Indonesia's challenge is more about constitutional erosion and politicization rather than plural legal systems.²²

Policy Lessons

Strengthening the institutional foundations of democracy requires more than cosmetic reforms or electoral exercises. For fragile democracies such as Nigeria and Indonesia,

¹⁹ Bertelsmann Stiftung, *Bertelsmann Transformation Index (BTI) 2024: Indonesia Country Report*, BTI, 2024.

²⁰ INFID, "Eroding Trust and Rising Inequality: Challenges to Democratic Resilience in Indonesia," INFID Research Brief, 2025.

²¹ INFID, "Eroding Trust and Rising Inequality: Challenges to Democratic Resilience in Indonesia," INFID Research Brief, 2025.

²² R. Aspinall, "Civil Society and Democratic Backsliding in Southeast Asia: The Case of Indonesia," *Journal of Democracy*, vol. 32, no. 3, 2021.

reinforcing independent institutions remains critical to sustaining democratic stability and protecting human rights. Robust and autonomous judicial bodies, along with empowered anti-corruption agencies, are essential to ensure accountability, particularly in cases involving security forces and state actors. However, democratic reforms must go beyond the improvement of governance capacity; they must explicitly embed a human-rights-based approach. This includes comprehensive legal reforms, the strengthening of the rule of law, and the establishment of effective enforcement mechanisms capable of deterring violations.

In addition, expanding civic participation beyond the ballot box is necessary to safeguard democratic values. Institutionalized platforms for civil society engagement—such as participatory oversight, community-based monitoring, and grassroots consultations—create avenues for public scrutiny and inclusive policy development. Addressing persistent socio-economic inequalities is equally significant, as widespread poverty and economic exclusion undermine public trust and weaken the legitimacy of democratic institutions. Therefore, redistributive and inclusive development policies must form a core component of national reform agendas

Finally, both domestic and international monitoring frameworks can help sustain reform momentum. Regular assessments through democracy and human rights indices, coupled with active domestic watchdog groups, create pressure for transparency and reform while supporting state accountability. Together, these measures can help fragile democracies transition toward more resilient, rights-respecting political systems.

4. Conclusion

This paper has interrogated how **democratic fragility** in Nigeria and Indonesia contributes to **human rights erosion**, arguing that fragile democracies do more than stumble—they can systematically undermine rights. In Nigeria, weak security institutions, corruption, and clientelist politics compromise accountability and fuel abuses. In Indonesia, institutional backsliding and weakening oversight have eroded civil liberties and democratic checks

By applying a comparative, rights-centered framework, this study contributes to the literature on democratization by linking institutional fragility to concrete human rights outcomes, rather than treating them as separate domains. The findings point to the need for democratization strategies that emphasize not just elections or institutional capacity, but **rights protection, accountability, and participatory governance**.

Future research could extend this framework to other fragile democracies in Africa and Southeast Asia; quantitatively assess the correlation between institutional weakness and rights violations; or evaluate the effectiveness of specific reforms (e.g., anti-corruption commissions, judicial reform) in improving rights outcomes.

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