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IDENTIFYING (UN)COMMON PATTERNS OF DEMOCRATIC BACKSLIDING

Ph.D candidate:
GESER GANBAATAR

Supervisors:

ANTONIA BARAGGIA

ANDREA CASSANI

Doctoral Programmes Coordinator:

DIANA URANIA GALETTA

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Abstract

In the past decade, there has been growing alarm over the crisis of democracy worldwide. Scholars and international organizations widely agree that the trend of the third wave of democratization has reversed, and the concept of “democratic backsliding” has swiftly materialized. However, this phenomenon encompasses deteriorations in a wide range of attributes, such as civil liberties, the rule of law, the separation of powers, checks on the executive branch of government, the independence of the judiciary, and aspects related to the central pillar of democracy, which is free and fair elections.

The common tendency in the vast majority of backsliding literature is for scholars to focus on one aspect of deterioration and thus consider that process as democratic backsliding. Although this focus is incontestable, this research project argues that it causes an overgeneralization of the problem which tends to overlook the state of the democratic system as a whole and the condition of other attributes of democracy. There has been much less attention given to whether deteriorations in certain aspects of democracy are occurring commensurately with the other ones.

This project aims to examine democratic backsliding through mixed-method approach. Firstly, it aims to conduct a large-N quantitative analysis of the state of democracy through two dimensions: liberal and electoral. By investigating whether deteriorations in the liberal dimension (and its sub-dimensions) are accompanied by deteriorations in the electoral dimension (and vice versa), this research aims to systematically distinguish various interplays between the two dimensions. The study seeks to identify patterns of backsliding and assess whether democracies follow a common trajectory of decline, providing a comprehensive understanding of how the state of democracy is deteriorating worldwide.

Secondly, this research analyzes the trajectory of democracy in Mongolia as a case study, with a particular focus on its backsliding process. Mongolia is often overlooked in both political science and comparative constitutional scholarship, despite having made a remarkable transition to democracy following its authoritarian past. For over three decades, it has maintained a democratic status under challenging conditions marked by economic crises and geopolitical pressures. However, during the last decade, the country has experienced significant shifts, with growing signs of democratic backsliding. This study evaluates that backsliding

through the framework of disaggregated democratic dimensions and aims to trace the pattern and nature of erosion across them.

Abstract (in Italian)

Negli ultimi dieci anni, si è registrata una crescente preoccupazione per la crisi della democrazia a livello globale. Studiosi e organizzazioni internazionali concordano ampiamente sul fatto che la tendenza della terza ondata di democratizzazione si sia invertita, e il concetto di “regresso democratico” si è rapidamente concretizzato. Tuttavia, questo fenomeno comprende un deterioramento di molteplici attributi, tra cui le libertà civili, lo stato di diritto, la separazione dei poteri, i meccanismi di controllo sul potere esecutivo, l'indipendenza della magistratura e aspetti legati al pilastro centrale della democrazia, ovvero le elezioni libere e corrette.

La tendenza comune nella vasta letteratura sul regresso democratico è quella di concentrarsi su un singolo aspetto del deterioramento, considerandolo come rappresentativo del processo stesso. Sebbene questo approccio sia innegabile, questo progetto di ricerca sostiene che ciò porti a una generalizzazione eccessiva del problema, che tende a trascurare lo stato del sistema democratico nel suo complesso e la condizione degli altri attributi della democrazia. È stata dedicata molta meno attenzione al fatto se i deterioramenti di determinati aspetti della democrazia avvengano in modo commisurato rispetto ad altri.

Questo progetto si propone di esaminare il regresso democratico attraverso un approccio metodologico misto. In primo luogo, intende condurre un'analisi quantitativa su larga scala dello stato della democrazia secondo due dimensioni: quella liberale e quella elettorale. Indagando se i deterioramenti nella dimensione liberale (e nelle sue sotto-dimensioni) siano accompagnati da deterioramenti nella dimensione elettorale (e viceversa), la ricerca mira a distinguere sistematicamente le varie interazioni tra le due dimensioni. Lo studio si propone di identificare i modelli di regresso e valutare se le democrazie seguano un percorso comune di declino, offrendo una comprensione complessiva di come la democrazia stia deteriorando a livello globale.

In secondo luogo, la ricerca analizza il percorso democratico della Mongolia come caso di studio, con particolare attenzione al suo processo di regresso. La Mongolia è spesso trascurata sia dalla scienza politica che dalla comparazione costituzionale, nonostante abbia realizzato una notevole transizione verso la democrazia dopo il suo passato autoritario. Per oltre tre decenni, ha mantenuto uno status democratico in condizioni difficili, segnate da crisi

economiche, pressioni geopolitiche e instabilità istituzionale. Tuttavia, nell'ultimo decennio, il Paese ha registrato cambiamenti significativi, con segnali crescenti di regresso democratico. Questo studio valuta tale regresso attraverso il quadro delle dimensioni democratiche disaggregate e mira a tracciare il modello e la natura dell'erosione tra di esse.

Research objectives

1. To assess the patterns and modalities of democratic backsliding, by analyzing deteriorations in separate dimensions.
2. To expand the existing theory of democratic backsliding by incorporating specific modalities and mechanisms within the electoral and liberal dimensions (including sub-dimensions such as rule of law, civil liberties, and checks and balances), through the development of a clear conceptual framework that delineates terminologies, distinguishes key concepts, and allows for disaggregated analysis.
3. To investigate the potential variations and patterns that might be occurring across different countries, regions and regimes.
4. To analyze the state of democracy and the patterns of democratic backsliding in the Mongolian context as a focused case study.

Declarations

I hereby certify that this Ph.D. dissertation, presented for examination at the University of Milan, is solely my own work other than where I have clearly indicated that it is the work of others.

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During the preparation of this work, I used Microsoft Copilot to reword and rephrase portions of the text in order to enhance readability and improve language clarity. Following the use of this tool, all content was carefully reviewed and edited, and I take full responsibility for the final version of the manuscript. The useage of Copilot was strictly limited to improving phrasing and readability, without influencing the substantive content, analysis, or arguments presented in this work and no other form of artificial intelligence assistance was employed.

The thesis has not been submitted for any other degree or qualification at any other academic institution.

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This PhD journey has been a significant and formative experience, marked by both challenges and growth. But it was not undertaken in isolation. Over these years, the world has faced a series of major disruptions—from the global pandemic to heightened geopolitical tensions and the outbreak of wars. These events have affected individuals and institutions alike, and they have shaped the broader context in which many of us have carried out our research. This period of uncertainty and adaptation is an important part of the experience and should be noted.

I am profoundly grateful to my supervisor, Professor Antonia Baraggia, whose steadfast guidance, mentorship, and encouragement have shaped every step of this academic journey. She also supervised my master's thesis, and many of the accomplishments during this PhD are deeply rooted in her support. Thanks to her, I had the extraordinary opportunity to initiate and co-develop a European Union-funded project aimed at strengthening the capacities of Mongolian universities. This initiative, supported by the European Commission, became a highlight of this journey—blending academic inquiry with practical collaboration and project management. Over time, our collaboration extended beyond the conventional bounds of academic supervision, evolving into a productive and enduring professional partnership characterized by mutual trust and intellectual engagement, for which I am deeply grateful.

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This thesis marks not just an academic milestone, but a deeply personal journey—one that has only been possible thanks to the kindness, support, and generosity of so many.

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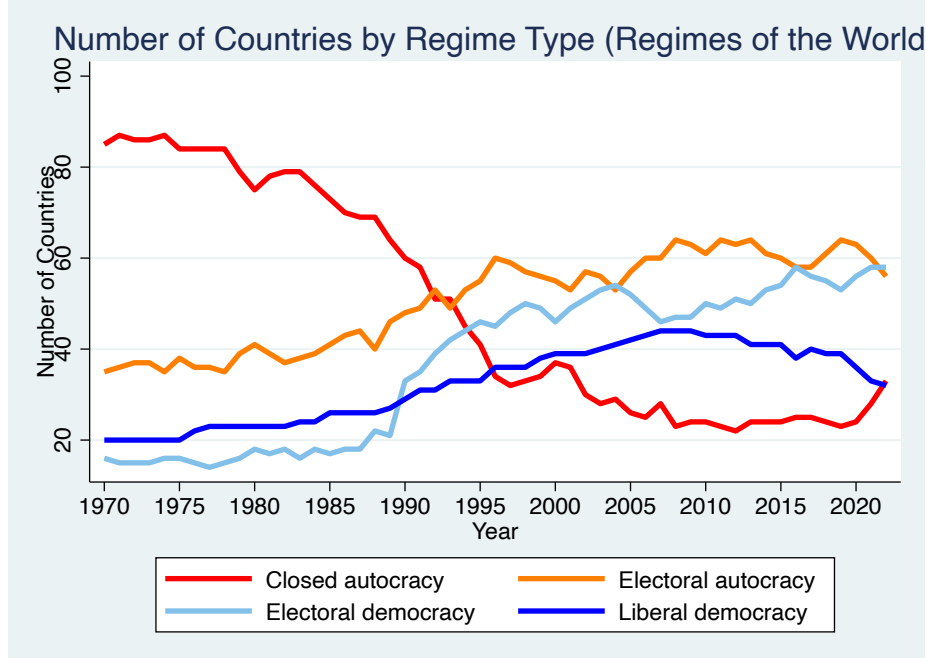
Chapter 1: Introduction

1.1. State of democracy around the world

The narrative that “democracy is in peril” has gained widespread prominence over the past decade. This insight is grounded in a series of political developments in which democratic institutions have been weakened by the actions of political leaders, institutional conflict, and social polarization—often unfolding in the context of crises that challenge the stability and integrity of democratic systems.

Vast community that monitors democratic governance and freedom at global level has constantly announced that the number of democracies is sharply decreasing, and authoritarian regimes are increasing and solidifying their power in many parts of the world (Freedom House, 2025a; V-Dem, 2025). V-Dem states that the world now is currently facing the “third wave of autocratization”, where an average individual of 2022 is experiencing almost identical level of democracy compared to its counterpart who lived in 1986 (V-Dem Institute, 2023).

Figure 1: “Regimes of the World” by number of countries, 1972-2022



Source: V-Dem Dataset (version 13), author’s illustration.

V-Dem declares that the most drastic decline has occurred in the past decade (p.11). In 2011, 46 percent of the world's population lived under autocratic regimes, and this number has risen to 72 percent in 2023 (p.13). Furthermore, the number of liberal democracies has fallen from its historic high of 44 in 2009 to 32 in 2022 (Figure 1).

According to V-Dem, countries such as Austria, Canada, Cyprus, Greece, Poland, Portugal, the United Kingdom, Slovenia, Botswana, Ghana, Uruguay, Trinidad and Tobago, Israel, and South Korea—once classified as liberal democracies—have now regressed to the status of electoral democracies; Hungary, notably, has further declined into an electoral autocracy.(V-Dem, 2025, p. 53). To support the overall evidence of such trend, the Freedom House's Freedom in the World 2025 report reveals similar results, asserting that global freedom has declined for 19 consecutive years (Freedom House, 2025a, p. 3).

These institutions state that democracy is receding across the globe in both the Global North and the Global South. World's giant democracy with population of 1.37 billion — India, has turned its Freedom House status from *Free* in 2019 to *Partly Free* in 2020 due to policies implemented by the nationalist government enacting discriminatory policies against the Muslim minority and suppressing the media, academia, civil society and peaceful protesters (Freedom House, 2020, pp. 2, 7). Three decades of democratic progress in Mongolia since its transition to democracy have been undermined by a decade-long process of autocratization, culminating in the country's entry into the autocratic grey zone by 2024 (V-Dem, 2025, p. 52).

Even one of the world's oldest democracies, the United States, saw its democratic resilience falter during the first Trump administration (Levitsky & Ziblatt, 2018), while the second administration is perceived as posing threats not only domestically but also globally (Carothers & Stuenkel, 2025).

On the same note, solid authoritarian regimes namely China, Russia and Belarus, are further concentrating and consolidating their autocratic status. President of Belarus, Alyaksandr Lukashenka is viewed that he preserved his power through fraudulent elections and imprisoning protesters and political opponents even outside its borders both in 2020 (Freedom House, 2021) and 2025 (Dorsa, 2025) which totals 1189 individuals imprisoned as of May 2025 (VIASNA, 2025). In Russia, political opposition and civil society activities which criticise the authorities has been declining relentlessly over the last decade (Lanskoy & Suthers, 2013). The state relationship between the Russian state and citizens is now considered

totalitarian because of wartime intense censorship and forced mobilization of ethnic minorities (Human Rights Watch, 2023). China has been criticized for boosting victimization and harassment of human rights defenders and civil society community, and immensely striving to push its agenda of non-interference that aims to disable punishments for violations of democratic principles and human rights standards and encourages rise of authoritarian alliances in international organisations such as the UN Human Rights Council and intergovernmental associations such as Shanghai Cooperation Organization (Diamond, 2015; Freedom House, 2021). Russia and China, together not only viewed that they dismantle political rights and civil liberties domestically, but also assertively and coordinatively handle regional issues, where it aims to degrade liberal constitutional democratic form of governance to advance their geopolitical and economic goals (Grävingholt, 2011; Kendall-Taylor & Shullman, 2018). The narrative that democracy is receding because it is incapable of fulfilling needs of the people is spreading across all over the world (Freedom House, 2021). Surveys show that trust in democracy is declining globally, while 60 percent of respondents previously held a positive view of democracy, that number has now plunged to 50 percent. (Acemoglu et al., 2023).

All of this stands in stark to the optimistic vision of Fukuyama (1992), who argued that the regime of liberal democracy will ultimately prevail around the world, which emerged after a sharp increase in the number of democracies born during the Third Wave of democratization (Huntington, 1991) following decolonization and the fall of the Soviet bloc. Today, unfortunately, this vision appears to be more distant.

1.2. Purpose of the study and research questions

Compared to the past, democracies are seen to be stressed and challenged in a less radical way (Bermeo, 2016). The would-be autocrats no longer prefer coup d'état, commit electoral frauds or once in power, suspend the current constitution but instead, they seek to cautiously manipulate elections and expand their power by diminishing horizontal accountability on the executive imposed by the legislative and judicial branches of government, which the process is known as “executive aggrandizement” (*ibid*). Such contemporary form of democratic backsliding is way much trickier to identify as it happens incrementally within the democratic and constitutional framework. Therefore, instead of dramatic breakdown of democracy, autocratizing regimes nowadays, are considered to deteriorate little by little through episodes of institutional and legal modifications allowing the ruling politicians to accumulate power without being directly pinpointed and facing a public backlash.

In the literature of backsliding, it is widely assumed that a decline in the liberal aspects of democracy negatively affects or precedes the deterioration of free and fair competitive elections (Coppedge, 2017, p. 14; Pech & Scheppele, 2017, pp. 8–11) . While this pattern is commonly observed, it remains important to empirically assess the extent to which this relationship holds and to identify exceptional cases that deviate from this trend.

The main purpose of this research is not to seek an answer to what causes democratic backsliding, as it is highly contextual and multifactorial. Instead, this research aims to delve more into the institutional characteristics of democracy, for example, when the signs of democratic backsliding have already materialized. Hence, this study aims to explore the phenomenon of democratic backsliding by examining the patterns of deterioration across the liberal and electoral dimensions of democracy, and how changes in one may be associated with or co-occur alongside changes in the other. By utilizing secondary data, this study aims to provide an analysis of the dynamics between liberal and electoral dimensions of democracy and ultimately outline whether democracies backslide in a common pattern across the world.

To this end, the study employs a mixed-method design. First, it undertakes a large-N, cross-national quantitative analysis using original composite indices to measure the liberal and electoral dimensions of democracy and track their changes over time. Second, it conducts an in-depth case study of Mongolia, a long-standing electoral democracy undergoing liberal erosion, to contextualize and deepen the findings from the global analysis.

The overarching aim is to provide a more differentiated and empirically grounded understanding of how democracies decline—not just if, but how, where, and in what sequence. Accordingly, the study seeks to answer the following research questions:

1. Do democracies backslide in common or divergent patterns across the liberal and electoral dimensions?
2. Is there a predominant sequence in which backsliding occurs—does liberal erosion precede electoral degradation, or vice versa?
3. To what extent do changes in one dimension correlate with or predict changes in the other?
4. What types of democratic regimes (e.g., liberal vs. electoral democracies) are more vulnerable to specific backsliding trajectories?

5. How does the Mongolian case inform or challenge prevailing theories of backsliding, particularly regarding the role of constitutional courts in liberal erosion?

Through these questions, the study seeks to contribute a more nuanced theory of democratic backsliding that accounts for its multidimensional character and context-specific pathways.

Chapter 2: Conceptual and theoretical analysis

The previous chapter presented dramatic worldwide alarm for democratic erosion which leads to a fundamental inquiry about defining and measuring democracy and democratic backsliding concepts. The absence of clear conceptual definitions would definitely create risks of both overgeneralization and misclassification and ultimately, theoretical confusion. This chapter establishes fundamental attentiveness by explaining the central definitions and theoretical aspects of democracy and its different structures.

Giovanni Sartori excellently stated that “concept formation stands prior to quantification” (Sartori, 1970, p. 1038) which induces that systematic analysis of democratic decline across countries requires us to establish clear definitions of democracy in the first place. The definition of democracy can be thin or thick in nature depending on the elements we add-up. The chapter establishes the analytical structure which will support the upcoming chapters which contains the empirical research. The chapter defines the main concepts while placing them in their scholarly context and creates the framework to study backsliding patterns.

Although the vast majority of observers agree that democracy has suffered a decline in the last decade, different conceptualizations of democracy and the backsliding process led to surprisingly distinctive conclusions. Such disagreement stems from different considerations of democracy as a binary categorical phenomenon i.e. democracy/non-democracy (e.g. Linz, 1975, p. 184; Sartori, 1987, p.184; Huntington, 1991) or as a grading scale (e.g., Dahl, 1971, pp.2-8; 1989 p.241). Some assess it at the country-level (Bernhard, 2021; e.g. Bogaards, 2018), sub-national level(e.g Gibson, 2013; O’Dwyer & Stenberg, 2022), or as a share of global population (V-Dem, 2025).

Why should one worry about democratic backsliding if it is occurring within the boundaries of democracy? Although it might not cross the threshold for democratic breakdown and although it can occur through *legitimate* means the democratic backsliding negatively affects the core features of liberal democracy which are intricately linked with each other (Bermeo, 2016; Ginsburg & Huq, 2018).

Nevertheless, derogating such aspects would not necessarily consider as democratic backsliding for those who conceptualize democracy in minimal terms where as long as the basic requirement of democracy — free and fair elections — is not violated. Therefore, as the concept of democracy lacks a universal definition and thus, measurement, democratic

backsliding is also be perceived unequally among scholars which shows its vague characteristic.

Therefore, before beginning the journey toward the analysis of democratic backsliding and more specifically, the impact of deterioration of liberal dimension on the electoral dimension, it is fundamental to define the core concepts employed in the research which is the main goal of this chapter, and methodological choice of measurement of democracy which will be discussed afterwards.

2.1. The spectrum from minimal to maximal definitions of democracy.

Democracy may be defined in various ways, depending on the angle of inquiry — whether by the structure of power, the source of authority, the mechanisms of political selection, or the substantive principles it upholds, such as liberty, equality, justice and so on. At the same time, democratic backsliding can also be defined, theorized, operationalized, and measured in different ways. The chapter continues by examining the concept of democracy.

The first conception of democracy has been formulated in Ancient Greece around the fifth century B.C. The concept of *demokratia*, which is a composite of *demos* (people) and *kratos* (power), signified the rule of the people. Such regime was first practiced in Athens, and it was characterized by membership (male adults), equality before the law and autonomy, where all Athenian male citizens were imposed an informal duty to take direct part in the decision-making process (see Hansen, 1999; Ober, 1996).

The very essence of modern democracy has been drastically changed from what it was in the Ancient Greece. However, after debating for more than two millennia, scholars have still not achieved a consensus on what is democracy and thus, how to conceptualize and measure it. In modern time, scholars tend to locate themselves between the two extremes. On one hand, minimal definition of democracy captures only procedural aspects related with competitive, free and fair elections (e.g. Schumpeter 1942). On the other hand, a thicker or maximalist view extends beyond electoral procedures encompassing a highly active society which demand policies that produce social and economic rights through frequent deliberation with the government (e.g. Rawls, 1971, p. 362; Sen, 1999) and the protection of broader human rights (Beetham, 1999).

2.1.1. Minimalist approach

The modern concept of democracy, characterized by universal adult suffrage and free and fair elections, has emerged as a byproduct of capitalism, where it has become the “tool” for political and institutional reforms by the bourgeoisie (Schumpeter, 1943, p. 297). However, Schumpeter gave an extremely minimalistic concept of democracy, which mainly considers that, as long as there is a competition between political parties for the governmental positions and people have a right to vote, a political system can be called as a democracy (Schumpeter, 1943, pp. 243–249). He negates the idea of equating democracy with the “rule by the people” as it rooted from the Athenian democracy by arguing that such form of governance took place in communities that had smaller populations, simpler social structure and had significantly lower level of disagreement compared to modern societies. He argued that *rule by the people* was possible in such society because the citizens could directly participate in all the duties of legislation and administration. As societies grew larger it became impracticable to keep the direct democracy and characteristics of *rule by the people* has shifted towards the representative form, where societies are ruled by a delegated body whose members are elected by citizens. Schumpeter criticizes that in such delegative form of governance would never be able to utterly represent the interest of the people and hence, he argues that (modern) democracy does not institute “rule by the people” (p.254), but rather, it is nothing more than electoral competition among the elites (p.269-273). Hence, in Schumpeterian and his followers’ view, democracy is simply a mechanism for choosing and authorizing governments where people merely accept or refuse the candidates who are to rule them and political forces conform the election results (Schumpeter, 1943; Popper, 1971; Bobbio, 1989; Przeworski et al., 1999, p. 16). Under this scheme, democracy here is seen as a mere procedural scheme which aims only to elect representatives in competitive elections, with no normative value nor “some substantial good or aim of government” (Hayek, 1973, p. 4).

Minimalists tend to advocate framing democracy only within the procedural dimension of elections. In defining and assessing quality of democracy, minimalists do not include normative aspects within the concept, such as representation, justice, dignity, rationality, security, liberty, and social and economic outcomes in general, as these elements are considered as a product of democracy or separate independent concepts which influence quality of democracy (Przeworski, 1999, p. 4). Defining democracy minimally is considered to enable

easier, and more accurate measurement of quality of democracy, instead of making democracy an “altar on which everyone hangs his or her favorite ex voto” (ibid, p.1).

In minimalist view, democracy happens to be in *crisis* when “fists, stones, or bullets replace ballots” (Przeworski, 2019, p. 13) being result of dissatisfaction and disbelief in democratic institutions and leaders descents, and incapacity of government in maintaining public order within democratic framework (Linz, 2005, p. 54). While factors such as the erosion of civil liberties, increasing corruption, economic recession, and even the undermining of judicial independence have implications for minimalist democracy, they are not typically considered as principal indicators for democratic backsliding.

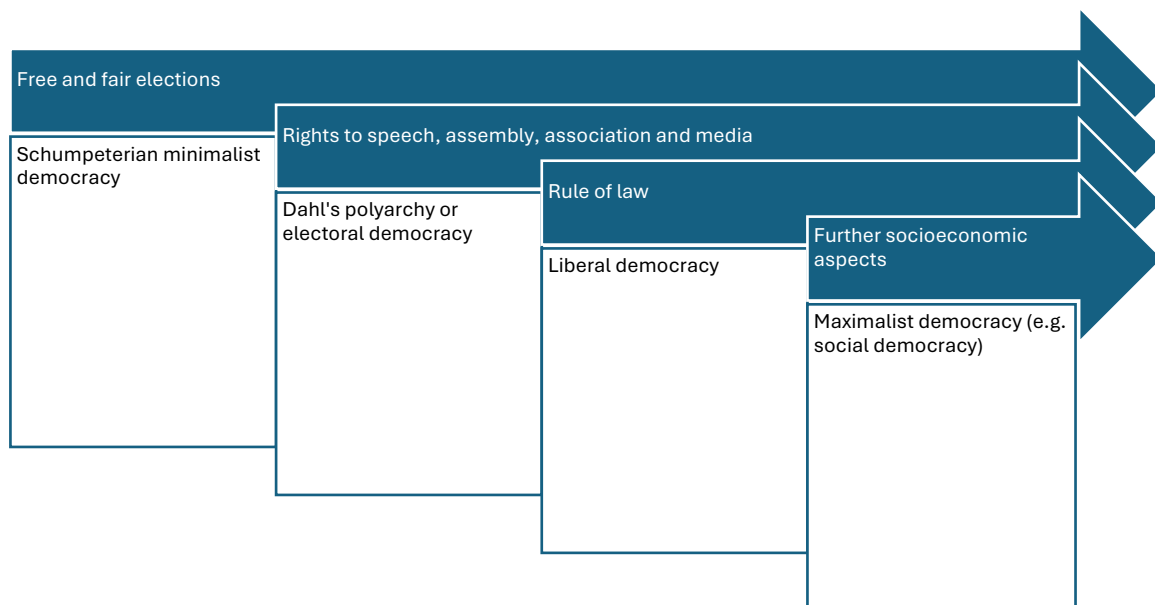
2.1.2. Polyarchy or electoral democracy

Dahl’s (1971) view of polyarchy¹ was a departure from Schumpeter. Dahl’s concept of polyarchy — a system in which there are multiple, competing groups or political parties that have the ability to influence public policy (contestation) and citizens have a high degree of freedom to express their views and participate in the political process (inclusion) — has become fundamental starting point for defining democracy. In order to function properly, a polyarchy must meet certain “institutional guarantees” which covers freedom to form and join organizations, freedom of expression, right to seek and obtain information about government policies and decisions, right to vote, free and fair elections, right to compete in elections, institutions for making government policies depend on votes and other expressions of preference, and eligibility for public office (*ibid.*, Table 1.1). The “institutional guarantees” represents a significant step forward from Schumpeterian democracy by necessitating that political competition be open and fair, allowing citizens to express their views and preferences, and ensuring that those in power are accountable to the governed. This conceptualization has become a primary and essential requirement for democracy, known as electoral democracy V-Dem, which has gained widespread acceptance within the academic community as a universally agreed benchmark for democracy typology (e.g. V-Dem).

¹ Dahl argues that “democracy” is an ideal type of political system that is “completely responsive to all its citizens”, and he states that no such regime exists in the current times, but only polyarchies (Dahl 1971, p. 2). “Polyarchy” reflects the process of democratization where political systems adopt democratic institutions that leads to the participation of a plurality of actors. Terms polyarchy and electoral democracy have been used interchangeably in the literature, and will be used likewise here.

However, the literature greatly proliferates and hence, increases disparity among scholars when it comes to extending the concept of democracy beyond electoral democracy (see Munck, 2016a). According to those who extend the definition of democracy, while they agree that the Dahlian approach provides a basic framework for defining the political system, many scholars consider this approach to be incomplete, as it focuses only on the principles of contestation and inclusiveness without considering other important institutional decision-making attributes such as the rule of law, horizontal accountability (Diamond & Morlino, 2004; Levine & Molina, 2011; Morlino, 2011 Chapter 2, 7), governmental capability and effectiveness (Bühlmann et al., 2012; Ringen, 2009), and outcome attributes such as responsiveness, women's representation in government (Levine & Molina, 2011; A. Roberts, 2009 Chapter 2), economic and social inequality, satisfaction with democracy (Lijphart, 1999), equal treatment by administration, free access to courts (Lauth, 2015), freedom and equality (Morlino, 2011) among others. Nonetheless, there is unstable agreement on the degree to which democracy extends beyond electoral democracy; which conceptual attributes must be added on electoral democracy; and how these conceptual attributes are related to each other (Munck, 2016b, p. 5).

Figure 2: Democracy conceptual framework from minimalist to maximalist



Source: Author's elaboration

2.1.3. Liberal democracy

Political theory of liberalism endorses the idea safeguarding individual rights, freedoms and autonomy and the state's duty is to protect such attributes by governing as little as possible —minimal state (Kant, 1797; Locke, 1689; Mill, 1859a; Nozick, 1974). A liberal state must be “consented to give up its monopoly of ideological power by conceding civil rights [...] and has ended up retaining solely the monopoly of legitimate force, whose exercise is however limited by its recognition of the rights of man and by the various legal constraints” (Bobbio, 1987, p. 105). Therefore, in this research, liberalism is considered from the perspective of political liberalization, which entails “the process of making effective certain rights that protect both individuals and social groups from arbitrary or illegal acts committed by the state or third parties” (O'Donnell & Schmitter, 1986, p. 7).

However, it is important to note that one of the fundamental attributes of modern democracy — universal suffrage — was, at least in its early stages, neither widely discussed nor strongly advocated (on Locke see Wood, 1992, p. 673), and later the equal voting power has been opposed by Mill (1859b, p. 324) where he advocated the educated few should enjoy greater voting power over the others as they are more well-informed and experienced in political affairs — an idea echoed today by Jason Brennan under the concept of *epistocracy* in his book *Against Democracy* (Brennan, 2016). This shows that liberalism and democracy, although they are intertwined in modern times under the liberal democracy scheme, they had distinct roots and ambitions.

Liberalism, when delineated from minimal democracy, does not directly imply a decision-making process characterized by “*the rule of the people*” or elected officials determined through universal adult suffrage. Instead, it implies that authority is constrained in its powers and functioning. The main constraints are that the government must be bound by the rule of law – the rules indicated in a fundamental law or constitution – and by the rights of the individual. On the other hand, democracy when demarcated from liberalism, “is a form of government in which no restriction is placed upon the governing body” (Wollheim, 1962, p. 72), often referred as “unlimited democracy” (Hayek, 1982, Volume 1 p. 1). While acknowledging the tension between the two concepts, Hayek propositioned the “basic ideal” type of democracy that is characterized by a constitutional and limited government by the rule of law, the separation of powers and the protection of individual rights (Hayek, 1982, Volume

2 pp. 1, 99-104). Thus, when the democracy is reconciled with liberalism, they take form of liberal democracy.

Concept of liberal democracy emphasizes that rights of individuals and minority groups must be protected against the risk unlimited democracy triggered by the popularly elected government or shortly called, *the tyranny of the majority* (Tocqueville, 1835). To protect the rights of individuals, government power should be limited and must embody principles such as political freedoms, civil liberties, the rule of law, rule by consent, legal constraints that limit governmental power, and institutional settings that can be counter-majoritarian such as constitutional courts with judicial review, independent central banks, veto powers over decisions of elected officials, award seats to officials (rather than elect) or prohibiting political parties with extreme ideology which poses threat to the rights and liberties of individuals. In a liberal democracy, a constitution serves as the rulebook for the state, safeguarding the liberal framework for the government's power, the roles, and responsibilities of the different branches of government, and the protection of individual rights and freedoms, also often referred as liberal constitutional democracy (Ginsburg and Huq, 2019).

Ginsburg and Huq (2019) identify three “floor” requirements for a liberal democracy: free and fair elections, rights of speech and association, and the rule of law. If one of these elements is absent, where they emphasize both de jure and de facto, it cannot be considered a liberal constitutional democracy (Ginsburg and Huq, 2019, p. 10). Their conceptualization of liberal democracy incorporates the rule of law into Dahl's (1971) polyarchy; which is analogous to the given definition by Diamond (2003, p. 9):

“Beyond the electoral arena, [liberal democracy] features a vigorous rule of law, with an independent and nondiscriminatory judiciary; extensive individual freedoms of belief, speech, publication, association, assembly, and so on; strong protections for the rights of ethnic, cultural, religious, and other minorities; a pluralistic civil society, which affords citizens multiple channels outside of the electoral arena through which to participate and express their interests and values; and civilian control over the military.”

Advocates of liberal democracy (e.g., O'Donnell 2001) argue that without the rule of law, electoral rights (minimal democracy) cannot be effectively practiced, and therefore, the rule of law should be included in the conceptualization of democracy serving as a fundamental precondition for democracy's functioning.

In the upcoming section will examine the main features that define liberal democracy — specifically, the rule of law and the institutional mechanisms that sustain it, including the separation of powers, horizontal accountability, and an independent judiciary.

2.1.3.1. Rule of law

When it comes to relating the concept of the rule of law with democracy, there is no single approach. Some reflect it as an essential component of democracy and it works a foundational role for other variables of democracy (L. Diamond & Morlino, 2004; Lauth, 2015), some argue that the rule of law is a precondition for a democracy to take place and flourish (Zakaria, 1997; O'Donnell, 2004). The High-level Meeting of the United Nations General Assembly on the Rule of Law reaffirmed that “the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations” by declaring universalistic and symbiotic characteristics of these concepts (United Nations, 2012, para. 5), while there is mixed empirical evidence to such stance. Barro (1999) couldn't determine causal link between democracy and the rule of law, while Rigobon & Rodrik (2005) determine such relationship.

The rule of law is unquestionably an inseparable component of the liberal political thought where it generates from the idea that government power is “ought to be exercised by established and promulgated laws; that both the people may know their duty, and be safe and secure within the limits of the law” (Locke, 1689, section 137, p.66-67). Raz (1979, p. 212) has reflected on the rule of law as “people should obey the law and be ruled by it [... and] the government shall be ruled by the law and subject to it”.

Table 1: Rule of law conceptualization

	Thin	Thick
Formal (procedural)	Rule by law, formal traits	Democracy
Substantive	Formal thin notion + Individual rights, right to property, contract, autonomy	Equality, welfarism

As the concept of democracy has an irreducible core characteristic which is free and fair elections, so does the rule of law. The rule of law has also its formal and substantive notions, and each conception has its own continuum between thin and thick definitions

(Tamanaha, 2004, pp. 90–91). Fuller (1969, pp. 33–39) has described necessary characteristics of the rule of law, where laws must be general (impartial), publicly announced, prospective, clear, consistent, possible to comply, stable and congruent with the actions of the administration. Thinner conception of the formal rule of law considers the law as instrument of government action, in other words, government actions must be authorized by law and so the ruled by law, not by the rule of man (Hayek, 1960, p. 164). In a thicker procedural term, identified by Tamanaha (2004), the rule of law entails the principle of democracy where laws gain their authority and legitimacy from the consent of the governed. Such formal conceptualizations do not require laws to be *good* in any moral and substantive sense and has no necessary link to equality or justice (Fuller, 1969, pp. 33–94; Raz, 1979, p. 211; Tamanaha, 2004, p. 92).

As for the substantive definition of rule of law, it contains the entire characteristics of the formal rule of law, similarly as liberal democracy contains every procedural element of electoral democracy, and it goes beyond formal requirements by evaluating the content of the law itself. The thinner version of the substantive rule of law contains individual rights such as property, contract, privacy and autonomy and on the thicker side it encompasses substantive equality, protecting welfare of the society.

Various organizations and scholars such as World Bank’s Worldwide Governance Indicator (Kaufmann et al., 2010), V-Dem Institute (2023), Heritage Foundation (2025), Freedom House (2025b), World Justice Project (2025), and Gutmann & Voigt (2018), just to mention few, have proposed indicators which aims to measure the state of the rule of law. However, although these indicators contain some common attributes, e.g. independence of the judiciary, their principal features of the rule of law are considerably diverse.²

There have been criticisms that the indexes are actually not capturing the central aspect of the concept, but rather ancillary elements (Gutmann & Voigt, 2018). Similarly, Ginsburg (2011, p. 271) critiques for encompassing different attributes such as crime and contract enforcement into a single indicator. Nevertheless, all these indicators consider both procedural

² For instance, the WGI takes quality of contract enforcement, property rights, the police, and the courts, but also the likelihood of crime and violence. Heritage Foundation instead focuses mainly on property rights and corruption, but disregards crime and violence, equality fundamental rights. Freedom House on the other hand gives importance to the state of human rights but does not entail contract enforcement or property rights. WJP project delivers the thickest conceptualization by including wide-ranging aspects into their measurement. Although these four indicators conceptualize the concept of rule of law differently and differ in the aggregation methodology, they are strongly correlated to each other exceeding $r=0.95$ (Versteeg & Ginsburg, 2017, p. 100).

and substantive values, such as crime, human rights, equality, security and property rights, albeit to different extent.

Hence, drawing a solid demarcation line between rule of law and democracy is a complicated task when described in thick terms as both concepts entail crisscrossing characteristics of each other. However, in order to segregate the rule of law and democracy, it is sensible to follow more thinner and granular conceptualization of both terms (e.g. Voigt, 2012; Gutmann & Voigt, 2015; Versteeg & Ginsburg, 2017). The rule of law, in thinner terms, is distinct from other neighboring concepts such as democracy, human rights in broad terms, a market economy, and so on (Voigt, 2012).

Møller and Skaaning (2012) concluded that providing a single definition of the rule of law that can be consistently maintained in different empirical analyses is unattainable. Therefore, they suggest that the choice between thinner and thicker conceptualizations in academic literature should be based on “the research question we are interested in” (p. 145).

2.1.3.2. Horizontal Accountability

Political accountability is commonly understood as constraints on the use of power (Lindberg, 2013). Accountability relationship can be developed between various different actors. O'Donnell (1998) has classified two dimensions of accountability: vertical and horizontal. Vertical accountability refers to interaction between actors with different levels of power, mainly between the state and its citizens.

Vertical accountability is the central aspect of the minimalist conception of democracy. It imposes an obligation on the elected representatives to amplify and enact the voice of the people who is he/she representing in the decision-making process. Schedler et al. (1999) has highlighted three main features of accountability, which are information, justification, and punishment. If the representative deviates from the preference of its citizens (information), then the elected representative will have to answer for their action or omission (justification) and citizens will decide whether to punish them by outcasting him/her in the next elections (punishment), corresponding to Schumpeterian approach to democracy. In order to assess the quality of vertical accountability, it is certainly essential to determine whether there is an election or not and secondly to see how election consistently reflects citizen's will (Lührmann et al., 2020).

In their book “The Narrow Corridor” Acemoglu and Robinson (2019) outlines the importance of “shackling” *the Leviathan*³ for creating a prosperous and stable society. As the world is evolving and creating or deepening existing problems, the government must also become more capable and powerful to address such issues confronted by the society. As the power of the state increases, the power of the citizens to monitor and hold the Leviathan accountable must also increase (ibid.). Under the ever-becoming-powerful Leviathan, citizens must always adapt and improve their awareness and capacities in order to simply maintain their current status, freedom and well-being by shackling it, as “despotism is in its DNA” (Acemoglu & Robinson, 2019, p. 42)

The modern liberal government must not only be *shackled* vertically but also horizontally where the branches of government not only are separated but also hold each other accountable to check one another. Checks and balances are the frameworks of accountability measures between institutions that operate at the same level or within the same branch of government.

As the separation of powers with checks and balances has become one of the core principles of the modern liberal constitutional state through the rule of law, the judiciary has become a separate and independent branch of government which its main role is to interpret the meaning of laws, apply them in the real world and overall administers justice according to the law (See Hamilton, 1788). Independent judiciary is a vital element for a democracy since it functions as an apparatus which controls and compels the functioning of the executive and legislature. Under an impartial and independent judiciary, a society can hold politicians accountable and punish who conduct malfeasance in the office.

Hence, the two dimensions of accountability—vertical and horizontal—correspond respectively to the minimalist or electoral aspects of democracy and the liberal traits of democracy.

³ In Hobbesian (1976) terminology.

2.1.3.3 “The least dangerous branch” – the judiciary.

Courts are necessary institutions to protect minority rights in a democratic regime (Larkins, 1996). James Madison has viewed that liberty inevitably produces factions⁴ in society, as it ensures individual liberties such as right to associate, assemble, to speak and worship (Madison, 1787, pp. 56–57). He considered that establishing a liberal constitutional democracy required protection of those liberties which eventually produces factions in society motivated with varying interests. According to Madison, these varying interests, which implies liberty, must be protected by checked and balanced via institutional settings where the judiciary checks the power of the executive and legislative branches.

Gibler and Randazzo (2011) consider independent courts play an enormous role in safeguarding democratic stability from backsliding to an authoritarian regime. As the power of courts have increased significantly over the last century, judiciary have become an important player in the game of politics deciding issues of “Mega-Politics” (Hirschl, 2008). The courts are often believed to act as protector of democracy and constitution, providing a counterbalance to any potential abuses of power by the executive or legislative powers and serve as a vital safeguard against the concentration of power and help maintain the integrity of democratic order.

In many parts of the world, courts have been empowered with a power of judicial review, where it can judge the constitutionality of any act or law of the executive and legislative branches (Hamilton, 1788). After the Second World War, there was a movement in Europe of establishing constitutional courts/tribunals with centralized power (unlike the American system) to enact judicial review (Kelsen, 1968). Hans Kelsen, legal philosopher, and author of the 1920 Austrian Constitution, has been the most influential in theorizing and utilizing centralized judicial review process. His model of constitutional review has become the main European model, often referred as the Kelsenian model. Many courts empowered with judicial review powers not only have the authority to review the constitutionality of laws and executive actions but also review the constitutionality of constitutional amendments, ensuring that they align with constitutional and extra-constitutional principles and values (Roznai, 2017).

A stronger and independent judiciary branch, which checks the executive power by preventing unconstitutional acts, has become one of the keystone institutions for most of the

⁴ Madison defines faction as “a number of citizens, whether amounting to a minority or majority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.” (Madison, 1787, p.57)

liberal constitutional democracies. However, as the judiciary branch of government becomes stronger and more independent, the need to hold judges responsible for their actions and decisions becomes inevitable, in consideration of the principle of the checks and balances. Ensuring that they act within the bounds of the law, adjudicate in a timely manner, and base their decisions on relevant legislation and principles—rather than ignoring certain evidence or deliberately making spurious decisions—becomes an essential constraint on the judiciary. All these factors ultimately affect the rule of law, especially in times when the judiciary becomes the target and later a tool of would-be autocrats who are seeking to pursue their goals and consolidate their power.

2.1.4. Maximalist approach

If we further expand the concept of democracy, we enter the territory of the maximalist approach⁵. This approach requires additional elements beyond the electoral and liberal components to fully define a democracy. These elements range from political deliberation to civic participation and some even demands to include human rights (Beetham, 1999) governance indicators which pictures level of corruption, inequality and capacity of public administration (Berg-Schlosser, 2004). Maximalists give a great emphasis on output-dimension — social and economic equality, and equal access to resources and opportunities as it is considered as a foundational component of a democracy. For maximalists, democracy is not only a political system or a procedural process, but it is also a universal value which ascertains economic and social system that includes aspects such as welfare production or sustainability and address the issues of poverty, inequality, and of course, human rights (Sen, 1999, p. 4). If democracy has a universalistic value, then the argument of compatibility of countries with democracy is prominently underlined and hence, democracy is not seen as a type of regime but as a value that must be possessed by the entire global population with distinct historical path, culture and economy (ibid, p.5).

However, it must be noted that Sen (2000) views democracy more from an anthropological standpoint by considering humans as beings that are intrinsically inclined to participate in decision-making process collectively, even if the leader might not be subject to elections and the ultimate decision is made by a single dictator. By enhancing participation, there are instrumental benefits such as the participation allows citizens to defend their

⁵ The term maximalist refers to conceptions of democracy that go beyond procedural and liberal definitions by including substantive elements such as social and economic rights, welfare provision, equality, and broader human rights, thereby setting a thicker standard for what constitutes a full democracy.

positions, claims and rights, and also, informs the leaders the preferences of its citizens. Hence, participation is also considered to be essential for constructing collective knowledge and exposing society's values and priorities (Sen, 1999). Democracy, according to Sen, is not defined as "majority rule" but rather as "public reasoning" and "government by discussion"(Sen, 2009), paving roads to the deliberative democracy (Anderson, 2003; Crocker, 2005).

Mayne & Geissel (2016) outlines citizen's understanding of democracy and commitment, capacity and participation as inseparable components of democratic quality and without such components democratic institutions cannot function. A society which seeks and fights for democracy, votes the election with higher turnout rate, organizes and assembles to discuss public policy issues, monitors, communicates and demands accountability from the officials, protest against political decisions which are not in line with the public preference, and lobby their interests (L. Diamond & Morlino, 2004, p. 24). Democracy becomes truly stable only when people come to value not solely for its economic and social performance, but intrinsically for its political attributes (L. Diamond & Morlino, 2004; Geissel et al., 2016).

Diamond and Morlino (2004, p. 20) suggest that whenever studying democratic quality, three different aspects of quality must be reflected which are *procedure*, *content*, and *result*, and they have identified eight dimensions that characterize the quality of democracy. Their dimensions of democracy includes attributes of both polyarchy and liberal democracy, but in addition they also include equality (*ibid.*). This eight-dimensional approach takes a bigger leap from the Dahl's (1971) two-dimensional one which consists of competition and participation and they argue that the eight dimensions have a multifaceted relationship with each other. Improving one dimension can have a beneficial effect on other dimensions and sometimes, there is a trade-off between different dimensions and they pragmatically acknowledge that it is nearly impossible to amplify the dimensions all at once (*ibid.*, p. 21).

While such approach may encompass crucial elements and intuitively portray the concept from a broader perspective, has its merits, as it has a high risk of conceptual distortion, particularly in the context of quantitative empirical research especially when finding causal relationship between democracy and other elements such as public goods (e.g. Deacon, 2009), civil liberties (e.g. Møller & Skaaning, 2013), (in)equality (e.g. Przeworski et al., 2000; Bermeo, 2009; Dixont & Suktt, 2018), media freedom (e.g. Bjørnskov et al., 2018), political party systems (e.g. Casal Bértoa, 2009), among others.

2.2. Democratic Backsliding and its Conceptual Affiliates.

Democratic backsliding is a subbranch of study of democracy and regime change, which is distinct from other broader theories of democratic transition, consolidation, and reversion/breakdown (Diamond 2021; Cassani 2024 among others). A very preliminary definition has been given by Carothers & Press (2022, p. 4) that “it is a process of political change in which countries that enjoy a certain level of democracy become significantly less democratic”.

As the quality of democracy deteriorated more evidently in the last two decades, economists, social scientists and legal scholars have widely opted to examine the nature of weakening of democracies around the world and have developed various terminologies for such rollback. However, they are inclined to propose their own terminologies for the backsliding process which shows a substantial lack of consensus in the literature on what is, how, when and where democratic backsliding takes place and overall inconsistencies in definition and conceptualization of democracy in the very first place. Various terminologies have been reflected such as democratic backsliding (Bermeo, 2016); constitutional retrogression (Ginsburg & Huq, 2018); democratic recession (Diamond, 2015); illiberal turn (Meunier & Vachudova, 2018), democratic deconsolidation (Foa & Mounk, 2016) (Foa & Mounk, 2017), autocratic legalism (Scheppele, 2018, 2023), constitutional rot (Balkin, 2018), abusive constitutionalism (Landau, 2013); abusive legalism (Herman & Muirhead, 2020) and the list goes on.

In modern times, the authoritarian-minded leaders or the would-be autocrats have learned from the past that capturing government power through blatant forms such as coups or solidifying their power by intensely violating the constitution would increase the chances of triggering “everything would unite against it” (Montesquieu, 1748, p. 19) which creates a risk for them of being removed from power. In the last two decades, Russia under Putin, Turkey under Erdogan, Venezuela under Hugo Chavez, Hungary under Viktor Orban, Poland under the Law and Justice party, India under Narendra Modi, many Post-Yugoslav successors, and even the United States under the Trump administration have shown that, albeit to different extents, they have made modifications in the political and legal system which are widely considered as weakening of democratic system.

The most common technique among backsliders in recent times is the weakening of the checks and balances that are meant to prevent each branch of government from becoming too

powerful and controlling the other branches (Bermeo, 2016). As such safeguards are eroding, it enables the incumbent government leaders to become further dominant and powerful that it implements policies at the expense of other branches of government – legislative and judiciary, and the overall democratic system. As a result, when the balance of power shifts to the executive and when the executive starts influencing or even controlling the legislative and judicial branches, such a scenario is often spotted as democratic backsliding.

The very term “democratic backsliding” has initially been well projected by Nancy Bermeo in her article “On Democratic Backsliding” and defined it as “the state-led debilitation or elimination of any of the political institutions that sustain an existing democracy” (Bermeo, 2016, p. 5).⁶ However, Bermeo’s articulation of democratic backsliding nevertheless includes abrupt forms of changes, such as breakdowns, military coup, within the domain of backsliding which creates confusion when it comes to differentiating the backsliding process from breakdown.

Ginsburg and Huq (2018) have expressed a more specific framework by asserting that “[it is] a process of incremental, but ultimately still substantial, decay in the three basic predicates of democracy—competitive elections, liberal rights to speech and association, and the rule of law” and indicates five distinct modalities that can occur solitarily or combined depending on the given context of each country (pp. 72-73, 91-116). First, the would-be autocrats amend the constitution to consolidate their power which happens to be in conformity with the constitutional amendment rules (See Landau, 2013). Second, would-be autocrats undermine the judiciary and legislative branches of government to loosen the checks and balances imposed on the executive (Ginsburg and Huq, 2018, pp. 95-101;). Third, attack on the rule of law and the institutions that protect it such as prosecutors, neutral application of laws, impartial bureaucracy, attack or control over free media and academia (pp.101-113). Lastly, autocrats seek to hinder free and fair elections.

On the contrary, Luo and Przeworski (2021) refrain from including such extensive aspects when defining democratic backsliding, focusing instead solely on the ability to change government by free and fair elections whenever the citizens decide so. They describe

⁶ It must be highlighted that in the context of democratic backsliding by “political institutions” she captured only the formal institutions such as constitutions, legislatures, electoral and legal systems, militaries, and political parties rather than informal institutions such as morals, values, conventions, norms, traditions, codes of conduct, habits, attitudes, and beliefs. (Bermeo, 2022)

democratic backsliding as a process wherein the incumbent government seizes every opportunity to diminish citizens' ability to remove it through democratic means which solely examines the electoral aspects of democracy (p.1).

Yet, such disagreement is foreseeable among scholars because the concept of democracy is multifaceted and multidimensional (Dahl, 1971; Bobbio, 1987; Hardin, 1999; Sen, 1999; Lijphart, 2012). In the *backsliding* literature, one very evident aspect is that authors tend to avoid or disregard providing definitions and explanations of how they understand democracy in the first place, before assessing its quality and regime changes. Instead, they tend to emphasize different aspects of democracy, which leads to different interpretations and understandings of the backsliding process. Consequently, they also follow different methodologies capturing the phenomenon. Some scholars may focus on the formal institutions and procedural elements of democracy, such as elections, political parties, and legal frameworks. They may argue that democratic backsliding occurs when these institutional mechanisms are eroded or manipulated, leading to the erosion of democratic norms and values. They tend to argue that absence of institutions⁷ such as separation of powers and judicial review do not necessarily lead to erosion of a system where the majorities constrain themselves from violating rights or abusing power (e.g. Gargarella, 2003; McGann, 2006). Even more seriously, Dixit, Grossman and Gull (2000, p. 53) consider the backsliding is more likely to be amplified in the presence of supra-majoritarian institutions where the government retains majority support.

Hans Lueders and Ellen Lust (2018, p. 13) conducted a comparison of five indicators for democratic backsliding, namely Freedom House, Polity IV, Skaaning et al. (2015), V-Dem Electoral Democracy Index, and Wahman et al. (2013) and discovered that the average pairwise correlation coefficient between them was merely 0.33 which emphasizes lack of consensus on a theoretical framework measuring and assessing democracy and backsliding process. Some have already criticized the democratic backsliding scholarship for not providing clear conceptualization and measurement of backsliding and democracy in general prior their empirical analysis (Jee et al., 2022). Different measures and definitions of democracy would certainly produce diverse conclusions as the indicators capture democracy differently from the very initial steps (see Skaaning, 2022). Others have specified that democratic backsliding

⁷ Cases of the United Kingdom and Sweden.

occurs at regional level, despite being no significant changes in the state of democracy at national level (O'Dwyer & Stenberg, 2022).

As certain level of democratic qualities and institutions are seemed to exist in authoritarian regimes (Brancati, 2014), deterioration of these aspects in those regimes is also encouraged by some to be called as democratic backsliding (Lust & Waldner, 2015), whilst others object including autocracies in assessing democratic quality (Lührmann & Lindberg, 2019). However, some authors include countries that has been reverted from democracy to autocracy in their analysis of democratic backsliding claiming that reversion is an outcome of backsliding (Bermeo, 2016). Such differing approaches shows the lack of consensus what is democratic backsliding or to be specific, where does democratic backsliding start and to what extent the democratic backsliding becomes a different *species*, namely democratic breakdown.

Ultimately, such divergent approaches have become the root cause for the disagreement on what is democratic backsliding and perhaps, caused birth of lots of terminologies in the literature as it is obscure about to what the phenomenon is framed and how much degree of deterioration of democratic quality is considered as the backsliding. Therefore, a solid theoretical framework must be consistently for both democracy and *backsliding*.

Nevertheless, if generalized, a common sinister characteristic of the vastly growing number terminologies related to the deterioration of democratic quality does not signify a complete breakdown of democracy and turning into an autocracy in one big step, but it rather constitutes more imperceptible and incremental intra-democracy changes.

2.2.1. What causes democracies to backslide?

Behind the backsliding phenomenon there are myriad macro and micro level explanatory factors that democracy happens to be backsliding such as due to economic inequality (Haggard & Kaufman, 2016; Przeworski et al., 2000); failing sub-national governments (Gibson, 2013); ideological polarization (M. W. Svolik, 2020); globalization and digitalization (Kriesi et al., 2013; Wilhelm, 2000); populism, ethnic-cultural heterogeneity (Mounk, 2022), financial crises (Levitsky & Ziblatt, 2018; Norris, 2011), increasing power of multinational corporations (Reich, 2008); climate crisis (J. T. Roberts & Parks, 2007); extreme events such as natural disasters, terrorist attacks and pandemics (Bjørnskov & Voigt, 2022); and shift of global economic power (Fukuyama, 2014), where China's emergence as an alternative major donor to developing countries, without political conditions attached, unlike

aid from Western countries, makes Chinese aid more attractive, consequently, diminishing the incentive for beneficiary countries to promote higher levels of political freedom (Li, 2017) and myriad other factors are imposing a great challenge on democracies around the world.

One notable piece of evidence is the growing polarization of political views and discourse, where political parties and leaders are adopting more extreme and divergent positions than ever before (Haggard & Kaufman, 2021a). Such polarization does not only take place over the political issues objectively, but members of society tend to dislike and distrust each other as the polarization intensifies becoming an affective polarization (Iyengar et al., 2019). Leaders fuel their power from this polarization by promoting the “us” versus “them” sentiment and, ultimately, consolidate their power to the detriment of democratic values and institutions. Citizens on the other hand, who are located on the one side of the polarization, tend to support their favored political leaders despite they violate democratic principles.

Paradoxically, democracy also becomes vulnerable when citizens find the incumbent government either highly appealing or extremely unattractive compared to potential challengers (Luo & Przeworski, 2021). When citizens are satisfied with the current government, they continue supporting the incumbent, believing that a competitor wouldn't be better. This enables the leader to take actions to maintain power. On the other hand, when the incumbent government is unappealing, citizens want to remove it to prevent its prolonged stay, even if they find the current challenger less attractive. In response, the incumbent government, aware of citizens' desire for its removal, takes every possible measure to solidify its hold on power. Regardless of whether citizens favor or disfavor the incumbent leader, if the leaders are *authoritarian-minded* they will ultimately initiate backsliding (p. 6). However, the incumbent's actions depend on the threshold of tolerance within society. The incumbent will be punished by the society if they breach this threshold and will be permitted to expand its power if they remain within the tolerable level (p. 7).

It is rather common that individuals may not respond to such violations due to neglect or loyalty to the leader (Avramovska et al., 2022) or even when they witness them, they may struggle to fully grasp their implications (Baviskar & Malone, 2004). If citizens fail to intervene and halt a government's progression of backsliding, it is considered to eventually reach a point where it becomes too late to prevent the government from exerting unrestricted power and citizens' ability to replace the government through democratic elections (Pech & Scheppele, 2017; Ginsburg & Huq, 2018). The expectation that citizens would serve as an effective

restraint on the government, uniting against it whenever it engages in actions that endanger freedoms, violate constitutional norms, or undermine the democratic system, and preventing it from taking such a path, is pessimistically considered as unrealistic (e.g. Jacob, 2023).

Controversially, Little and Meng (2023) have posted that the democratic backsliding phenomenon is predominantly shaped by the time-varying expert bias and have proposed to use objective (and factual) indicators of democracy, such as whether the current ruling party loses and accepts its defeat in an election, rather than subjective indicators which are based on expert responses, such as whether the election was free and fair (Little and Meng, 2023; p.2). By utilizing objective measures, they find little evidence of backsliding process over the past decade (p.29). Similarly, Treisman (2023) posits that the global level of democracy is close to all-time high using a larger time frame and argues that the current backsliding process is caused due to the “surge” of large number of democracies in the Third Wave which have low level of economic development and poor quality of liberal institutions (p.1943).

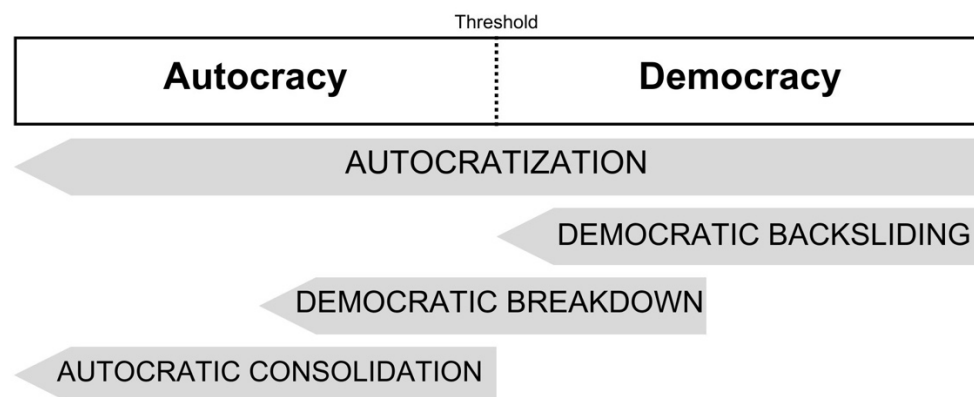
2.2.2. Democratic backsliding as a sub-process of autocratization

The literature on the process of deteriorating quality of democracy, which is the opposite process to democratization, has been predominantly termed as autocratization (Cassani and Tomini, 2018; Lührmann and Lindberg, 2019). There are two main definitions given to the *autocratization* as it is “a process of regime change towards autocracy that makes politics increasingly exclusive and monopolistic, and political power increasingly repressive and arbitrary” (Cassani and Tomini, 2018, p.277) and reciprocally, it is “any move away from democracy” (Lührmann and Lindberg, 2019, p.5) which outlines it as a negative process. The main point of the autocratization literature is that it describes the direction of a political system in terms of regime change (Cassani and Tomini, 2018) and in terms of a degree change on a continuous measure of democracy (Lührmann and Lindberg, 2019) where autocracies becoming more autocratic and democracies becoming less democratic.

However, the *landing point* of the autocratization process can vary. The *departure point* of autocratization can take place from democracy and still end within the boundaries of democracy (from liberal democracy to electoral democracy according to the V-Dem typology), from democracy and end-up in autocracy (from liberal/electoral democracy to closed/electoral autocracy), or even start in autocracy and end in autocracy (from electoral autocracy to closed autocracy). Arguably, when autocratization is analyzed in terms of change in degree of

democracy (not as regime shift), it can still start in one regime type and still end in the that type without changing shifting the regime. For instance, Lührmann and Lindberg (2019) identify autocratization as a substantial decline (0.1 or more on the Electoral Democracy Index (v2x_polyarchy)). Although they do not discuss a regime type in their analysis, it can be the case that the substantial decline of 0.1 points, which is their used threshold, can still occur within a regime type, for instance in liberal or electoral democracy.

Figure 3: Process of autocratization



Source: The figure is stimulated by Lührmann and Lindberg (2019).

Autocratization process can be divided into three broad parts. One concerns the transition from democracy to autocracy, termed “democratic collapse” (Diskin et al., 2005), “democratic failure” (Kapstein & Converse, 2008), or democratic breakdown (Tomini & Wagemann, 2018). The second concerns the deterioration of democratic qualities that do not necessarily lead to the collapse of the democratic regime, termed “democratic backsliding” (Bermeo, 2016; Waldner and Lust, 2018), “rule of law backsliding” (Scheppelle and Pech, 2017), “democratic decay” (Daly, 2019), “democratic retrogression” (Huq & Ginsburg, 2018), “democratic regression”(Erdmann & Kneuer, 2011), “de-democratization” (Tilly, 2003), and “de-consolidation” (Foa & Mounk, 2016). The third – “authoritarian consolidation” (Levitsky & Way, 2010), where autocracy further consolidates its power and becomes more autocratic.

The first stream of literature can be categorized under “democratic breakdown”, and the second under “democratic backsliding”. The distinguishing feature of the overall subtle “backsliding” process, compared to more blatant “breakdown”, relies on that they are not considered as a regime transition that crosses the minimalistic threshold of democracy - free and fair elections, but rather it is “an incremental erosion of democratic institutions, rules and

norms that results from the actions of duly elected governments” (Haggard & Kaufman, 2021b, p. 27). Schmitter (2015) notes that such form of autocratization mainly occurs through deteriorations in terms of liberal aspects of democracy rather than electoral, which will be tested in the upcoming chapters.

Chapter 3: Coming to Terms: Conceptual Mapping of Democracy and Democratic Backsliding

A goodness of social science concept depends on its coherence and precise differentiation from its neighboring concepts; usefulness; measurability; parsimony and reliability (Gerring, 2001, pp. 40–41). Accordingly, Lust & Waldner (2015) insist on not considering excessive number of elements in the concept of democratic backsliding as they tend to be showing insufficient influences to consider a degradation in a regime despite their antidemocratic features (p.5). In order to identify a backsliding country, it needs an examination on “what has been changed” and how such changes happened (Lust & Waldner, p.4).

3.1. Conceptual mapping: liberal and electoral dimensions of democracy

In this research, the conceptualization of democracy is located in between the thin minimalist and thick maximalist extremes, following the conceptualization of liberal democracy (Ginsburg & Huq, 2018), where democracy is characterized by free and fair elections, liberal rights to speech and association, and the rule of law (which encompasses the checks and balances). This conceptualization has been selected to align with the main objective of this research, which is to examine how deteriorations in liberal attributes — such as the civil liberties, rule of law, judicial independence, and checks and balances — interact with each other and whether they occur alongside or independently of deteriorations in free and fair elections.

Naturally, the concept of liberal democracy is composed of two “double classifications” (Møller, 2007, p. 384), which are the amalgamation of Schumpeterian minimalist notion with freedom rights and the rule of law. Correspondingly, the aim is to segregate the concept of democracy into two dimensions: *the electoral dimension* and *the liberal dimension*. Otherwise, measuring and classifying democracy in one dimension, as Diamond first suggested (See Table 2), albeit measuring two distinct attributes would create the “logical problem” as discussed by Møller (2007, p.383) while delving into the widening gap between electoral and liberal aspects of democracy.

Table 2. Typology of regimes (unidimensional)

Non-Democracy	Pseudo-Democracy	Electoral Democracy		Liberal Democracy	
Politically Closed Authoritarian	Electoral, Uncompetitive Authoritarian	Competitive Authoritarian	Ambiguous Regimes	Electoral Democracy	Liberal Democracy

Source: Diamond (1999) the first row, and Diamond (2002) the second row.

Møller (2007) argues that such classification contains illogical deficiencies – that is measuring two attributes – one concerning free and fair elections and the other freedom rights and the rule of law – in one dimension which would make impossible to fully capture certain trajectories of democracies. The division into two dimensions is supported by the understanding that a country may hold free and fair elections without ensuring a sufficient level of civil liberties and the rule of law, a very common species. Conversely, a country may lack free and fair elections while still possessing liberal attributes, such as the rule of law (e.g. Singapore).

Møller's (2007) typology of political regimes that finds its place within two dimensions which are equally important and classifies four types of regimes, namely liberal democracy, electoral democracy, liberal autocracy and illiberal autocracy (See Table 3), avoiding self-contradictory terms such as “competitive authoritarianism” (Levitsky and Way, 2002) or ambiguously positioning countries in the “gray zone” that have not attained well-functioning democracy after making transition from authoritarian regime (Carothers, 2002).

Table 3: Møller's typology of political regimes

	Freedom rights and rule of law present	Freedom rights and rule of law absent
Free and fair elections present	Liberal democracy	Electoral democracy
Free and fair elections absent	Liberal autocracy	Illiberal autocracy

Source: Møller (2007)

Building on the conceptual foundation proposed by Møller (2007), it can be proposed two dimensions of democracy: electoral (ED) and liberal (LD) dimension (See Table 4). ED captures the minimalist conception of democracy which frames fundamental principle of vertical accountability ensuring rulers' responsiveness to citizens (Schumpeter, 1943; Popper,

1971; Bobbio, 1989; Przeworski et al., 1999, p. 16). This is accomplished through electoral competition for the approval of the electorate, provided that suffrage is universal, elections are conducted with integrity and are free from fraud or systematic irregularities, and the outcomes of elections directly determines the composition of the country's chief executive. Deteriorations occurring in this dimension is termed “*electoral backsliding*”, which will be discussed later.

The liberal dimension (LD) is consisted of three sub-dimensions: civil liberties (CLD), rule of law (ROLD) and checks and balances (CBD). The sub-dimension of civil liberties encompasses basic freedoms such as expression and belief, assembly, movement, protection from the illegitimate use of physical force, and the right to property. Within the sub-dimension of the rule of law, key elements include equality before the law, due process, access to justice, the independence of prosecutors and law enforcement agencies; and checks and balances subdimension encompasses the independence of the judiciary, which extends to the judicial appointment procedure, judicial accountability, and the compliance of the executive and legislative branches with judicial decisions, and executive’s respect for constitution. Deterioration within the liberal dimension will be considered liberal backsliding; however, if a more granular approach is taken, it can be further specified as civil liberties backsliding, rule of law backsliding, or checks and balances backsliding — noting that declines in a single sub-dimension may not necessarily constitute overall liberal backsliding.

While recognizing the breadth of conceptualizations available — from minimalist definitions focused solely on electoral competition (Schumpeter) to maximalist frameworks incorporating deliberation, participation, and socio-economic equality (Sen, Diamond & Morlino) — this study proposes a two-dimensional conceptualization of democracy, distinguishing between an electoral and a liberal dimension. This framework is developed on the basis of Ginsburg and Huq’s emphasis on the institutional foundations of constitutional democracy, particularly the roles of free and fair elections, civil and political liberties, and the rule of law.

This choice is driven by both analytical parsimony and theoretical coherence with the phenomenon under investigation - democratic backsliding. Most instances of backsliding unfold within regimes that formally retain elections but erode liberal constraints incrementally — a pattern that cannot be adequately captured by purely minimalist definitions, nor is it feasible to operationalize within the full scope of maximalist approaches which contains elements such as income inequality, corruption, security, violence, justice and so on. By

focusing on the electoral and liberal dimensions, this framework allows for meaningful differentiation of backsliding trajectories while retaining compatibility with established empirical indices like V-Dem.

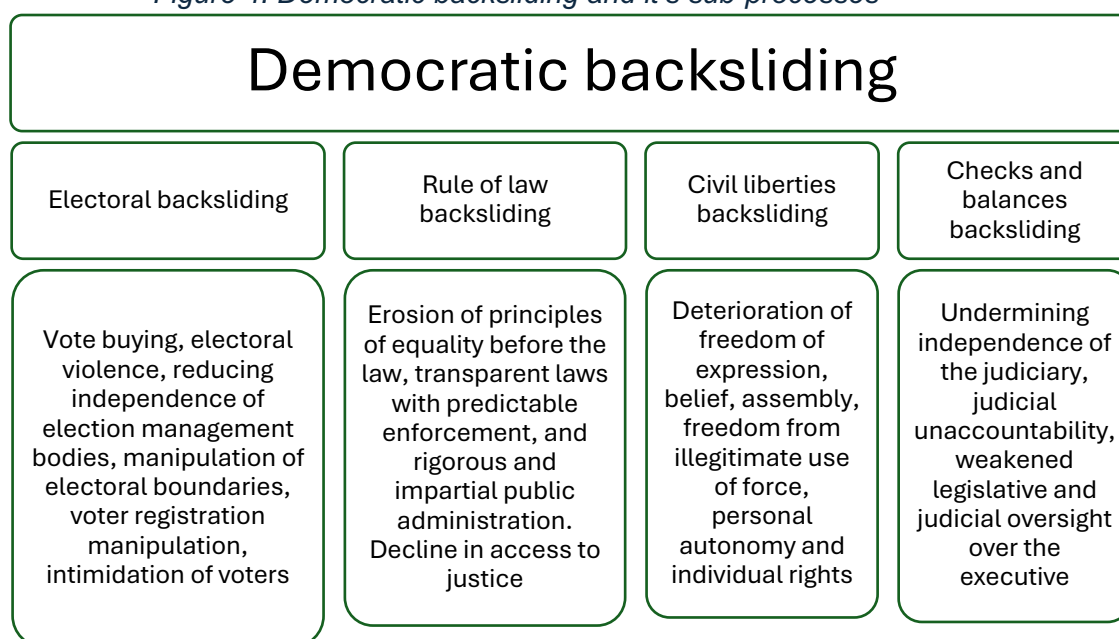
Table 4: Dimensions of democracy.

Dimensions and sub-dimensions		Attributes
Electoral dimension (ED)		Free and fair electoral process
		Political pluralism and participation
		Elected officials and their functioning
Liberal dimension (LD)	Civil liberties sub-dimension (CLD)	Freedom of expression and belief
		Freedom of assembly
		Freedom from illegitimate use of physical force
		Personal autonomy and individual rights
	The rule of law sub-dimension (ROLD)	Equality before the law, rigorous and impartial public administration
		Transparent laws with predictable enforcement
		Access to justice
	Checks and balances sub-dimension (CBD)	Independent judiciary
		Executive respects constitution
		Judicial and legislative constraints on the executive
		Judicial accountability

3.2. Conceptual mapping: democratic backsliding and its sub-processes

I intend to study the phenomenon of democratic backsliding viewing it as a process that occurs in two separate dimensions (and in sub-dimensions) and providing distinct conceptualizations for deteriorations in each (See Figure 4). This approach can be justified by the aim to explore the empirical relationships within this complex and often vague phenomenon, rather than taking them for granted as deteriorations that always occur conjointly. Put simply, I hypothesize that deterioration in the liberal dimension does not necessarily always conjoin with such effect in the electoral dimension, at least from a theoretical perspective, as these concepts are distinct. By breaking it down into more specific dimensions and conceptualizations, the goal is to gain a deeper understanding of the general theory of democratic backsliding and avoid overgeneralization of the phenomena.

Figure 4. Democratic backsliding and it's sub-processes



Source: Author's own elaboration

3.3. Electoral backsliding

Electoral backsliding pertains to the decline of principles and practices particularly concerning to electoral processes and institutions within a democratic system. While the overarching concept of democratic backsliding encompasses the deterioration of aspects of elections, Garnett and James (2023) suggest a distinction between electoral backsliding and the

broader democratic backsliding theory, where the motive is similar to that of this project as it analyzes changes in two dimensions of democracies.

Typically, electoral backsliding involves actions or measures that subvert the fairness, integrity or inclusivity of elections through practices like violence, voter coercion, vote manipulation, gerrymandering or manipulation of boundaries of electoral districts, incomplete voter registries and inadequately supported election monitoring bodies. These actions serve to diminish the integrity of elections. Characteristics commonly associated with electoral backsliding include alterations to regulations that disadvantage opposition parties or undermine political competition and election credibility. Political suppression is another aspect involving state authority used to stifle opposition voices limit diversity or intimidate voters, candidates and civil society groups. Moreover, undermining institutions by diminishing the autonomy or effectiveness of bodies, like election commissions through politicization interference with their work functions or financial constraints can also signify electoral backsliding.

3.4. Liberal backsliding

Liberal backsliding refers to the deterioration of liberal dimension (LD) of democracy encompassing civil liberties, rule of law and checks and balances, where deteriorations in these aspects can occur conjointly or separately. Therefore, under the liberal backsliding scheme the deteriorations in each sub-dimensions are considered as separate sub-processes.

3.4.1. Rule of law backsliding

Deteriorations in rule of law sub-dimension, such as the deteriorations of the principles of equality before the law, transparent laws with predictable enforcement, rigorous and impartial public administration and access to justice, will be referred to as “rule of law backsliding”. Although aspects related to checks and balances, such as independent judiciary, is commonly defined as defining feature of the rule of law (as discussed in Chapter 2), the deterioration in those aspects will be analyzed separately with a view that loosening checks and balances might not always lead to deterioration in the formal traits of the rule of law, which requires that laws must be general (impartial), publicly announced, prospective, clear, consistent, possible to comply, stable and congruent with the actions of the administration (Fuller, 1969).

Previously, the conceptualization of the rule of law backsliding has been outlined by Pech & Scheppele (2017, p.10) as:

“the process through which elected public authorities deliberately implement governmental blueprints which aim to systematically weaken, annihilate or capture internal checks on power with the view of dismantling the liberal democratic state and entrenching the long-term rule of the dominant party.”

Scheppele and Pech (2017) articulate the sequential steps through which the process of rule of law backsliding unfolds. It commences with a dissatisfaction in the governmental system among a significant portion of the population, driven by various socio-economic factors such as increasing inequality, the migration crisis, unemployment, and corruption. Seizing the opportunity, politicians, as office-seekers, opportunistically adjust their political stances by proposing radical changes to capitalize on this dissatisfaction, presenting themselves as viable candidates committed to safeguarding “the will of the people”. Legitimately elected by discontented citizens hoping for change, these politicians, once in office, often employ legal methods to modify the existing constitutional framework often through abusive constitutional amendments and abusive judicial review processes (Dixon & Landau, 2021; Landau, 2013; Roznai, 2023). Their objective is to consolidate power and remain in office by deactivating various institutions—such as the judiciary, media, public prosecutor’s office, and law enforcement agencies—that usually serve as checks on their power. Only after accumulating sufficient power, they proceed to modify election laws, ensuring victory in subsequent elections and further solidifying their control. Consequently, the backsliding process is considered to initiate primarily with a deterioration in checks and balances before manifesting as electoral backsliding.⁸

In their articulation of the rule of law backsliding, Scheppele & Pech encompass broad list of attributes under the rule of law backsliding scheme, such as dissatisfaction of the population, populism, abusive constitutional amendments, eroding independence of judiciary and law enforcement agencies and media, and undermining electoral integrity, where these aspects occur in a sequential step.

⁸ Scheppele and Pech (2017) incorporate the deterioration of electoral aspects of democracy into the framework of rule of law backsliding. However, for the purpose of this research, these deteriorations are specifically defined as electoral backsliding, and it is emphasized that rule of law backsliding does not inherently encompass changes in the electoral dimension of democracy.

Here I enunciate “rule of law backsliding” by reflecting on Raz’s (1979, p. 211) view that “[the rule of law] is not to be confused with democracy, justice, equality ... human rights of any kind or respect for persons or for the dignity of man,” it’s crucial to specify that the rule of law backsliding scheme, which I am examining in this context, does not imply deteriorations in those broad number of attributes mentioned by Scheppele and Pech (2017). Despite their gravity and inclusion in broader conceptualizations (e.g., Bingham, 2010), the scheme that I follow encompasses a thinner conceptualization characterized by the formal principles only (Fuller, 1969). This approach is justified within the context of studying democratic backsliding, where distinct aspects of the rule of law, such as the independence of the judiciary, civil liberties and democracy, are analyzed separately in distinct dimensions.

While a country may suffer from overlapping effect of rule of law backsliding and electoral backsliding, the two forms of change can also occur separately.

3.4.2. Checks and balance backsliding

Checks and balances backsliding pertains to actions or measures that weaken the substances of the horizontal accountability, such as judicial independence, legislative and judicial oversight on the executive power and judicial accountability, as courts should also be accountable for their actions.

While checks and balances are considered a defining feature of the rule of law and a main mechanism for its implementation in practice (e.g. Gutmann & Voigt, 2015, p. 9), I intend to consider them separately. This is because loosening checks on executive power might not directly undermine the rule of law in its narrower (minimalist) sense – which encompasses principles such as equality before the law, transparent laws with predictable enforcement, and rigorous and impartial public administration. The relation between the backsliding processes of the rule of law and checks and balances will be reviewed in the following chapter.

3.4.3. Civil liberties backsliding

The term civil liberties backsliding pertains to the decline of freedoms and rights that are secured and guaranteed for individuals in a free society. This idea covers violations or setbacks in domains like freedom of speech, media, assembly, belief and other civil liberties. In the framework of the thesis civil liberties backsliding would center on the decrease or weakening of these rights within a country.

On the contrary to the other forms of backsliding, civil liberties backsliding specifically addresses the freedoms and rights of individuals within society often seen through censorship limitations on opposition, suppression of minority rights or other actions that limit freedoms. Recognizing and dealing with civil liberties backsliding is crucial for upholding the democratic values of the individual autonomy, expression, and participation.

Civil liberties are also considered as a limit on the state power if it is guaranteed by law, especially at constitutional level, as it protects the rights of the minority against the illiberal projects embarked by the legislature and executive backed by the majority of citizens. Civil liberties function as a panacea to the “*tyranny of the majority*” problem when the majority faction of society harms the rights and liberties of the minority.

—oOo—

In the following chapter, I will analyze patterns of democratic backsliding through quantitative approach, with a focus on whether democracies exhibit similar trajectories of regression in the proposed electoral and liberal dimensions.

Chapter 4: Methodology and data

As the primary objective of this project is to assess the relationship between the two dimensions of democracy—specifically, whether backsliding occurs conjointly, separately or sequentially within these dimensions—it is necessary to select and formulate measurement indicators capable of capturing the phenomenon itself. Upon reviewing existing theories that elucidate the concept of democratic backsliding in the previous chapter, it becomes apparent that there is significant variation and, potentially, a gap in the assessment of this phenomenon. The theories developed so far appear highly fragmented, with each one focusing on a specific aspect of democracy.

There is a tendency to oversimplify by asserting that democracy is eroding entirely, notwithstanding erosions in a single attribute of democracy. The generalization of theories regarding such a complex phenomenon can be understood, given their aim to be applicable in various cases and yet, considering the aim of this research work, such simplification may constrain to comprehend the complex phenomena.

As discussed in the previous chapter, the concept of democracy in this research is composed of two separate dimensions. One, captures the electoral aspect of democracy, called electoral dimension (ED) and the other, captures the liberal aspects of democracy (LD), where it consists of three sub-dimensions – civil liberties (CBD), rule of law (ROLD) and checks and balances (CBD) (See Table 4 in Chapter 3).

4.1. On various measurement indexes and regime classifications

As the conceptualizations of democracy widely range from minimalist to maximalist definitions, various indices measuring democratic quality have been proposed, such as Economist Intelligence Unit's Democracy Index (2024), the Democracy Barometer (Bühlmann et al., 2012), Polity V (Marshall & Gurr, 2020), Freedom House (2025a) and V-Dem project (Coppedge et al., 2011) to name a few.

The general task of these indices appears to be twofold. First, they aim to distinguish democratic regimes from authoritarian ones. Second, they aim to evaluate the quality of democracy and democratic features in authoritarian regimes. The emergence of numerous indices stems from varying conceptualizations of democracy and differing aggregation methodologies. Problematically, there is a tendency to conceptualize the same aspects from

different angles which creates further complexities in the study (Munck, 2016b) and hence produces a disparity in the number of countries classified by various organizations based on regime types, such as democracy/non-democracy or electoral/liberal democracy. For instance, in the year of 2005, Møller (2007) counts 79 liberal democracies, 7 electoral democracies, whilst V-Dem finds 42 liberal democracies and 52 electoral democracies in the same period (Lührmann et al., 2018), which exhibits a great degree of disparity.

Table 5. Overview of major democracy datasets.

Indicator	How democracy is characterized?	How democracy is measured?	Number of countries and years covered	Who makes assessments?
Varieties of democracy (V-Dem, 2025)	Electoral, liberal, participatory, deliberative and egalitarian aspects	Spectrum: 0 to 1	Since 1789; 202 countries	Country experts
Regimes of the World (Lührmann et al., 2018)	Electoral and liberal aspects	Classification: closed autocracy; electoral autocracy; electoral democracy; liberal democracy	Since 1789; 202 countries	Country experts
Freedom House (Freedom House, 2025b)	Electoral and liberal aspects	Classification: not free, partly free, free (disaggregated scores that determine classification are provided from 2013 to 2023 period)	Since 1972; 229 countries	Own researchers and country experts
Polity (Marshall & Gurr, 2020)	Electoral and liberal aspects	Spectrum: -10 to 10 Classification: autocracy, anocracy, democracy	1800-2018; 192 countries	Own researchers
Economist Intelligence Unit Democracy Index (Economist Intelligence Unit, 2024)	electoral, liberal, participatory, deliberative, and effectiveness aspects	Spectrum: 0 to 10 Classification: authoritarian regime; hybrid regime; flawed democracy; full democracy	Since 2006; 167 countries	Country experts; citizen's
Lexical Index of Electoral Democracy (Skaaning et al., 2015)	Electoral aspects	Classification: non-electoral autocracy; one-party autocracy; multi-party autocracy without elected executive; multi-party autocracy; exclusive democracy; male democracy; electoral democracy; polyarchy	Since 1800; 218 countries	Own researchers
Boix-Miller-Rosato (Miller et al., 2022)	Electoral aspects	Classification: non-democracy; democracy	Since 1800; 218 countries	Own researchers

Nonetheless, the minimalist conception of democracy has been adopted by all existing democracy-measuring indices. The differences arise from additional components added to the *free and fair election* criterion and variations in their aggregation methods.

Table 6. Number of democracies according to different projects.

Project	Number of democracies as of 2022
EIU	72 (24 full and 48 flawed)
V-Dem Electoral Democracy Index (0,5 or more)	82
V-Dem Regimes of the World	90 (58 electoral and 32 liberal)
Freedom House ⁹ (countries that have 20 out of 40 or more on the political rights indicator)	120
Lexical Index of Electoral Democracy (Skaaning, 2015)	122

4.1.1. V-Dem

The Varieties of Democracy project's (V-Dem) approach of conceptualization and measurement of democracy has taken a distinctive path compared to other measurement indices. Instead of positing democracy on a single dimension and giving it a single definition, they have recognized five streams of democracy on a continuous scale – electoral, liberal, participatory, egalitarian and deliberative, and each type of democracy has its own components, sub-components and sub-sub-components (Coppedge, 2023; Coppedge et al., 2011, 2016).

Democracy, according to V-Dem, is a continuum rather than a discrete regime type — autocracy and democracy; and each type of democracy is measured on a scale from 0 to 1, which is mixed aggregation of additive multiplicative systems with unequal weights, where expert's response is aggregated through a custom-designed Bayesian item response theory model to estimate latent country-date traits from the expert ratings (Teorell et al., 2019, p. 77).

V-Dem covers the most extensive period from 1789 to the present day and it is updated on a yearly basis on the judgement of national experts and factual data. For instance, on the ones related to suffrage, the project considers percentage of population with the right to vote is considered rather than relying on judgement of expert which can possibly be subjective.

⁹ Freedom House does not assign a specific count to democracies, as its objective is to measure freedom rather than classify political regimes. However, in its political rights indicator, Freedom House evaluates aspects related to the electoral process, political pluralism, and participation, which makes it a viable proxy indicator for determining the number of democracies.

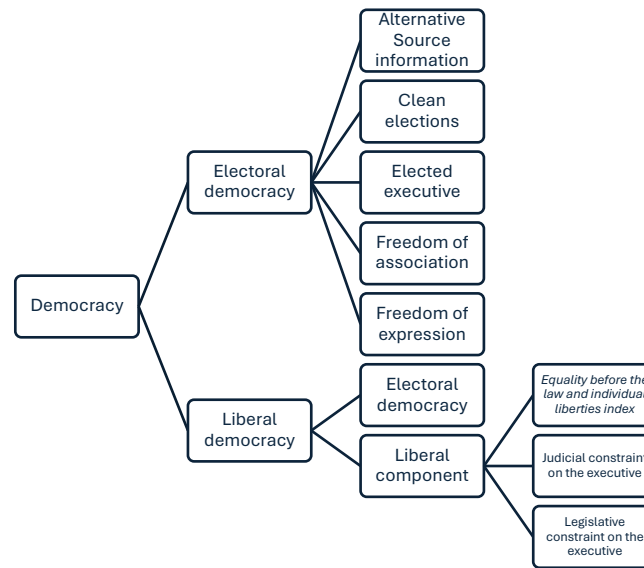
Each component of democracy is encouraged to be prioritized depending on the context and aim of the research. However, the electoral component is the cornerstone of the V-Dem's conceptualization of democracy which mirror's Dahl's (1971) conceptualization of polyarchy, and they argue that without free and fair election with universal suffrage, where the rulers are not responsive to citizens, and where there is no sufficient level of freedom of expression, assembly and association, unfree media, a system cannot be considered as a democracy in every way, although the level of liberal, participatory, deliberative and egalitarian principles are acceptable. Hence, the foundational aspect of democracy is not only the free and fair election component but also certain civil and political freedoms which includes certain civil liberties components in the conceptualization compared to the electoral dimension proposed in this research, where civil liberties are measured explicitly in a separate sub-dimension (See Table 4). Hence, in the following part, disaggregated indicators of democracy will be taken into account and re-aggregated in a way that is coherent with the electoral and liberal dimension respectively as reasoned in the previous chapter.

Wider number of liberal aspects are captured by the liberal principle (*v2x_liberal*) where it measures the essential value and mechanisms of protecting individual and minority rights against a potential tyranny of the majority and the state. This index is formed by taking the average of the following variables: equality before the law and individual liberties (*v2xcl_rol*), judicial constraints on the executive (*v2x_jucon*), and legislative constraints on the executive (*v2xlg_legcon*) (V-Dem, 2023a, p. 50). Combined with the electoral principle of democracy, it evaluates the state of democracy in terms of how liberal it is (ibid. p.45). One potential drawback of the *v2x_liberal* index is that it evaluates the state of rule of law and civil liberties as one variable, while assessing constraints on the executive by the legislative and judiciary in separate variables. The index then calculates the average, giving higher importance to the constraint of the executive compared to the rule of law and civil liberties. Additionally, *v2x_liberal* does not take into account judicial accountability, whereas the proposed LD, discussed in the following part, captures it in one of its sub-dimensions, where each sub-dimensions are determined to have equal weight to make the analysis more robust against distortion.

As for the other principles, the participatory principle measures the value of direct rule and active participation by citizens on both in electoral and non-electoral political process; the deliberative principle captures the value that political decision-making process must be reasoned on the common good motivations and through a dialogue at all levels among informed

citizens and the authorities; and the egalitarian principle refers to the idea that citizens are able to exercise their rights and liberties regardless of their social group and the resources to exercise such rights and liberties are equally distributed across all social groups. Deliberative, participatory, and egalitarian principles find their domain in the broader conceptualization of democracy and hence, it will not be taken into account in this research.

Figure 5. The conceptual hierarchy of V-Dem's democracy indices (Electoral and Liberal)



Source: V-Dem (2023a)

4.2. Building the dimensions and sub-dimensions

To construct the specifically tailored dimensions, I am utilizing variables from the Varieties of Democracy (V-Dem) project, as it is the only dataset that provides disaggregated variables, allowing for the creation of the previously outlined dimensions of democracy.

Electoral dimension (ED) is formed by taking the average of weighted average of indicator's measuring suffrage, free and fair election, elected officials and political pluralism & participation and their strict multiplicative interaction. By taking the average of the two extremes, the formula allows for some level of compensation for strengths in one sub-component compensating for weaknesses in others, but it also incorporates the "weakest link" principle by penalizing countries for their weakest performance. While V-Dem's conceptual scheme of Electoral democracy builds upon Dahl's (1971) polyarchy, in this research the Electoral Democracy scheme is exclusively refers to Schumpeterian minimalist definition.

ED differs from V-Dem's *v2x_polyarchy* variable in a way that it excludes freedom of expression and alternative sources of information, but all the rest, including the aggregation method is identical. Unsurprisingly, the Pearson correlation between the two indexes in the period of 2010 to 2022 is $r=0.99$, indicating a perfect positive linear relationship. However, considering the theoretical rationale discussed previously, the modified ED will be employed.

$$ED = ((v2x_suffr * v2xel_frefair * v2x_elecoff * v2x_frassoc_thick) + (1/8(v2x_suffr) + 3/8(v2xel_frefair) + 3/8(v2x_frassoc_thick) + 1/8(v2x_elecoff)))/2$$

The Liberal dimension (LD) is created by averaging three sub dimensions; civil liberties (CLD), rule of law (ROLD) and checks and balances (CBD). The Pearson correlation, between V-Dem's liberal component index (*v2x_liberal*) and LD from 2010 to 2022 stands at $r=0.92$. While in contrast to *v2x_liberal*, LD takes an approach in combining liberties, rule of law and checks and balances into separate sub dimensions enables to study a more detailed understanding for each aspect. V-Dem's *v2x_liberal* merges rule of law and civil liberties into one measure while overemphasizing elements like legislative and judicial constraints on the executive separately, giving higher emphasis on aspects related to the checks and balances whilst giving lower importance to the rule of law and civil liberties. Moreover, unlike *v2x_liberal*, LD includes the concept of judicial accountability within the checks and balances sub-dimension, which is an important aspect to consider. This is particularly relevant as courts do not always act as protectors and guarantors of liberal constitutional democracy; rather, they can be misused to undermine democracy, as reflected in various concepts such as autocratic legalism, abusive constitutionalism, abusive constitutional borrowing and so on.

$$LD = (CLD + ROLD + CBD)/3$$

As for the sub-dimensions of the LD, CLD is formed by taking the unweighted average of indicators that measures freedom of expression and alternative sources of information (*v2x_freexp_altinf*), freedom from torture (*v2cltort*), freedom from forced labor (*v2xcl_slave*),

freedom from political killings (*v2clkill*), freedom of religion (*v2clrelig*), freedom of movement (*v2fom*)¹⁰ along with their multiplicative interaction.

$$CLD = 1/2 * (1/6(v2x_freexp_altinf + v2cltort + v2xcl_slave + v2clkill + v2clrelig + v2fom) + 1/2 * (v2x_freexp_altinf * v2cltort * v2xcl_slave * v2clkill * v2clrelig * v2fom)$$

ROLD is aggregated by the same methodology as CLD among the following indicators: rigorous and impartial public administration (*v2clrspct*), transparent laws with predictable enforcement (*v2cltrnslw*), and access to justice (*v2_clacjst*)¹¹.

$$ROLD = 1/2 * (1/3(v2clrspct + v2cltrnslw + v2_clacjst) + 1/2 * (v2clrspct * v2cltrnslw * v2_clacjst)$$

Ultimately, the CBD is formed similarly by encompassing executive respects constitution (*v2exrecon*), judicial and legislative constraints on the executive (*v2x_jucon*, *v2xlg_legcon*)¹², and judicial accountability (*v2juacct*).¹³

$$CBD = 1/2 * (1/4(v2exrecon + v2x_jucon + v2xlg_legcon + v2juacct) + 1/2 * (v2exrecon * v2x_jucon * v2xlg_legcon * v2juacct)$$

Variables that have ordinal scale, such as *v2cltort*, *v2clkill*, *v2clrelig*, *v2clfmve*, *v2clrspct*, *v2cltrnslw*, *v2clacjstm*, *v2clacjstw*, *v2exrecon* and *v2juacct*, are converted into interval scale of 0-1, which enables to be aggregated with other variables that ranges on identical scale.

It is important to note that the aggregation method for the proposed dimensions is identical to that used in the V-Dem indices which is combining the balanced weakest-link and additive averaging method, but it differs in the choice of variables that compose these

¹⁰ Variable *v2_fom* is calculated by taking the average of freedom of foreign movement (*v2clfmve*) and domestic movement (*v2xcl_dmove*) variables.

¹¹ Variable *v2_clacjst* is calculated taking the average of access to justice for men (*v2clacjstm*) and women (*v2clacjstw*) variables.

¹² V-Dem contains missing observations for the variable *v2xlg_legcon* for Afghanistan in 2021 and 2022, Egypt in 2015, Eritrea in 2021 and 2022, Guinea-Bissau in 2021, Palestine (Gaza) from 2015 to 2022, Palestine (West Bank) from 2012 to 2022, and Sudan in 2021 and 2022. The missing values are interpolated assuming linear progression.

dimensions. This will allow us to examine how the narrative of democratic backsliding changes when the conceptualization and composition of variables are slightly altered, which will be discussed later in this chapter.

Table 7. Types of backsliding

Dimension	Threshold for backsliding	Terminology	Description
Electoral	Decrease of $\geq$ -0.1 points	Electoral backsliding	Decline in electoral integrity and fairness, including vote buying, electoral violence, reduced independence of election bodies, manipulation of electoral boundaries, voter registration fraud, and voter intimidation.
Liberal		Liberal backsliding	Erosion of liberal democratic principles (rule of law, civil liberties, checks and balances)
Rule of law		Rule of law backsliding	Erosion of principles of equality before the law, transparent laws with predictable enforcement, and rigorous and impartial public administration. Decline in access to justice
Civil liberties		Civil liberties backsliding	Deterioration of freedom of expression, belief, assembly, freedom from illegitimate use of force, personal autonomy and individual rights
Checks and balances		Checks and balances backsliding	Undermining independence of the judiciary, weakened legislative and judicial oversight over the executive, weaker judicial accountability

Source: Author's elaboration

The dimensions and sub-dimensions range from 0 to 1, where lower points indicate poor performance in the given indicator, and vice versa. A change of more than 0.1 points within the specified timeframe is considered a significant change. Countries experiencing an increase above 0.1 are categorized as strengthening (or consolidating), while those with a decline below -0.1 are classified as backsliding which is not an uncommon way of capturing the backsliding process (See Lührmann & Lindberg, 2019, p. 1001). Any changes of less than 0.1 points are considered relatively stable, which reflects minor fluctuations rather than substantive changes in the quality of democracy.

This operationalization applies to each sub-dimensions of the LD as well, and hence deterioration in each dimension will be termed as electoral backsliding, rule of law backsliding, civil liberties backsliding, and checks and balances backsliding.

4.3. Case selection

There is no single method that researchers adopt when analyzing backsliding phenomenon. Some conduct study only among democracies (Brownlee & Miao, 2022; Carothers & Press, 2022; Haggard & Kaufman, 2021b; Mainwaring & Bizzarro, 2019; Tomini

& Wagemann, 2018) while others include authoritarian regimes (Boese et al., 2021; Lührmann & Lindberg, 2019; Maerz et al., 2024; Wunsch & Blanchard, 2023).

However, under the democratic backsliding scheme, the theory itself presumes the prior existence of established democratic institutions in a country as the word backsliding signifies “to go back to doing something bad when you have been doing something good, especially to stop working hard or to fail to do something that you had agreed to do”(Cambridge Dictionary, n.d.). Therefore, when democratic qualities deteriorate in authoritarian regimes, the more appropriate term would be authoritarian consolidation, rather than democratic backsliding.

Following Brancati (2014) and Lust & Waldner (2015), who argue that certain level of democratic qualities and institutions do exist in authoritarian regimes, the analysis will start including both democracies and autocracies referring to the autocratization process first and then lead to the assessment of democratic backsliding – process of autocratization among democracies only.

In analyzing democratic backsliding, I will limit the number of countries in the analysis that could be categorized by an electoral democracy, which has 0.5 or more on the electoral dimension at the beginning of the time covered. If a democracy’s score on electoral dimension falls below 0.5 score, it will be considered as a democratic breakdown as this threshold has been utilized by others in assessing qualities of democracy (Haggard & Kaufman, 2021b).

4.4. Time frame

The extensive varying degree of choices over time period of democratic backsliding literature shows the challenge to precisely capture the time frame over which backsliding occurs around the world. Many study the backsliding as a year-by-year process, but others argue that it is a phenomenon that spans for over longer period of time, for instance 5 or 10 years. While others capture the time frame by considering different time periods for different countries and comparing the backsliding periods.

By common definition, democratic backsliding does not occur in a single blow; rather, it takes place incrementally and cumulatively. Instead of unfolding changes on an early basis, an examination of a 10-year period will be conducted to capture developments in both dimensions. Deteriorations and restorations within the timeframe that do not show significance

over a 10-year period will not be regarded as the backsliding process, as it is characterized by an ebb and flow – i.e. short-term political fluctuations.

This research project specifically focuses on the time period from the beginning of the 2010s to 2022. This timeframe is particularly significant, as the early 2010s represented the peak performance of democracies, while 2022 marked their lowest point according to V-Dem and Freedom House. Hence, the selected timeframe is well-suited for observing changes in the two dimensions, especially the backsliding process.

4.5. Regime classification methodology

As discussed previously, the electoral dimension (ED) and liberal dimension (LD) are used to classify democracies. In this chapter, following Brancati (2014), by acknowledging that certain levels of democratic qualities and institutions, such as contestation and participation, do also exist in authoritarian regimes, trajectories of regime change can be delineated by classifying authoritarian regimes below the ED=0.5 benchmark, which is a common practice in the democratic backsliding literature.

A country scoring 0.5 or higher in both dimensions is classified as a liberal democracy. If LD falls below 0.5 while ED meets the threshold, the country is categorized as an electoral democracy. A country scoring below 0.5 in both dimensions is classified as an illiberal autocracy, whereas one scoring 0.5 or higher in LD but below the threshold in ED is categorized as a liberal autocracy.

Table 8: Typology of political regimes using ED and LD

	LD $\geq$ 0,5	LD < 0,5
ED $\geq$ 0,5	Liberal democracy	Electoral (illiberal) democracy
ED < 0,5	Liberal autocracy	Illiberal autocracy

Source: Author's elaboration

One would argue that categorizing all autocracies under a single typology of “illiberal autocracy”, regardless of their electoral characteristics, is an oversimplification. Hence, a complementary typology is rather useful.

As illiberal autocracy typology contains both autocracies that have elections and the citizens have the right to vote but the elections are not sufficing the free and fair quality and also autocracies where the citizens do not have the right to elect their political leaders through

elections, it would be insightful disaggregate illiberal autocracy to examine how autocracies differ in terms of electoral aspects, although the main focus of this research concentrates only among democracies and their backsliding process.

If we use a benchmark of 0.25 for ED to distinguish between closed autocracies below this threshold and electoral autocracies above, we obtain a more detailed picture of regime classification (See Table 9).

Table 9: Typology of political regimes using ED and LD (illiberal autocracy disaggregated).

	LD $\geq 0,5$	LD $< 0,5$
ED $\geq 0,5$	Liberal democracy	Electoral (illiberal) democracy
0.25 $\leq$ ED < 0.5	Liberal autocracy	Electoral (illiberal) autocracy
ED < 0.25		Closed (illiberal) autocracy

Source: Author's elaboration

This classification helps identify regimes where citizens do not have the right to choose either the chief executive of the government or the legislature through multi-party elections, known as closed autocracy, and regimes where citizens have the right to choose the chief executive and the legislature through multi-party elections, but the elections do not meet the criteria of being free and fair.

While regime transitions provide a broad understanding of democratic shifts, they do not capture the more incremental forms of backsliding occurring within regime types. Many cases of democratic erosion do not involve a full transition from democracy to autocracy but instead manifest as gradual declines in electoral integrity, civil liberties, and institutional checks and balances. To understand these subtler forms of democratic weakening, the following chapter analyzes intra-regime democratic backsliding by examining the degree of change within each regime type, as well as broader regime shifts.

Chapter 5: Results and Discussion: Empirical Insights on Democratic Backsliding

In this chapter, changes in democracy dimensions by degree and by type are analyzed in order to pinpoint backsliding and more general autocratization trends with more precision. This chapter seeks to extend further understanding of how democratic erosion unfolds across democracy's different dimensions and regime types by combining typological classifications, statistical analysis, and the highlighting of particular backsliding cases.

5.1. Changes by type: regime transitions

Understanding shifts in regime classifications over time provides crucial context for broader democratic trends. The following section examines global regime transitions from 2012 to 2022, with a particular focus on the prevalence of shift from one regime type to another.

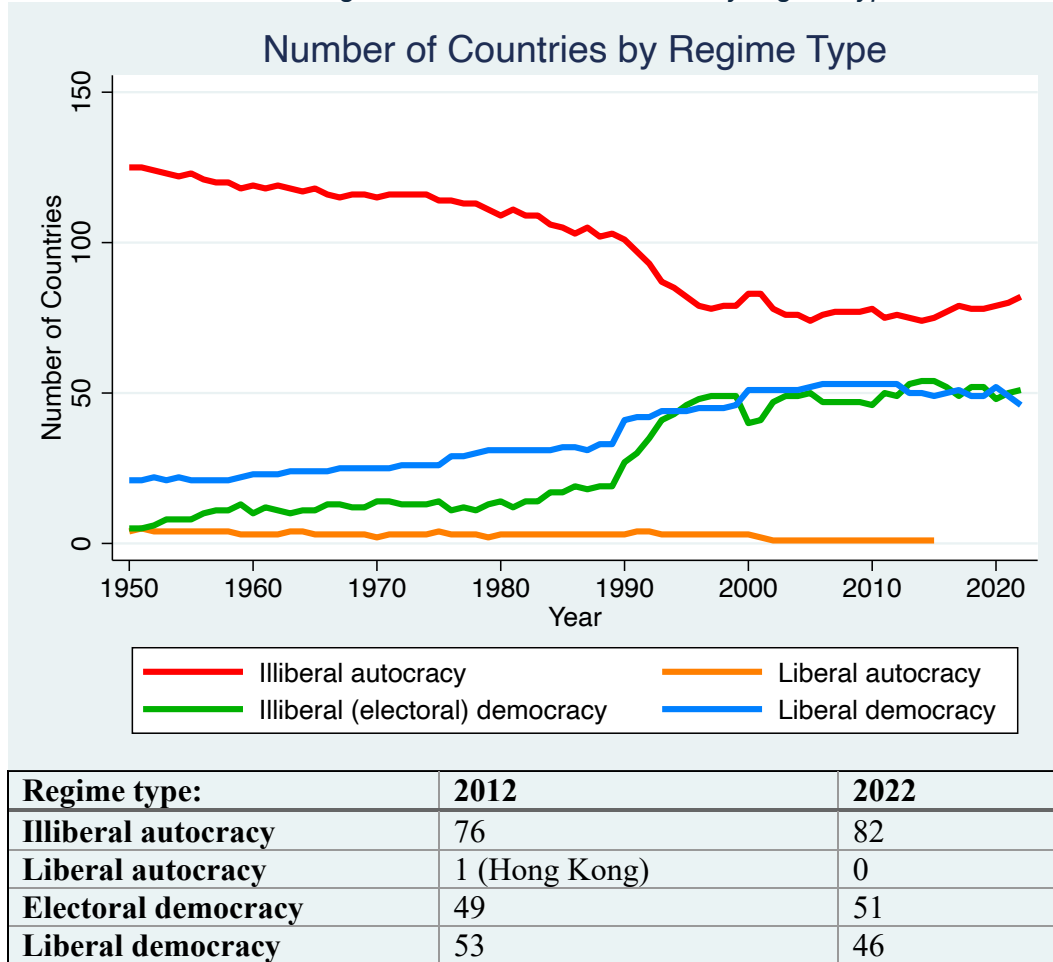
5.1.1. Global overview of regimes and their transitions

In 2012, the distribution of political regimes was 102 democracies and 77 autocracies. Among the democracies, 49 were electoral democracies and 53 were liberal democracies (See Figure 6). Conversely, among the autocracies using the benchmark of 0,5 in LD, 76 were illiberal autocracies, with just one being a liberal autocracy – Hong Kong¹⁴ (and Nepal arose very close to be considered as Liberal Autocracy where LD fell short by 0.01 point).

Moving to 2022, the numbers shifted to 97 democracies and 82 autocracies. Among the democracies, 51 were electoral and 46 were liberal. Notably, all autocracies in 2022 were classified as illiberal.

¹⁴ Hong Kong is included in the analysis solely because it is distinctly coded as a separate unit in the V-Dem dataset. Its inclusion does not reflect any normative, legal, or political position beyond this methodological choice.

Figure 6: Number of countries by regime type



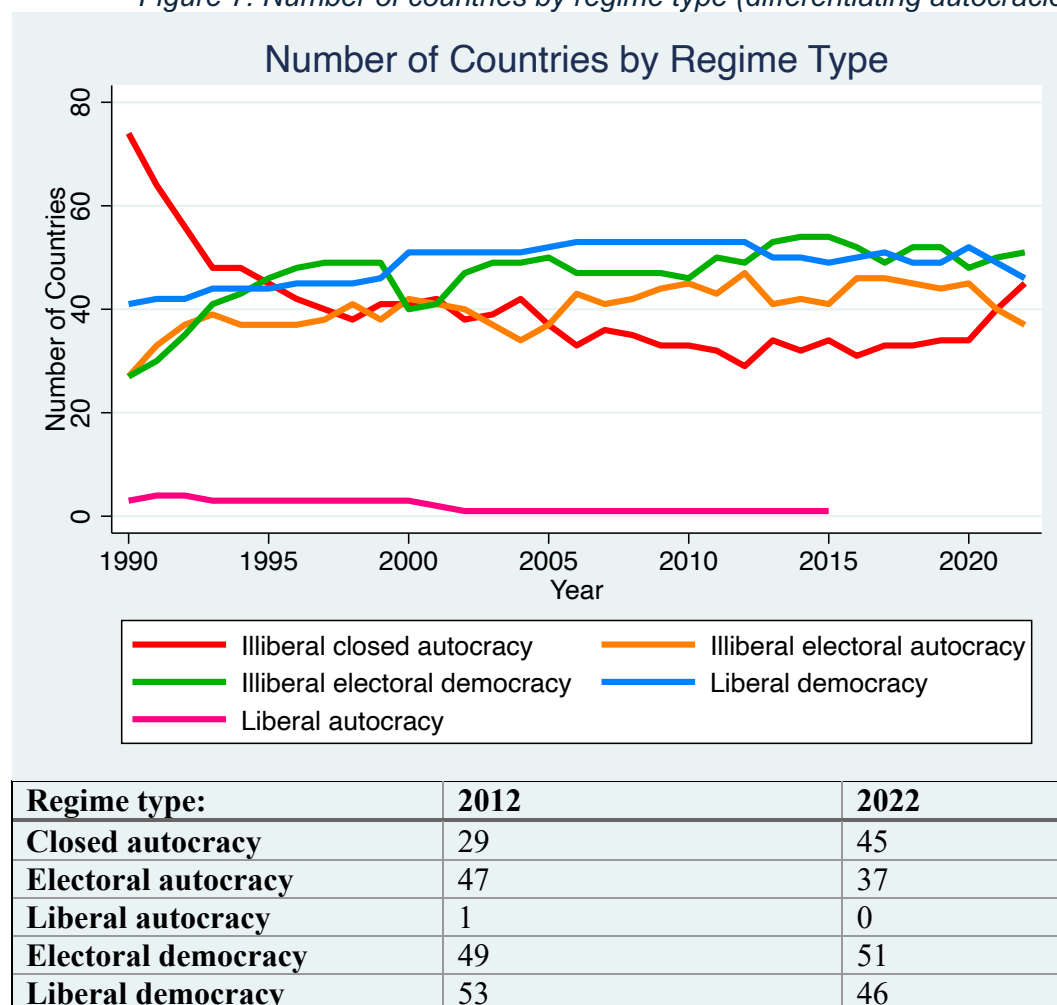
Source: V-Dem data, author's calculations and visualization

Figure 6 shows that in 2012, there was only one liberal autocracy: Hong Kong. However, by 2022, no country was classified as a liberal autocracy. Theoretical discussions from the previous chapter highlight that liberalism and democracy are distinct concepts, with their blend defining four regime typologies. One might question the utility of proposing a category, the liberal autocracy, as it no longer exist, at least in the dataset used. Nevertheless, it is worth to note that liberal autocracy is a concept that has already been explored by others (e.g. Rodrik, 2016). Rodrik (2016) articulates such regimes as providing civil rights but not political rights, while agreeing its rareness where the only contemporary exemplar is the principality of Monaco.

As discussed in the previous chapter, categorizing all autocracies with $ED < 0.5$ as a single type would create an undifferentiated mass of countries (76 in 2012 and 82 in 2022), obscuring key differences among autocratic regimes with varying degrees of electoral integrity. To mitigate this overgeneralization, it is justifiable to adopt more granular approach by making

further distinction: Electoral (Illiberal) Autocracy ($0.25 \leq ED < 0.5$ and $LD < 0.5$) and Closed (Illiberal) Autocracy ($ED < 0.25$ and $LD < 0.5$). This classification allows for a more nuanced understanding of authoritarian regimes by differentiating those that hold flawed multi-party elections from those that lack electoral integrity completely.

Figure 7: Number of countries by regime type (differentiating autocracies)



Source: V-Dem data, author's calculations and visualization

Upon applying this categorization it is evident that starting from the early 1990s, there is a steep decline in closed autocracies and a sharp increase in both electoral democracies and electoral autocracies (Figure 7). This trend can be attributed to the fall of the Soviet Union and the transition to democracy and democratization in many countries.

The Figures 6 & 7 indicate that democracies outnumbered autocracies for a time, but over the past two decades, there has been a decline in liberal democracies and a rise in electoral

democracies, with the gap between democracies and autocracies narrowing. Worrisomely, there has also been a decline in electoral autocracies and an increase in closed autocracies, signaling autocratic consolidation¹⁵. This shift reflects not only a process of democratic backsliding, marked by a decrease in the number of liberal democracies, but also a broader trend toward autocratization across both democracies (democratic backsliding) and autocracies (autocratic consolidation).

Between 2012 and 2022, several countries experienced democratic breakdowns, failing to maintain their ED score at the 0.5 benchmark in 2022. These countries include Benin, Burkina Faso, Comoros, El Salvador, India, Ivory Coast, the Philippines, Serbia, Tanzania, Thailand, Tunisia, Turkey, and Ukraine. Table 10 provides detailed trajectories of these regime changes. Notably, this list does not include Hungary, a country often cited as a democratic backslider (e.g. Bogaards, 2018; Varju & Chronowski, 2015). Hungary transitioned from a liberal democracy to an electoral democracy before 2012 and maintained this status throughout the period.

It must be noted that, unlike V-Dem's "Regimes of the World" classification, this analysis does not consider Austria, Canada, Portugal, Greece, and Slovenia as cases that have transitioned from liberal democracy to electoral democracy (V-Dem, 2023b, p. 40). Instead, our analysis identifies eight cases of democratic backsliding between 2012 and 2022. Regarding democratic breakdowns, the analysis counts 13 cases, closely aligning with V-Dem's count of 14. Additionally, we identify 17 cases of autocratic consolidation.

Conversely, our analysis finds eight transitions from autocracy to democracy and four autocracies that moved toward democratization but did not reach the benchmark. Notably, only one democracy transitioned from an electoral democracy to a liberal democracy during this period.

It is also worth noting that additional cases of democratic backsliding may exist within this period, but they are not included, as it is assumed that short-term fluctuations—ebbs and flows in democratic indicators—do not necessarily indicate sustained backsliding. Instead, the

¹⁵ As discussed in previous chapters, democratic backsliding refers to the gradual erosion of democratic institutions within democracies, whereas autocratic consolidation describes the strengthening of authoritarian control within already autocratic regimes. Both are sub-processes of autocratization, distinguished by the regime type in which they occur: democratic backsliding takes place within democracies, while autocratic consolidation occurs within autocracies.

focus is given on cases where the deterioration was significant, consistent, and led to a lasting shift in regime classification.

Table 10: Regime shift trajectories

Process	Regime shift trajectories	Countries
Democratic backsliding	From liberal democracy to electoral democracy	<i>Ghana, South Africa*, Poland, Brazil, El Salvador, Bhutan*, Botswana, Mauritius</i>
Autocratic consolidation	From electoral autocracy to closed autocracy	<i>Burma/Myanmar, Russia, Egypt, Yemen, Haiti, Sudan, Afghanistan, Venezuela, Cambodia, Nicaragua, Guinea, Burundi, Belarus, Chad, Republic of the Congo, Libya</i>
Democratic breakdown	From electoral democracy to electoral autocracy	<i>India, Philippines, Tanzania, Benin, Ivory Coast, Turkey, Ukraine</i>
Autocratic consolidation	From liberal autocracy to electoral autocracy	-
-	From liberal autocracy to electoral democracy	<i>(Impossible)</i>
Autocratic consolidation	From liberal autocracy to closed autocracy	<i>Hong Kong</i>
Democratic breakdown	From electoral democracy to closed autocracy	<i>Thailand, Burkina Faso, Tunisia, Comoros</i>
Democratic breakdown	From liberal democracy to electoral autocracy	<i>Serbia</i>
Democratic breakdown	From liberal democracy to closed autocracy	-
Democratization (transition)	From electoral autocracy to electoral democracy	<i>Honduras, Kenya, Nepal, Armenia, The Gambia, Sri Lanka, Malaysia,</i>
Democratic consolidation	From electoral democracy to liberal democracy	<i>Seychelles</i>
Democratization (transition)	From liberal autocracy to liberal democracy	-
Democratization	From closed autocracy to electoral autocracy	<i>Ethiopia, Jordan, Kazakhstan, Fiji</i>
Democratization (transition)	From closed autocracy to electoral democracy	<i>Madagascar</i>
Democratization (transition)	From closed autocracy to liberal democracy	-

Note: The table compares each country's regime type in 2012 and 2022. The colors indicate the severity of regime shifts, with darker shades representing more significant changes in regime characteristics. Countries marked with an asterisk () underwent a regime shift without a significant change (≤ 0.1) in both dimensions, suggesting their prior proximity to the 0.5 benchmark. The data in this table is derived from ED and LD scores sourced from the V-Dem dataset, with the author's calculations based on the methodology outlined in the previous chapter.*

Understanding how regimes have shifted over time helps contextualize broader trends in democratization and autocratization. The following section provides a detailed analysis of degree-based changes between 2012 and 2022, emphasizing the incremental yet substantive nature of democratic backsliding. This process involves gradual erosions in Electoral Dimension (ED) and Liberal Dimension (LD), along with their sub-dimensions, leading to significant shifts in democratic quality. Such an approach is better suited for capturing intra-regime changes—specifically, the deterioration of democracy within democratic regimes (democratic backsliding) or the decline of democratic attributes within autocracies (autocratic consolidation). Since the next section does not focus on transitions between regime types but rather on changes within the dimensions of democracy, it offers a more nuanced perspective on democratic backsliding as it is an inherently incremental process.

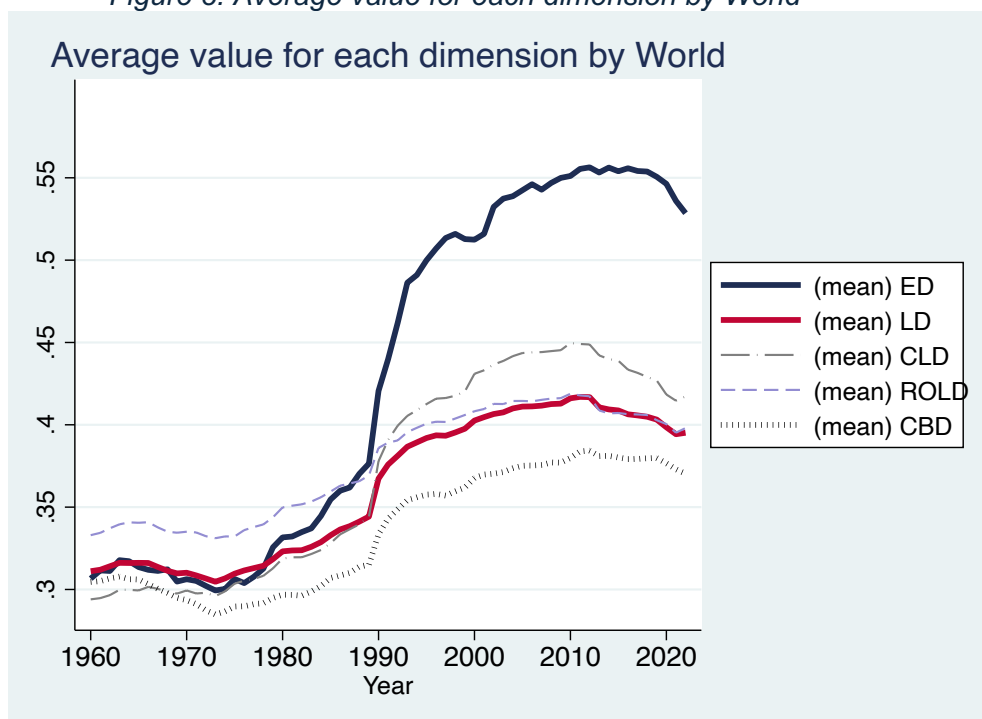
5.2. Changes by degree: intra-regime deterioration of regimes

While the *by type* or the regime change (e.g. Cassani & Tomini, 2020; Lührmann et al., 2018) approach highlights cases of backsliding as regime types shift, the analysis *by degree* of backsliding (e.g. Haggard & Kaufman, 2021b; Lührmann & Lindberg, 2019) is equally important as it provides more detailed information on backsliding trajectories occurring within regime classifications, thereby allowing for a more careful detection of the deteriorating process.

5.2.1. Global and regional trends

By utilizing the previously established dimensions, let's assess the state of Electoral Dimension (ED) and Liberal Dimension (LD) at global level, regional level and within each regime types.

Figure 8: Average value for each dimension by World



Source: V-Dem data, author's calculations and visualization

Looking at the global level of democracy (Figure 8), which includes all 179 countries – both democracies and autocracies, a sharp increase can be seen in the electoral dimension (ED) and a more incremental increase in the liberal dimension (LD) from the beginning of the 1990s to the mid-2000s. However, in the past decade, there has been a decline in the mean value in both electoral and liberal dimensions (and their sub-dimensions) of democracy, signaling a backsliding process at the global level.

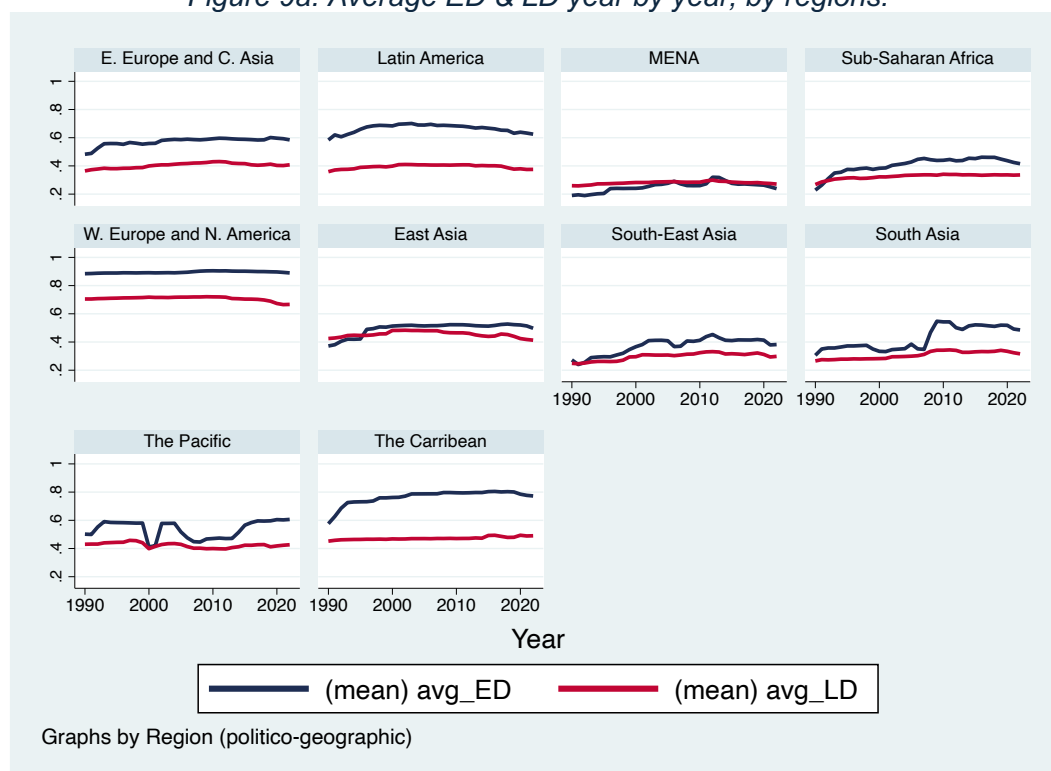
If we examine the average values of the Electoral (ED) and Liberal (LD) dimensions of democracy by geographic region, a more nuanced picture emerges (Figure 9). Across most regions, ED experienced a general increase from the early 1990s to the mid-2000s, reflecting the Third Wave of democratization (Huntington, 1991). However, as more countries adopted electoral processes, the development of core liberal democratic components—civil liberties, the rule of law, and checks and balances—lagged behind in most regions.

ED has consistently higher baseline values than LD, except in the Middle East and North Africa (MENA). The gap between the two dimensions is wider in regions where ED is higher, suggesting that many electoral democracies have weaker liberal institutions. Unsurprisingly, Western Europe and North America have the highest average values for both dimensions, while the Middle East and North Africa record the lowest levels.

Figure 9 further reveals that Sub-Saharan Africa and Latin America have undergone electoral backsliding, while Western Europe, North America, and East Asia have experienced liberal backsliding. Notably, liberal democracy scores declined from 0.72 to 0.67 in Western Europe and North America and from 0.46 to 0.41 in East Asia.

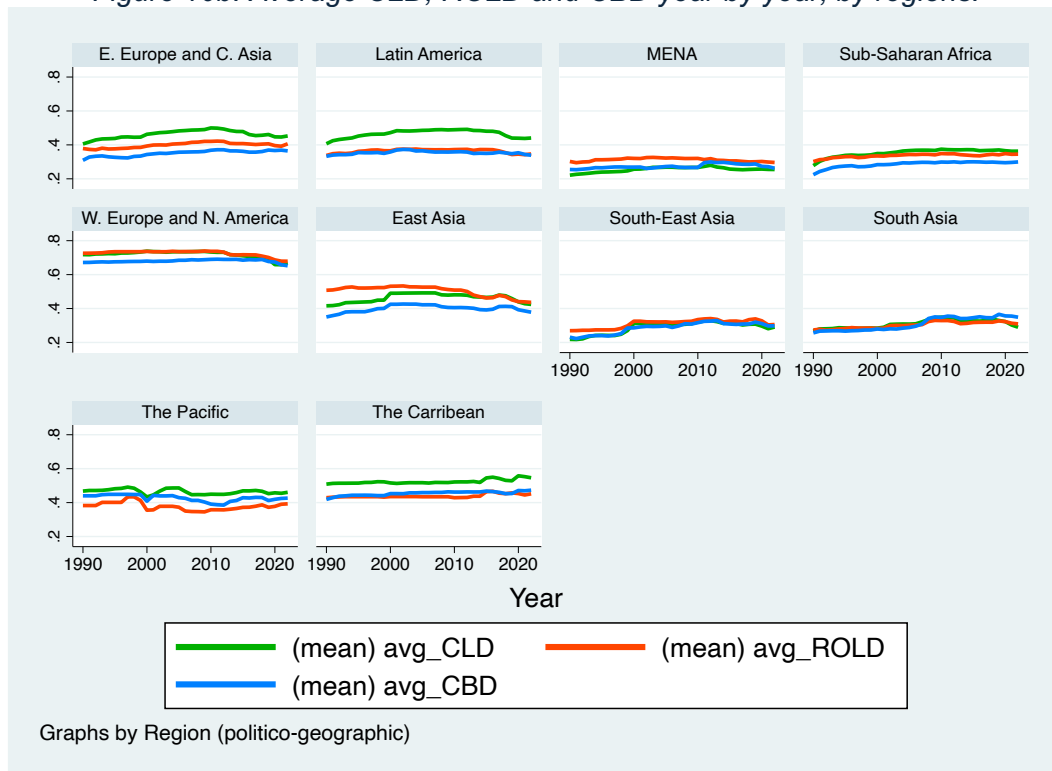
A closer look at LD's sub-dimensions—Rule of Law (ROL), Civil Liberties (CLD), and Checks and Balances (CBD)—reveals that civil liberties and the rule of law have deteriorated substantially in Western Europe, North America, East Asia, and Latin America—regions that include many established democracies. In some regions, these dimensions remain closely aligned, indicating that deterioration in one area (e.g., rule of law) is often accompanied by declines in civil liberties and executive constraints. This pattern is visible in Western Europe, North America, and Sub-Saharan Africa, where erosion tends to affect multiple institutions simultaneously. However, in other regions, significant gaps exist between these dimensions. For instance, in Latin America, civil liberties have historically scored higher than rule of law and checks and balances, yet a noticeable decline in CLD since 2010 suggests growing restrictions on freedoms despite stable institutional oversight (ROL and CBD).

Figure 9a. Average ED & LD year by year, by regions.



Source: V-Dem data, author's calculations and visualization

Figure 10b. Average CLD, ROLD and CBD year by year, by regions.



Source: V-Dem data, author's calculations and visualization

Table 11 presents summary statistics for all dimensions of democracy across 179 countries, comparing data from 2012 to 2022. It is evident that the mean values for all dimensions have declined, along with decreases in both minimum and maximum values. The mean values for ED and LD fell by -0.0279 and -0.0217, respectively, representing a 5% drop relative to 2012 levels.

Table 11. Summary statistics for dimensions of democracy (2012 vs. 2022).

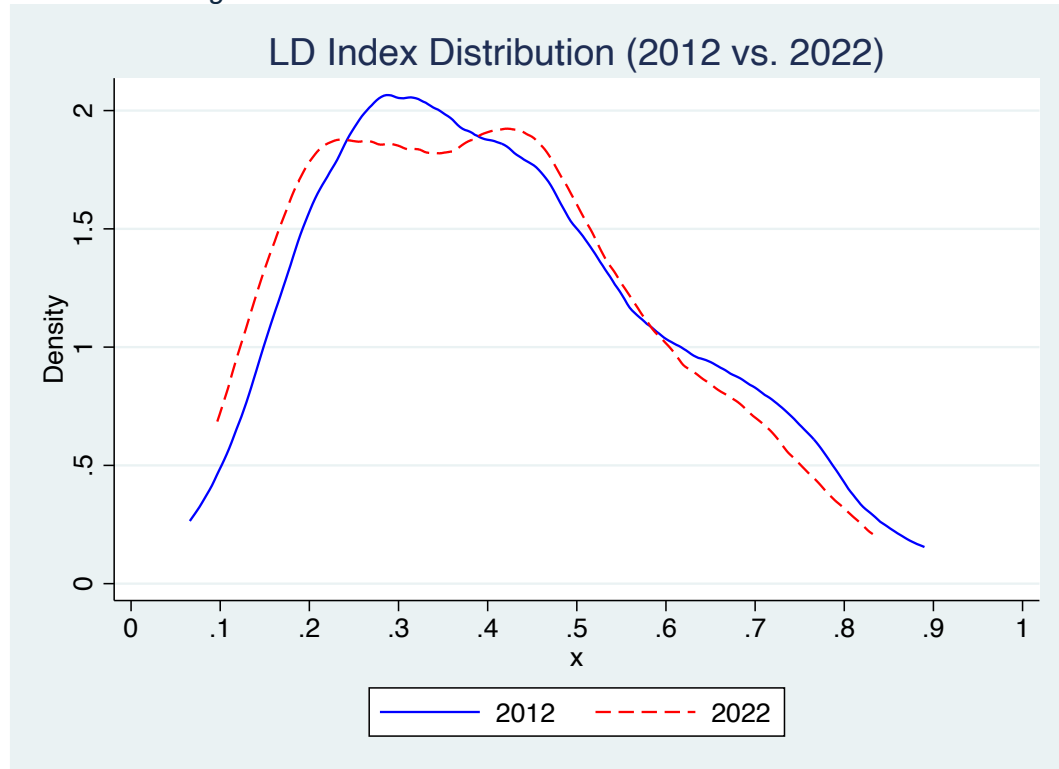
Variable	Obs.	Mean	Std.dev.	Min	Max
ED2012	179	.5563635	.2725712	.0050625	.9403555
LD2012	179	.4168496	.1837194	.065927	.8899741
CLD2012	179	.4487734	.1914112	.0288668	.8810262
ROLD2012	179	.4173236	.1821368	.0900818	.9457374
CBD2012	179	.3844519	.2020812	.0525614	.8631508
ED2022	179	.5285057	.2820272	.004875	.9302135
LD2022	179	.3951475	.1783615	.0967073	.832002
CLD2022	179	.4172441	.1821897	.0361683	.8531327
ROLD2022	179	.3980295	.1794422	.0730029	.9240052
CBD2022	179	.3701689	.1974725	.038571	.854293

Source: V-Dem data, author's calculations and visualization

Among the sub-dimensions of LD, the Civil Liberties Dimension (CLD) experienced the sharpest decline, dropping -0.0316, or 7% relative to 2012. Meanwhile, ROLD and CBD

declined by 4.63% and 3.72%, respectively. Regarding overall variability, the standard deviations show no significant increase or decrease, indicating that while democracy has declined globally, the level of divergence across countries has remained relatively stable.

Figure 11: Liberal Dimension Index Distribution



Source: V-Dem data, author's calculations and visualization

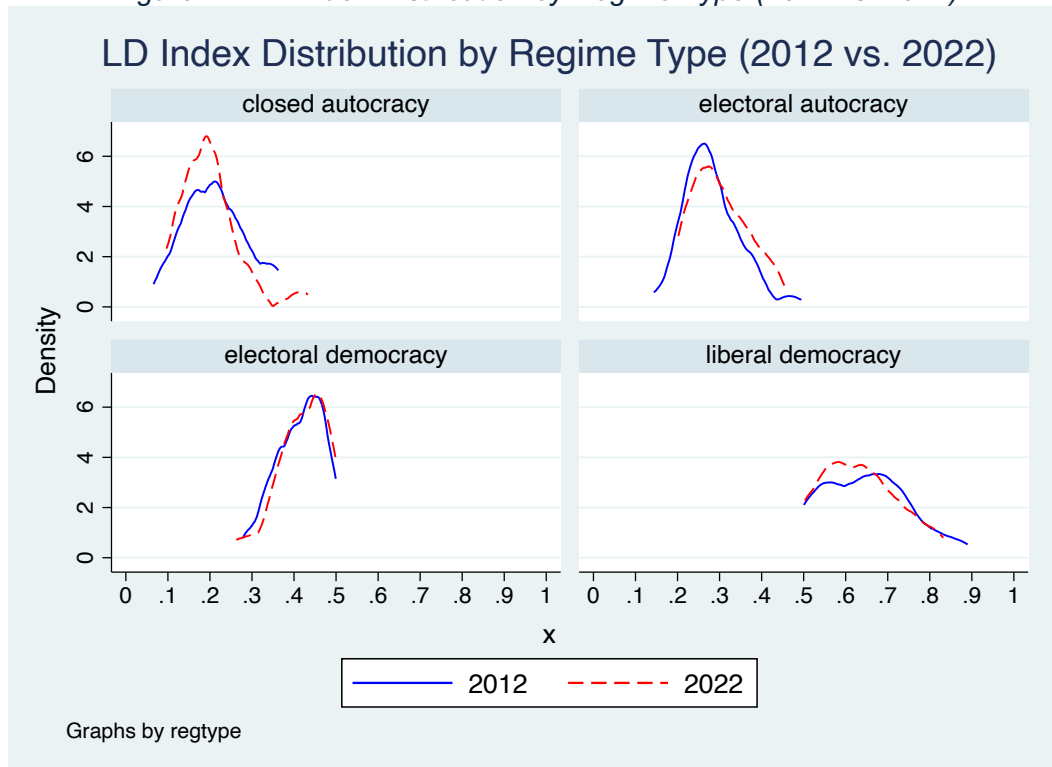
Figure 10 visually illustrates the overall Kernel density estimation¹⁶ and shifts in the Liberal Democracy (LD) Index. The distribution of the Liberal Democracy (LD) Index between 2012 and 2022 reveals a significant transformation in global democratic trends, underscoring the persistence and deepening of liberal backsliding. The density peak for 2022 has shifted leftward, indicating a general decline in democratic quality, as more countries now cluster at lower LD Index values than a decade ago. This pattern suggests that many previously stable democracies have experienced erosion in key liberal democratic institutions.

A particularly interesting feature of the 2022 distribution is its emerging bimodal pattern, suggesting an increasing polarization in democratic trajectories rather than a uniform regression. Instead of a gradual and evenly distributed shift toward autocratization, countries

¹⁶ Kernel density estimation is a non-parametric statistical technique used to estimate the probability density function of a continuous variable, allowing visualization of the distribution's shape without assuming an underlying parametric form. Non-parametric refers to statistical methods that do not assume a specific distributional form for the data, allowing greater flexibility in exploring patterns and relationships.

appear to be clustering into two distinct groups—one where the regime remains relatively intact and another where significant illiberalization has occurred. This may represent the early stages of a growing ideological and institutional divide, where some nations have resisted backsliding and preserved liberal norms, while others have undergone rapid illiberalization, reinforcing hybridization rather than a universal shift.

Figure 12: LD Index Distribution by Regime Type (2012 vs. 2022)

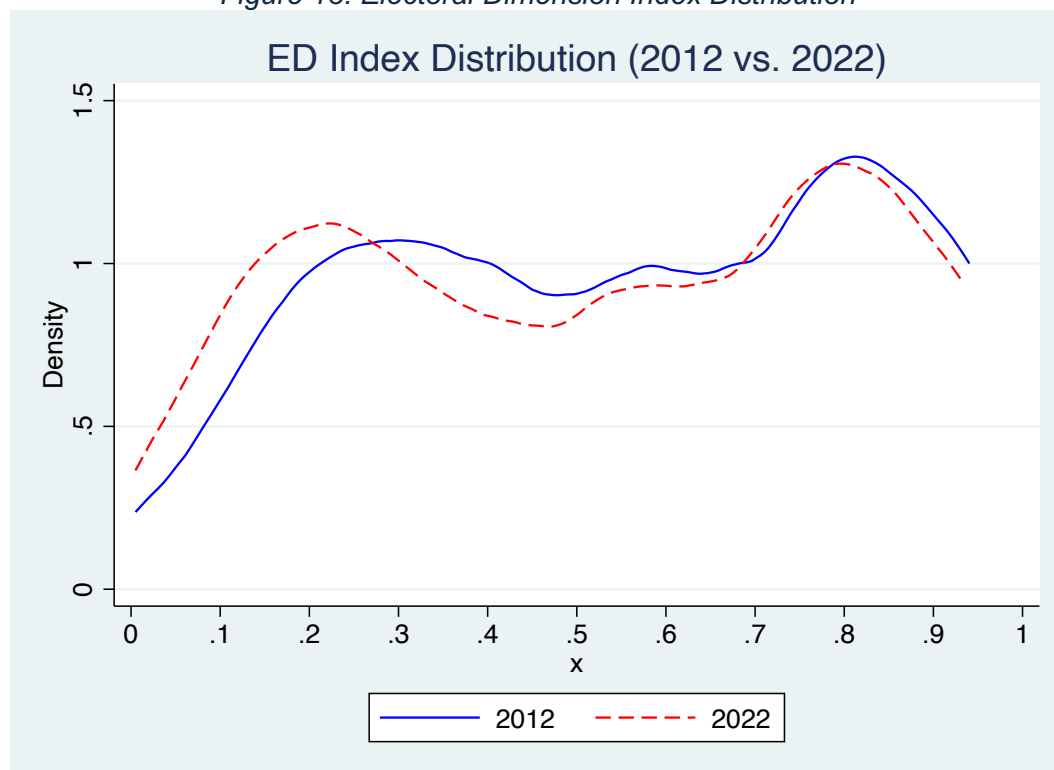


Source: V-Dem data, author's calculations and visualization

Kernel Density Estimation (KDE) can be misleading when categorizing data by regime type (Figure 11), as it does not account for transitions between categories over time. A key issue is that some electoral autocracies in 2012 may have further deteriorated into closed autocracies by 2022, meaning their decline is not reflected within the electoral autocracy category in 2022, but instead appears under a different regime type. This reclassification makes it seem like electoral autocracies remained stable, even though many actually experienced further electoral deterioration. In other words, if we track the same group of countries within a single regime category in 2012 and examine their distribution in 2022, we inherently ignore regime shifts, failing to capture the dynamics of democratic backsliding or autocratic consolidation. This limitation suggests that while KDE is useful for examining overall shifts in

electoral democracy, it is less effective when applied within regime types, as it does not reflect how countries move across regime categories over time.

Figure 13. Electoral Dimension Index Distribution



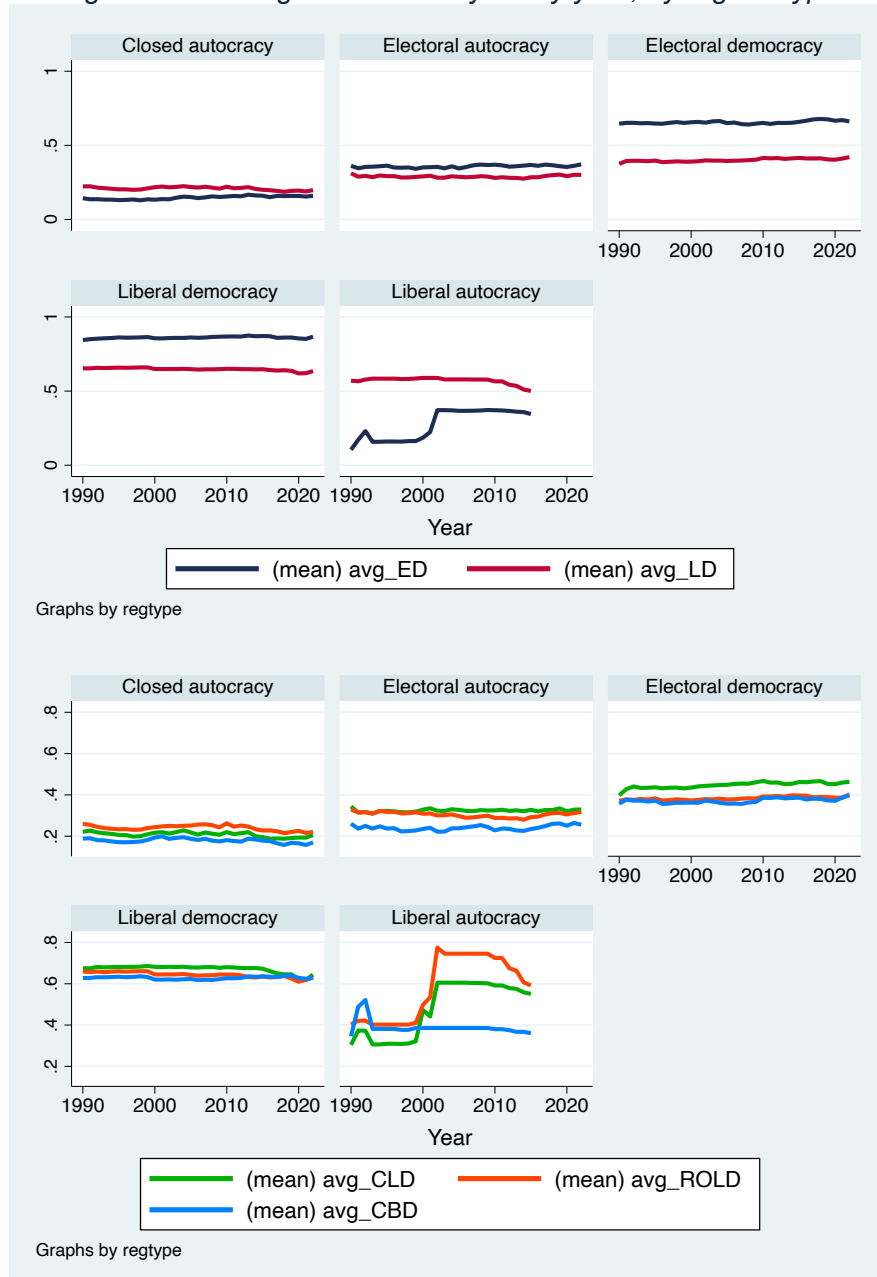
Source: V-Dem data, author's calculations and visualization

Similarly to the leftward shift in LD, the ED distribution has also shifted leftward, indicating a noticeable decline in electoral democracy scores (Figure 13). The gap between the 2012 and 2022 distributions is widest in the lower ED range (0.1–0.3), where closed autocracies are located, suggesting that many autocracies have become even more autocratic by further restricting electoral competition and multiparty participation. In contrast, the gap in the higher ED range (0.8–0.9) remains relatively stable, indicating that strong electoral democracies have largely maintained their electoral integrity.

When examining how dimensions changed within each regime type on a yearly basis (See Figure 14), we observe far fewer movements. This can be attributed to the fluctuation in the number of different regimes each year, as they may transition from one type to another, stabilizing the overall trajectories, as outlined similarly to the LD's index distribution by regime type. Nevertheless, as there have been very few regime shifts *from* and *to* liberal democracy (as we know from Table 10), this graph shows that the electoral and liberal

dimensions for liberal democracies have slightly increased in the last couple of years, which is an unexpected finding.

Figure 14: Average ED and LD year by year, by regime type



Source: V-Dem data, author's calculations and visualization

As discussed in this section, the regional disparities in ED and LD trends highlight that while democratization was a global phenomenon, its trajectory has been unidentical. Regions with historically weaker liberal institutions, such as Sub-Saharan Africa and Latin America, have shown signs of electoral backsliding, whereas Western Europe and North America have

primarily experienced liberal backsliding. These findings suggest that democratic erosion does not follow a uniform path but is influenced by pre-existing institutional strengths and vulnerabilities.

5.2.2. Patterns of regime changes¹⁷

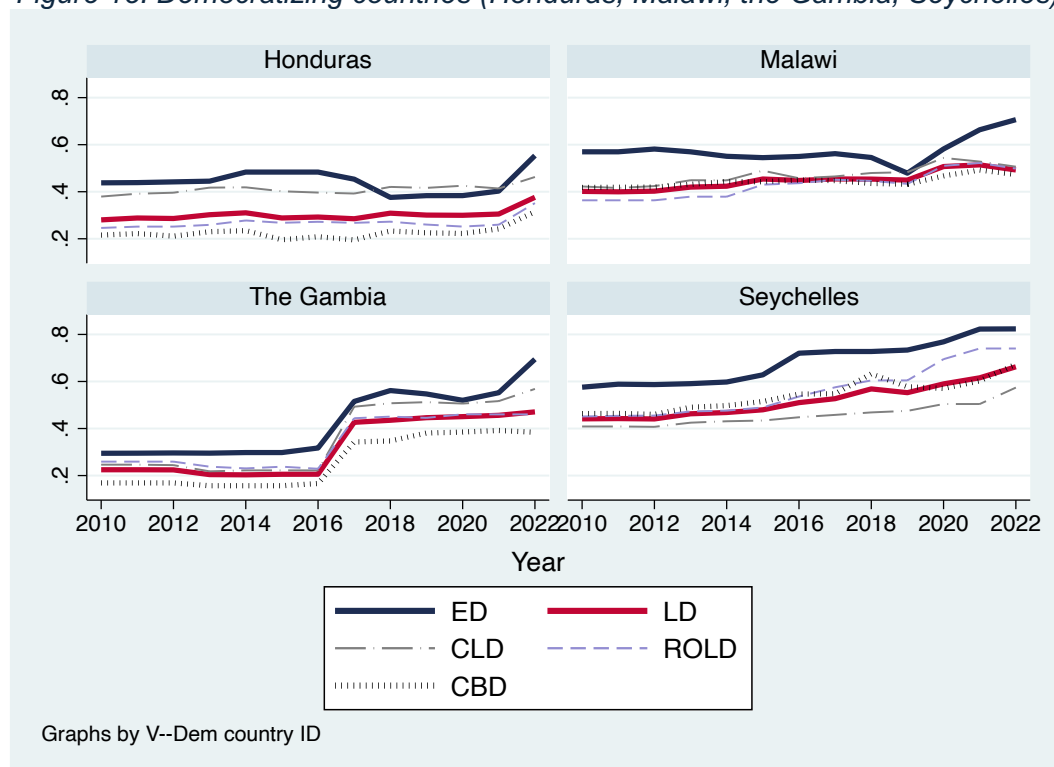
The previous section has shown that democracy is receding in terms of both electoral and liberal aspects at global level and in particular in some regions. It is much more fruitful to analyze country-specific changes and common trends as this can provide a deeper understanding of the unique contextual factors behind such changes and distinctive regime trajectories. Let's start discussing positive changes or the movements towards democracy.

5.2.2.1. Democratizers

Seychelles, an archipelago in the western Indian Ocean with a small population, has shown impressive, uninterrupted advancement in both dimensions of democracy (Figure 14). Although the country ended its one-party socialist regime in 1993 and established multi-party elections, it could not attain democracy status until the mid-2000s, as the elections were not sufficiently free and fair. However, since then, the country has managed to democratize in both dimensions. In 2020, the United Seychelles party lost the presidential elections for the first time since the democratic transition, handing power to Linyon Demokratik Seselwa party candidate Wavel Ramkalawan, marking the first peaceful transition of power. The Seychellois success in democratic consolidation is complemented by a GDP per capita of almost forty thousand U.S. dollars and high human development, the highest in the region (World Bank, 2024). Figure 14 also shows democratizers such as Honduras, Malawi and the Gambia.

¹⁷ The countries represented in throughout section 5.2.2.1 to 5.3.3 were selected as illustrative examples of the patterns identified through the dataset. Each figure corresponds to a specific typology derived from the conceptual framework in Chapter 3. The cases were chosen based on their clear alignment with these trajectories, as captured by shifts in ED and LD (including its subdimensions). Additional considerations included data completeness, regional diversity, and the desire to include both well-studied and understudied cases. These cases are not exhaustive but are intended to serve as representative illustrations of the typological categories defined in this study.

Figure 15. Democratizing countries (Honduras, Malawi, the Gambia, Seychelles)



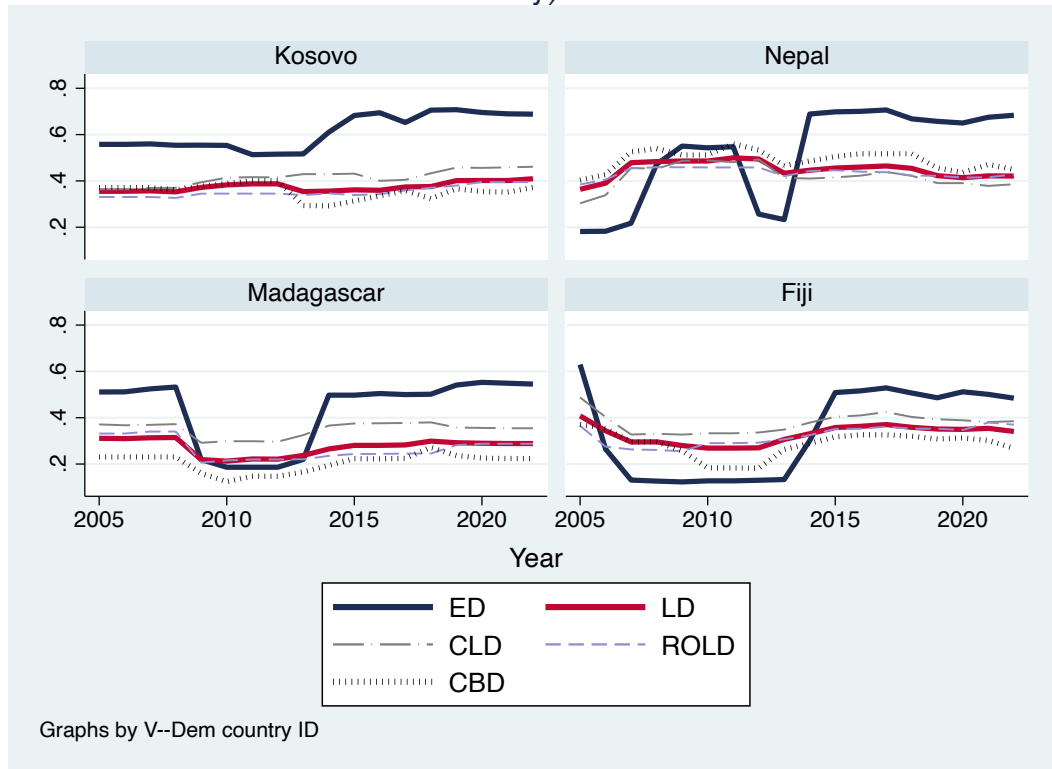
Source: V-Dem data, author's calculations and visualization

Nepal stands out for its remarkable improvement in ED, with a notable increase of 0.4 points, representing the highest advancement in ED in the 2012-2022 timeframe among all countries analyzed. After abolishing monarchic rule in 2008, the country elected the Constituent Assembly and assigned it the task of delivering a new Constitution within two years. However, the Assembly could not adopt a new Constitution due to wrangling among political parties, leading to an extension of its term for another two years, and once again, it failed. The next legislative election was postponed by another year, a period during which ED sharply fell, as visualized in Figure 16. However, ED bounced back to an even higher level after the election of the second Constituent Assembly, which was tasked with completing the unfinished work of drafting a constitution. Despite the devastating earthquake in 2015, which took 9,000 lives and destroyed homes of 4.5 million people, and despite a multiethnic, multilingual, and multicultural population, Nepali political leaders have finally “bridged their differences in the interest of democracy and peace” (International IDEA, 2015, p. 39) and established the country’s Constitution, turning Nepal into a secular federal democratic republic.

Although Nepal was able to strengthen its electoral dimension of democracy, the liberal dimension has remained stagnant, indicating that the democratization process in the electoral

dimension did not coincide with improvements in the liberal dimension, unlike the cases of Seychelles and the Gambia.

Figure 16. Electoral Democratization Without Liberal Progress (Kosovo, Nepal, Madagascar, Fiji)



Source: V-Dem data, author's calculations and visualization

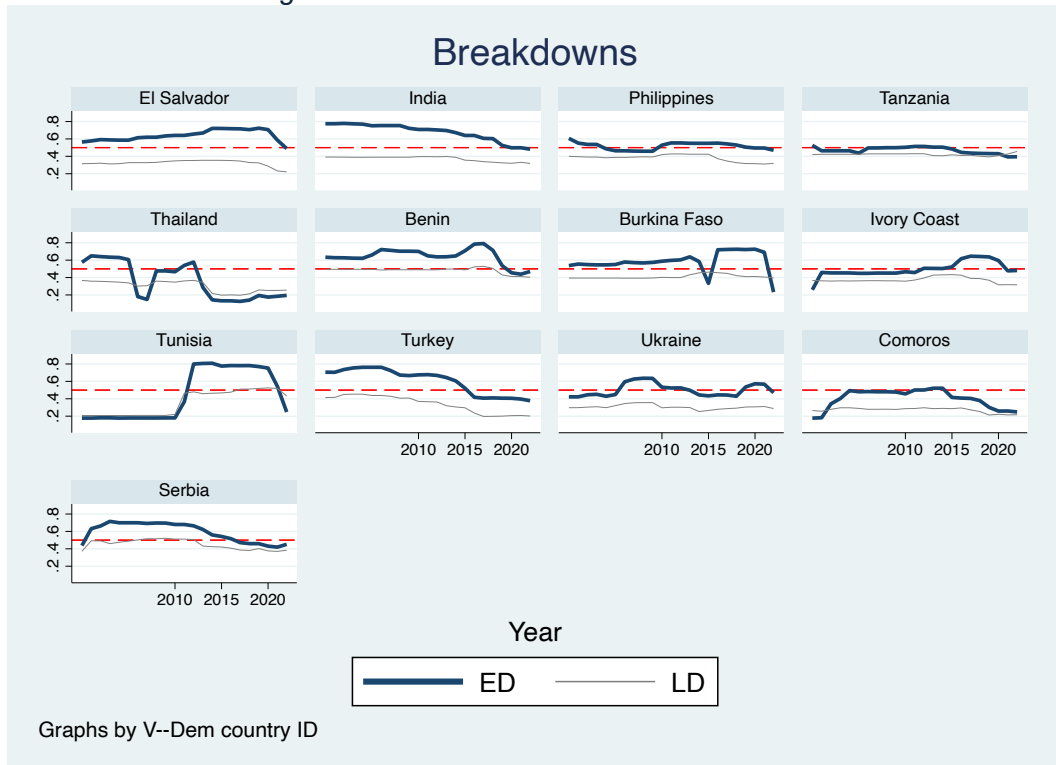
Similarly, Fiji, Madagascar and Kosovo demonstrated improvements in their electoral dimensions, with gains of 0.35, 0.15, and 0.17 points in 2012-2022 time-frame, respectively. Despite these advancements, these countries did not witness corresponding progress in their liberal dimensions, which remained static over the past decade.

Ultimately, an interesting pattern emerges between the changes in the dimensions: in countries where the liberal dimension improved significantly (by 0.1 points or more), there were consistent improvements in the electoral dimension — but not necessarily the other way around.

5.2.2.2. Democratic breakdowns

Figure 17 shows cases of democratic breakdown — countries that were once democracies but have since fallen below the $ED = 0.5$ threshold and are therefore classified as autocracies.

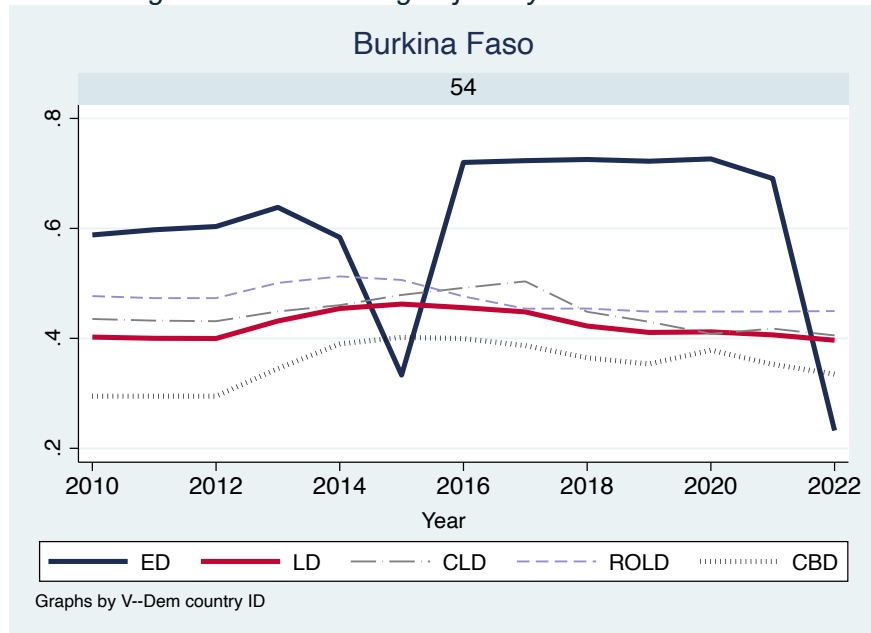
Figure 17. Cases of democratic breakdown



Note: Countries are classified as having undergone a democratic breakdown once their Electoral Democracy Index (ED) score drops below the 0.5 threshold (marked with red dashed line). This figure presents cases where such a breach has occurred, signaling a transition from democracy to autocracy. Source: V-Dem data, author's calculations and visualization.

The situation in Burkina Faso (Figure 18) attracts foremost attention. In response to frequent terrorist attacks, the ruling power has been taken by a military coup in 2022, which is aimed at combating jihadist groups and reinstating security in the country. Although the country has undergone a democratic breakdown, where the ED is plummeted by 0.34 as the elected leader has been replaced by a military coup, its liberal dimension remained stable (at least till 2022). It is one of rarest instance where military coup does not result curbed civil liberties and dismantled the rule of law. The military leader Ibrahim Traore has emphasized that the primary focus is on “security” rather than “elections” (Bancherau, 2024).

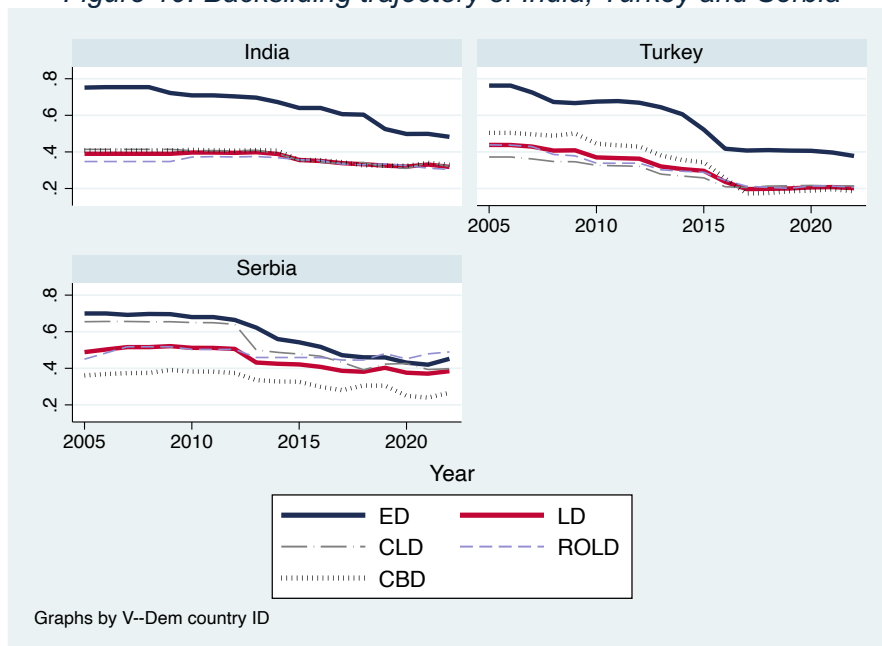
Figure 18. Backsliding trajectory of Burkina Faso.



Source: V-Dem data, author's calculations and visualization

Serbia is the only country in the list that has undergone a democratic breakdown shifting from a liberal democracy to an electoral autocracy. The backsliding process is persistently evident in both dimensions over a long period, similar to the cases of Turkey and India (See Figure 19). Tanzania, Philippines, Ukraine and Comoros's electoral dimension posited near the 0.5 threshold to be classified a democracy making their breakdown less vivid compared to the other cases of breakdowns that occurred due to severe declines.

Figure 19. Backsliding trajectory of India, Turkey and Serbia



Source: V-Dem data, author's calculations and visualization

Peculiarly, in some countries, the autocratization process begins with the ED first, and then the LD eventually follows, as seen in India (See Figure 19). This contrasts with the rule of law backsliding scheme suggested by Scheppele & Pech (2017) and Ginsburg & Huq (2018), where the rule of law and checks and balances are dismantled first, and only afterward are the electoral aspects of democracy undermined to a point where it would be too late to react. However, the empirical results indicate that the process does not necessarily follow specific trajectories but is rather context-dependent. This finding will be retested again in the statistical analysis section.

5.3. Democratic backsliding

As democratic backsliding — the autocratization process within democracy — is the main interest of this project, let's focus on democracies that have undergone significant deteriorations in their dimensions of democracy but still remained above the democratic breakdown threshold, measured by an electoral dimension of 0.5.

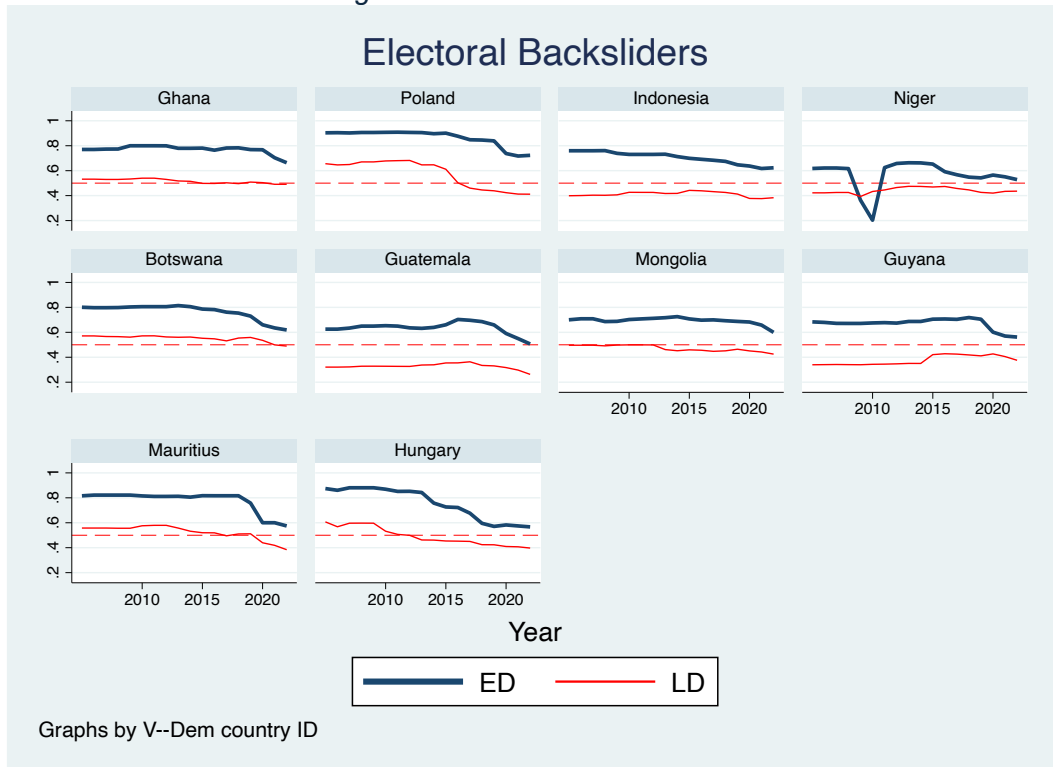
As a brief reminder, the aim of this research is to analyze the concept of democratic backsliding by disaggregating the concept of democracy into electoral and liberal dimensions, where the latter has three sub-dimensions. To pinpoint and address the backsliding process more effectively, I argue that the backsliding process occurs in separate dimensions (and sub-dimensions) of democracy, either individually or in combination. Any deterioration equal or greater than 0.1 is considered significant which exceeds statistically significant shifts.

5.3.1. Electoral backsliding

Therefore, let's start with the electoral dimension, which captures the electoral aspects of a democracy. Between 2012 and 2022, there were ten electoral backsliders (Figure 19). Hungary, Mauritius, Botswana, and Poland are the most significant backsliders, whereas Ghana, Niger, Guatemala, Mongolia, Guyana, and Indonesia have shown moderate yet notable deteriorations in terms of free and fair elections. Notably, some of these cases are deteriorating close to the breakdown threshold, which would categorize them as democratic breakdown cases once the line is crossed.

It becomes evident a common trajectory, in every case where electoral dimension is deteriorated, the liberal one had also deteriorated except in Niger, Indonesia, Ghana and Botswana to lesser extent.

Figure 20: Electoral backsliders

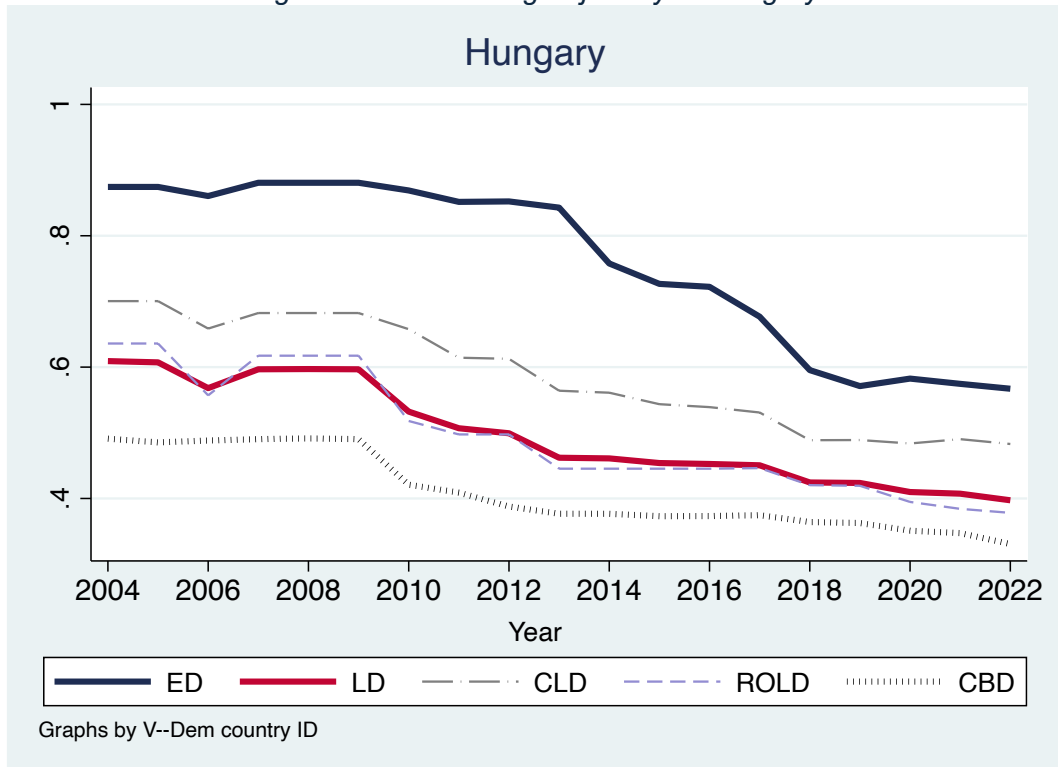


Source: V-Dem data, author's calculations and visualization

On the other hand, the notorious cases that has been almost universally considered as backsliders – Hungary and Poland show a distinct pattern. As they have been the main case study of the “classic” rule of law backsliding scheme (see Ginsburg & Huq, 2018; Holesch & Kyriazi, 2021; Kremnitzer & Shany, 2020; Mészáros, 2024; Pech & Scheppele, 2017; Riaz & Rana, 2024; Scheppele, 2014), the two countries have experienced backsliding firstly in the liberal dimension, where the elected leaders incrementally dismantle accountability institutions and encroach their influence on these institutions by filling with party loyalists.

After obtaining 68 percent of seats in the Parliament in 2010 election, the leader of the Fidesz party Viktor Orban became the Prime Minister of Hungary by defeating Hungarian Socialist Party which had been in power since 2002. The landslide victory has sufficed the Fidesz party two-thirds of total seats in the National Assembly, a threshold to amend the Constitution. The party had introduced a new draft of the Constitution and ratified it at *speed of light* without compromising the position of the opposition parties nor civil society organizations nor the preference of the public (Gniazdowski & Sadecki, 2011).

Figure 21. Backsliding trajectory of Hungary



Source: V-Dem data, author's calculations and visualization

The new Constitution had undergone frequent amendments, where step by step the institutional checks had been removed to a point that the “tree of democratic constitutionalism that Hungary planted in 1989” had fallen (Scheppele, 2015, p. 111). Scheppele (2018, p. 550) contends that Orban had learned from the previous backsliders, namely from Russia and Turkey, where the duly elected leaders had dismantled the democratic system into autocracies using the “constitutional juggernaut” tactics by overpowering the amendment procedures at will of the ruling leader.

After diluting the institutional checks, by firstly attacking on the judiciary especially disabling constitutional courts, Fidesz party has changed the electoral rules that allowed to maintain the required two-thirds of seats in the Assembly by even smaller share of votes than the previous election. Through rigging the “rules of the game”, the party maintained its two-third of seats albeit winning only 45% of the total votes.

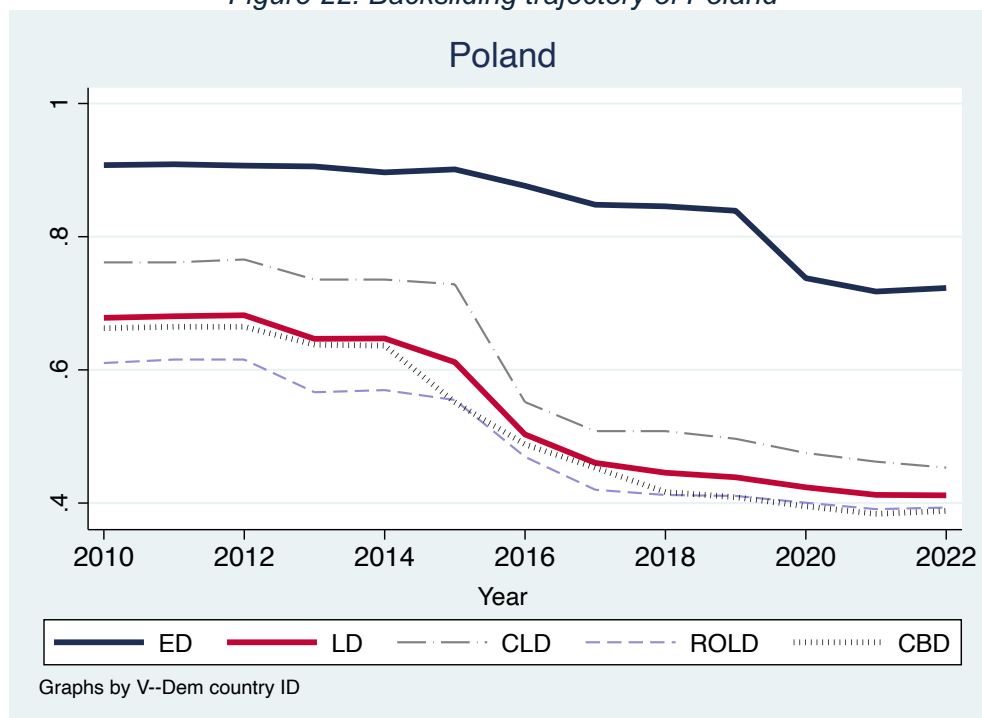
The Organization for Security and Co-operation in Europe (OSCE) has observed the 2014 election and issued alarming notes by criticizing that “the main governing party enjoyed an undue advantage because of restrictive campaign regulations, biased media coverage and campaign activities that blurred the separation between political party and the State.”(OSCE,

2014). The OSCE has critically noted that the remodeled electoral rules that changed seat allocation, redesigned electoral districts, and limited campaign advertisements “led to legal uncertainty and did not provide for effective and inclusive public consultation, contrary to national legislation and good practice”, which is a serious condemnation (ibid.).

Scheppele (2014) has criticized that the 2014 election although it was legal, it was not fair which has *projected* her future work on “Autocratic Legalism” of 2018. She noted that political parties that competed in the election had a significant difference in how many votes each party needed to gain one seat in the legislature; where one Fidesz vote was equal to two or even three opposition votes in order to secure their representation in the Parliament.

The backsliding process is considered to be contagious, spreading from one country exhibiting symptoms to another country (Cavari et al., 2024). After Fidesz party consolidated its grip on the power by weakening institutions that are ought to impose accountability, Poland has followed almost identical tactics that was implemented by Orban. When the Law and Justice (Prawo i Sprawiedliwość, PiS) party has won the 2015 elections and defeated the governing Civic Platform party who had governed for two consecutive terms, the party has implemented policies that was not so different from Fidesz Party (Sadurski, 2019).

Figure 22. Backsliding trajectory of Poland



Source: V-Dem data, author's calculations and visualization

Once considered as the beacons of democratization in the Eastern Europe, Hungary and Poland has been considered to follow the path of “populist national conservative form of illiberal rule” which its roots have been spread on two events – the great recession and European refugee crisis (Bernhard, 2021, pp. 589–596). Ironically, the backsliding of democracy was introduced by the ruling of political parties that were once fighters against communist rule and promoters of the democratization process in the early transition period.

In terms of electoral backsliding, the dataset provides that the severity of the deterioration in Poland was lesser compared to Hungary, but still significant, which decreased from 0,91 in 2012 to 0,72, whereas Hungary decreased from 0,85 to 0,57 in the same period. For instance, during the COVID-19 pandemic the ruling party has cancelled the presidential election which was scheduled in May 2020 without following constitutional formal procedure (Freedom House, 2021).

Previously, in 2017, the governing PiS has introduced amendments to the electoral law which has restructured the National Electoral Commission and increased the control of the executive over which enabled the then-incumbent party in redrawing electoral districts for their advantage (Sadurski, 2018).

Unsurprisingly, the OSCE, similar to its observations on the Hungarian election, stated that the governing party had an “undue advantage” during the 2020 presidential election, which took place in a “hostile” and “biased coverage by the public broadcaster” and misuse of public funds and administrative resources (OSCE, 2020).

In both Poland and Hungary, the deterioration in the electoral dimension was preceded by a decline in the liberal dimension. In these countries, the Fidesz party and PiS first consolidated their power by dismantling horizontal accountability institutions and then targeted the vertical electoral institutions.

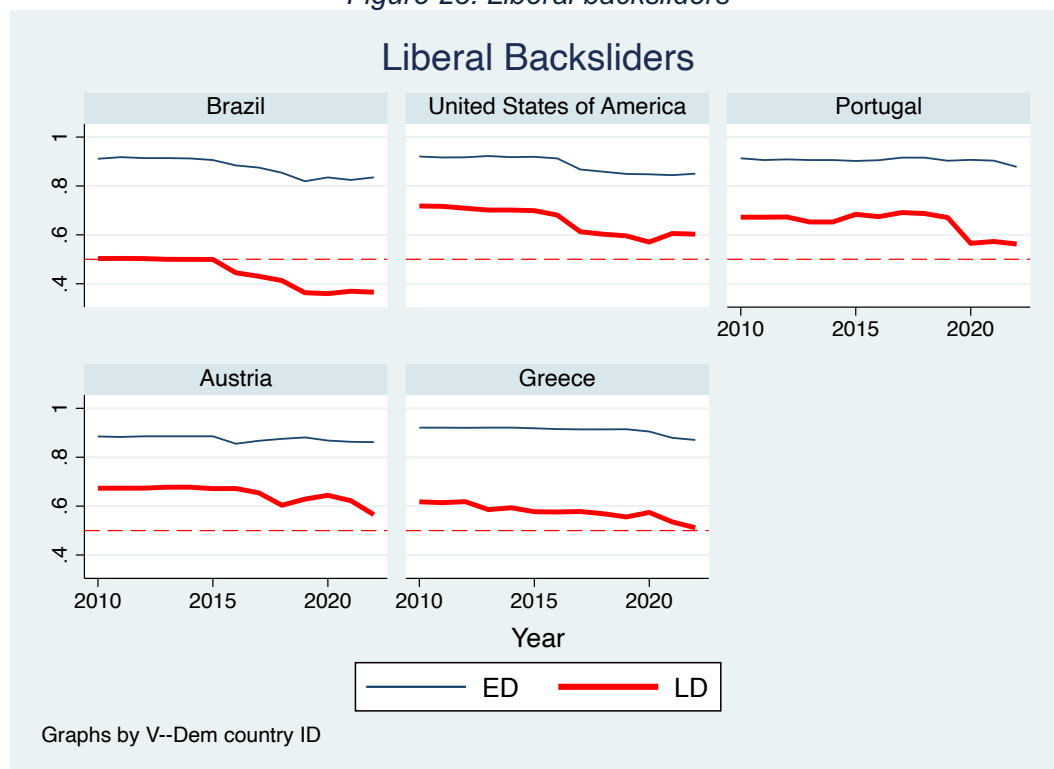
However, this trajectory is not evident in other cases of electoral backsliding. In countries such as Ghana, Botswana, Niger, Guatemala, Guyana, Indonesia, and Mongolia (See Figure 19), significant deterioration in the electoral dimension occurred without prior significant deterioration in the liberal dimension. This contrasts with the backsliding phases proposed by Scheppele and Pech, as well as Ginsburg and Huq, and suggests that the

backsliding process can take place separately or conjointly in the electoral and liberal dimensions, with either one potentially starting the deterioration before the other.

5.3.2. Liberal backsliding

Intuitively, the list of countries that had undergone deterioration only in the liberal dimension of democracy, hence liberal backsliders are present such as Brazil, Portugal, Austria, Greece, and the United States of America. Unlike the cases where the deterioration occurred in both dimensions such as Hungary and Poland, these cases show that the state of free and fair elections, elected officials and overall electoral integrity had not deteriorated (at least significantly).

Figure 23: Liberal backsliders



Source: V-Dem data, author's calculations and visualization.

It was alarming news when democracy in the United States of America was observed to have deteriorated, especially ever since Donald Trump became President, and skepticism towards American democracy was growing significantly (Ginsburg & Huq, 2018; Huq & Ginsburg, 2018; Levitsky & Ziblatt, 2018; Waldner & Lust, 2018).

Such skepticism has soared when President Trump did not acknowledge his defeat in the 2020 presidential election which ultimately caused a critical moment for the democracy of

the United States where the mob of supporters of Trump stormed the Capitol Building on January 6th 2021 where they disrupted the session of the Congress to certify results of the election to assume office of the then President-elect Joe Biden. The goal of the mob was to keep Trump as the President, albeit the lawful outcome of the election.

This not only shook the electoral aspect of American democracy but also the liberal side, where President Trump was condemned for planning to replace the Acting Attorney General so that the Department of Justice would support his false election claims (117th Congress, 2nd Session, 2022). Additionally, he pressured state election officials and state legislators to change election results (*ibid.*), corresponding to the deterioration in checks and balances.

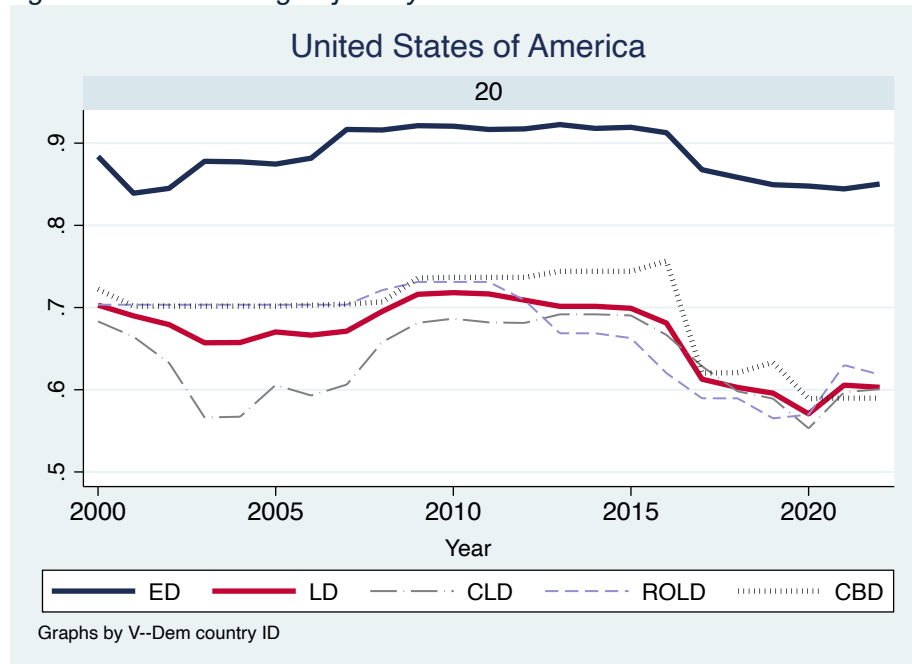
But the backsliding process in the United States has been evident long before the Trump administration where the state legislatures have issued laws that projected to reduce voters' access to the ballot, reduced autonomy and independence of the election management body, and hinder competition in the elections through gerrymandering (Brennan Center for Justice, 2016). Svolik (2023) argues that the federal structure of the United States government, where each state has the ability to design their own rules of the election in contrast to other federal counterparts such as Brazil and Germany, where the election rules are arranged uniformly at the national level; are the main cause behind the weakening electoral integrity through increase of the hyperpartisan gerrymandering, varying laws related to voter identification, advance polling and postal voting in the American democracy.

Rather optimistically, some research studies determined that the integrity of the election was not compromised by voter fraud (Cottrell et al., 2018; Goel et al., 2020), as was commonly disputed right after the 2016 presidential election. This contradicts preceding studies that found election rigging to be rare in the United States (Levitt, 2007; Lorraine, 2010). Overall, these findings and also supported by the dataset, it can be concluded that American democracy is much less affected by blatant voter fraud and more by manipulation, or at least less severe if compared to other electoral backsliding processes.

As for liberal backsliding-wise, the deterioration is much more severe (by -0,11) compared to the one in the electoral dimension (See Figure 22). The sub-dimensions, namely the checks-and-balances, the rule of law and civil liberties have each showed decline by -0,15, -0,9, and -0,08 respectively in the 2012-2022 period.

After being elected as the President in 2016, Donald Trump has been accused of conspiring with Russian agents to impact on the election (American Constitution Society, 2019). Levitsky and Ziblatt (2018) has criticized Trump that he tried to turn directors of the intelligence agencies into his loyalists; and pushed them and the Justice Department to drop his Russia-related investigations.

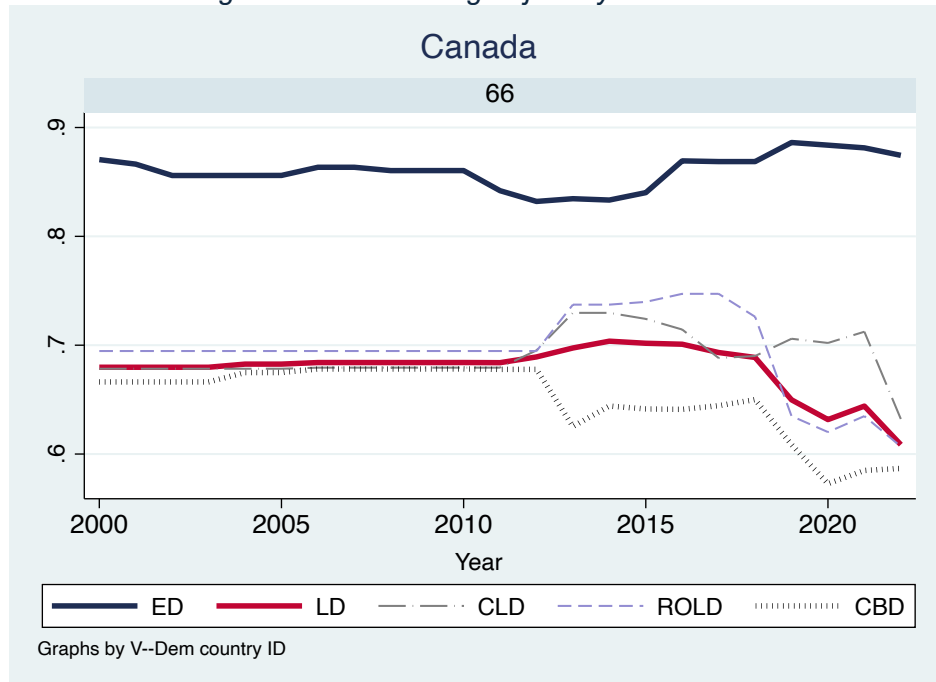
Figure 24. Backsliding trajectory of the United States of America



Source: V-Dem data, author's calculations and visualization

One of the most long-lasting memories of the Trump presidency will certainly be his sharp rhetoric, particularly against the courts, which he referred to as a “joke” and a “laughing stock,” thereby delegitimizing the authority of the judiciary (Watson, 2017). His defiance in complying with congressional subpoenas and clashes with the judiciary caused turbulence in the checks-and-balances system of the country, significantly increasing public distrust in the system which can be reflected as the deterioration in the checks and balances sub-dimension (Figure 23).

Figure 25. Backsliding trajectory of Canada.



Source: V-Dem data, author's calculations and visualization

Unlike its neighbor, Canada has not experienced significant backsliding in its Electoral Dimension (ED), which remains consistently high. However, the Liberal Dimension (LD) shows a marked decline, particularly after 2015, signaling a different pattern of democratic backsliding compared to the United States. This pattern suggests that Canada's democratic erosion is not due to electoral manipulation but is rooted in the weakening of liberal institutions and safeguards. However, based on the dataset, it is still too early to conclude that Canada (also Austria and Portugal) has transitioned from a liberal democracy to merely an electoral democracy, as claimed by the V-Dem project, which follows a different methodology (Lührmann et al., 2018).

Nevertheless, in the case of Canada, the modest downward movement in the LD observed in recent years may reflect emerging institutional and normative tensions. The World Bank's Rule of Law estimate, for instance, records a decline from 2 to 1 in recent years¹⁸, suggesting erosion in the perceived strength of legal institutions. Public confidence in the judiciary has also come under strain, with growing concerns about cost, delay, and accessibility within the justice system. In Ontario, a controversial Court of Appeal decision has been criticized for interpreting judicial independence so broadly that it effectively shields the

¹⁸ See here: <https://data.worldbank.org/indicator/RL.EST?locations=CA>

judiciary from public scrutiny and restricts press access to court records, highlighting the delicate balance between independence and accountability.¹⁹ More broadly, scholars have noted that under Canada's Westminster system, the traditional separation between the executive and legislative branches has become increasingly blurred, weakening the classical notion of checks and balances.²⁰ Even senior judicial figures have voiced concern: the Chief Justice of Canada warned that the "rule of law and judicial independence are under attack" underscoring that such pressures are not entirely external to consolidated democracies.²¹ Taken together, these developments may help explain the fluctuations in Canada's liberal dimension, reflecting how even high-performing democracies experience episodic stresses within their institutional and normative guardrails.

5.3.3. Backsliding in sub-dimensions

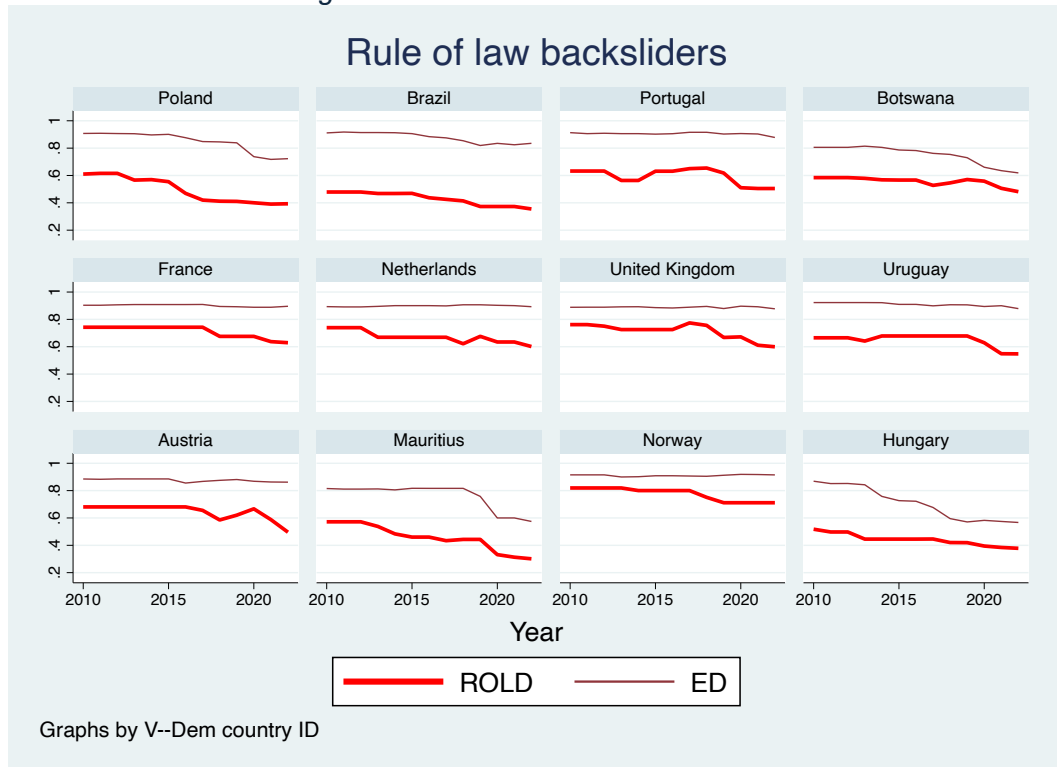
Rule of Law (ROLD), Civil Liberties (CLD), and Checks and Balances (CBD) are sub-dimensions of the Liberal Dimension (LD) of democracy. In this section, deteriorations in each sub-dimension will be analyzed separately to provide a comprehensive understanding of how liberal aspects of democracy is eroding across different institutional pillars.

¹⁹ Michael Lesage (2024), "Ontario Court of Appeal broadens judicial independence to preclude judicial accountability," *Canadian Lawyer*, accessed 14 October 2025, <https://www.canadianlawyermag.com/news/opinion/ontario-court-of-appeal-broadens-judicial-independence-to-preclude-judicial-accountability/387816>.

²⁰ See Baker Dennis and Rainer Knopff (2007), "Charter Checks and Parliamentary Balances," *Constitutional Forum constitutionnel*.

²¹ Sue Bailey (2025), "The Supreme Court of Canada at 150", Canadian Bar Association, accessed 14 October 2025, <https://nationalmagazine.ca/en-ca/articles/law/judiciary/2025/the-supreme-court-of-canada-at-150>.

Figure 26. Rule of law backsliders



Source: V-Dem data, author's calculations and visualization

Countries like Mauritius, Poland, Austria, the United Kingdom, the Netherlands, Turkey, Portugal, Brazil, Hungary, Thailand, Uruguay, France, Norway and Botswana stood out for experiencing rule of law backsliding. The degree of deterioration varied among these nations. Mauritius had the decline at 0.27 followed by Poland at 0.22.

A noteworthy observation arises when comparing ROLD decline with electoral backsliding (0.1) in countries. While Uruguay and several European democracies (excluding Poland and Hungary) witnessed ROLD deterioration they did not see corresponding setbacks in their ED. This difference suggests that ROLD decline did not always result in deterioration in these instances.

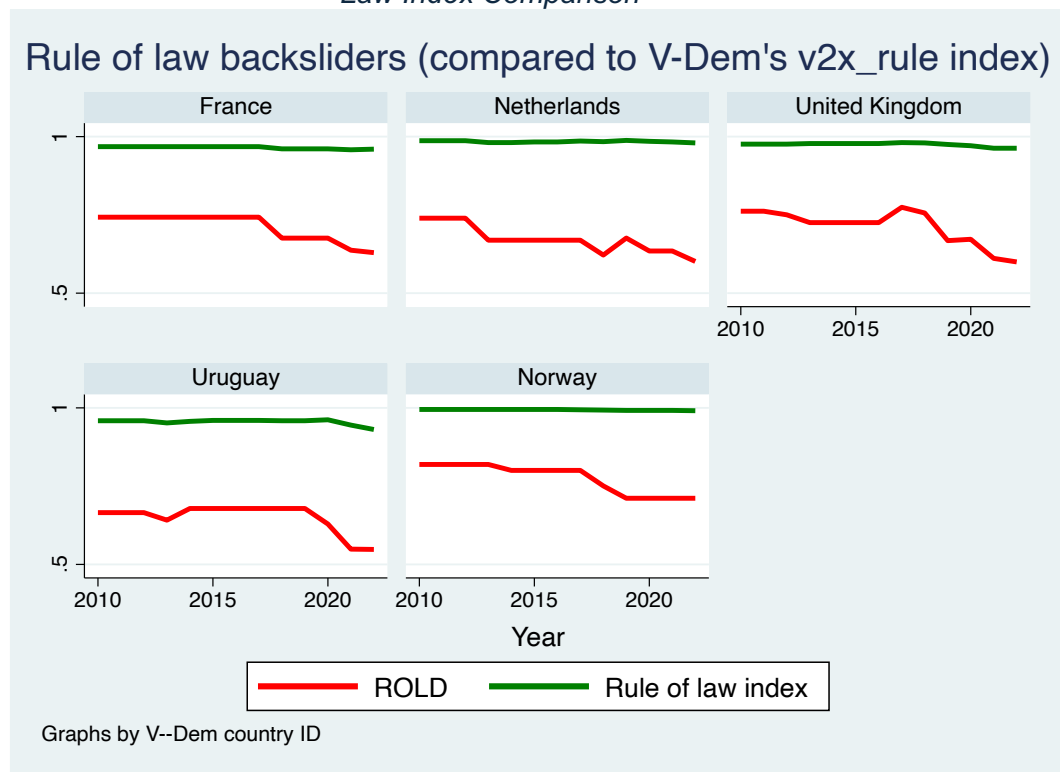
At first glance, it may seem counterintuitive to classify countries such as France, the Netherlands, the UK, Uruguay, Austria, and Norway as rule of law backsliders (Figure 26), given their long-standing democratic institutions, their status as strong liberal democracies, and the fact that they are not often featured in the literature as rule of law backsliders. However, the rule of law backsliding identified here is based on a thin conceptualization of the rule of law, built on variables such as equality before the law, rigorous and impartial public administration, and transparent laws and access to justice.

Unlike in cases such as Hungary or Poland, where democratic backsliding is driven by overt executive overreach and systematic attacks on judicial independence, instances observed in consolidated democracies tend to reflect a more nuanced, subtle and fragmented erosion. In these contexts, deterioration may not occur simultaneously or severely in the core electoral or liberal dimensions of democracy. Instead, it may manifest as incremental weakening of accountability mechanisms, creeping executive aggrandizement, or erosion of judicial independence, often within formally intact institutional frameworks. Put simply, backsliding in consolidated democracies often unfolds unidimensionally, affecting primarily the liberal dimension (LD), while the electoral dimension (ED) remains relatively stable.

Although this form of backsliding is less severe than structural democratic backsliding, it is still significant enough to be flagged. It suggests that even established liberal democracies are not immune to governance erosion, albeit in a more subtle, unnoticeable and incremental manner. This pattern raises important questions about the resilience of liberal democracies in maintaining high standards of public administration integrity and legal transparency. As such, these cases should not be interpreted as attacks on judicial independence or executive overreach but rather as signs of declining institutional integrity and public accountability.

Interestingly, the proposed ROLD indicator captures rule of law backsliding cases that V-Dem's Rule of Law Index (v2x_rule) does not fully reflect, identifying countries such as France, the United Kingdom, the Netherlands, Norway, and Uruguay. A key contribution of this analysis is its ability to detect rule of law deterioration in established liberal democracies, a trend often overlooked in conventional datasets. These countries are traditionally considered strong rule-of-law states with robust institutional frameworks, yet the ROLD indicator reveals gradual declines in public administration integrity, legal predictability, and access to justice—governance aspects that extend beyond the conventional focus on judicial independence.

Figure 27. Rule of Law Backsliding in Established Democracies: ROLD vs. V-Dem's Rule of Law Index Comparison

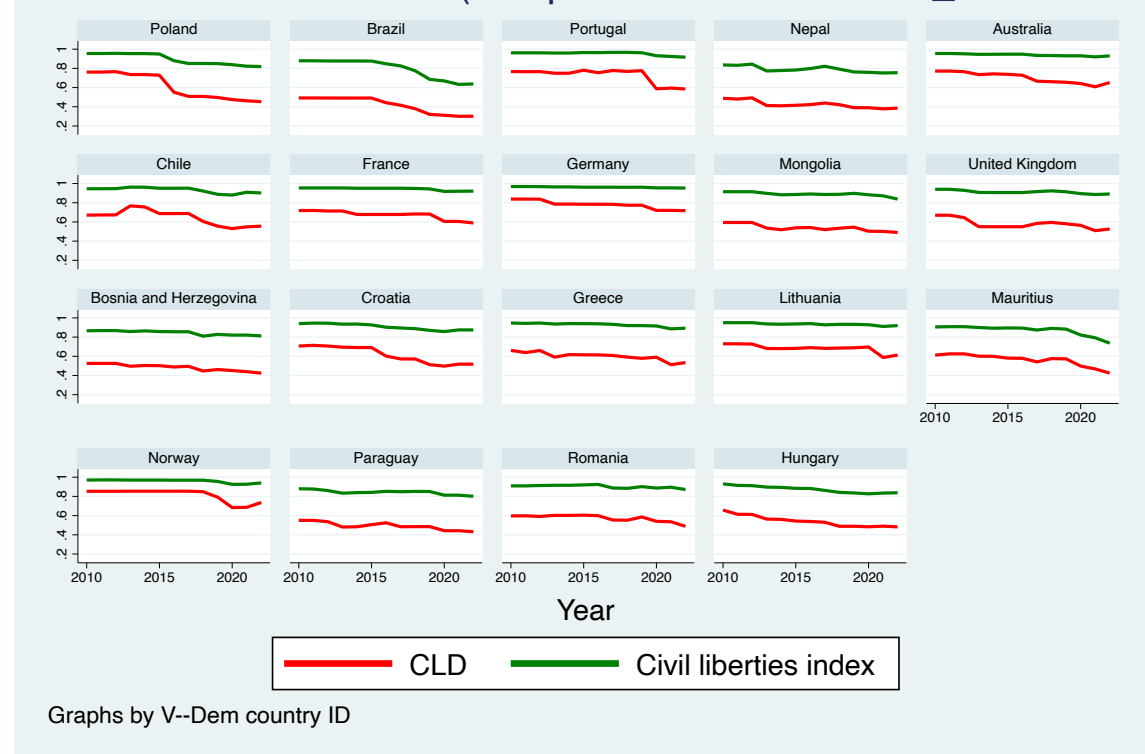


Source: V-Dem data, author's calculations and visualization

Building on the rule of law backsliding observed in established liberal democracies, a similar pattern of democratic erosion is evident in the decline of civil liberties dimension (CLD) as well. Civil liberties backsliding involves the erosion of fundamental freedoms, including freedom of expression, association, and individual rights.

Figure 28. Civil liberties backsliding.

Civil liberties backsliders (compared to V-Dem's v2x_civlib index)



Source: V-Dem data, author's calculations and visualization.

The decline in civil liberties can be linked to several global trends over the past decade. One significant driver is the rise of populist leaders who use majoritarian rhetoric to justify restrictions on individual rights. In countries such as Poland (Law & Justice party) and Hungary (Fidesz), populist governments have systematically targeted independent media outlets, restricted NGO activities, and limited public protests (Freedom House, 2017). These actions are justified under the guise of protecting national sovereignty, public order, or cultural values, but in practice, they erode pluralism and suppress dissent. This pattern is not limited to Central and Eastern Europe but is observed in other regions where populist leaders prioritize majoritarian rule over individual rights and institutional checks.

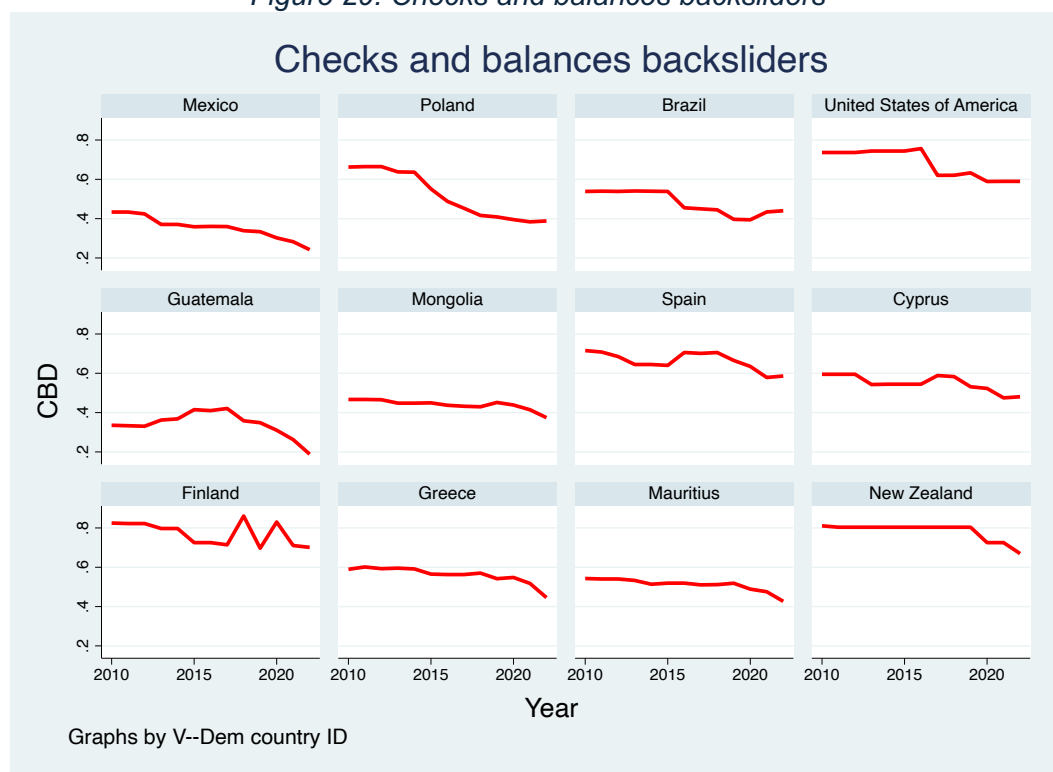
Another major catalyst for civil liberties backsliding is the COVID-19 pandemic. During the crisis, many democracies imposed temporary restrictions on civil liberties, including limits on freedom of assembly, increased surveillance, and censorship of pandemic-related information (OSCE, 2022). Although these measures were initially justified as public health interventions, some countries have continued or repurposed these restrictions even after the public health threat diminished. This has resulted in lasting impacts on civil liberties scores,

raising concerns about the normalization of emergency powers and the erosion of democratic norms under the guise of crisis management.

It is important to highlight that CLD captures civil liberties deterioration that is not reflected in V-Dem's Civil Liberties Index (v2x_civlib), particularly in Portugal, Croatia, Lithuania, and Norway (See Figure 27). This discrepancy arises because, although both indicators are derived from the same raw dataset, their conceptualization and aggregation methods differ, which we have discussed in the previous chapters.

For instance, CLD identifies civil liberties backsliding in Portugal beginning in 2018, whereas this decline is not evident in V-Dem's index. However, this trend aligns with Freedom House's 2018 assessment, which flagged human trafficking (particularly of women from Eastern Europe and former Portuguese colonies in South America and Africa), forced labor, and the economic exploitation of immigrant workers as pressing concerns (Freedom House, 2018). This suggests that CLD captures civil liberties violations that other indices overlook, offering a more sensitive and detailed assessment on the backsliding in civil liberties.

Figure 29. Checks and balances backsliders



Source: V-Dem data, author's calculations and visualization.

Following the decline in civil liberties (CLD), a notable pattern of backsliding in checks and balances (CBD) is evident across several countries, including established democracies. This sub-dimension measures the extent to which executive power is constrained by the judiciary and legislature, as well as the degree of court independence and judicial accountability. Unlike rule of law (ROL) and civil liberties (CLD), which primarily address individual rights and public administration integrity, checks and balances dimension (CBD) reflects the of horizontal institutional safeguards including parliamentary and judicial oversight, judicial independence,

One of the most striking takeaways from this graph is that established democracies like the USA, New Zealand, and Spain are among the countries showing declines in checks and balances. In these countries, specific issues, such as undermining the judiciary, weakening parliamentary oversight, and escalating partisan polarization, may have contributed to this decline. This pattern suggests a gradual weakening of institutional constraints on executive power, leading to a more polarized and less accountable political system.

In Brazil, the decline in CBD reflects increasing executive dominance and institutional weakening under Bolsonaro's presidency. During his tenure, attacks on the judiciary and attempts to bypass congressional oversight became more frequent, highlighting a growing imbalance between branches of government. This pattern indicates a shift toward majoritarianism, where executive power is concentrated at the expense of legislative and judicial independence.

As for Mongolia, the landlocked (and also, regime-locked where it is sandwiched by two autocracies) democracy has been experienced a significant shift in the grip of one political party starting from 2016 elections where the Mongolian People's Party has obtained more than 80% of seats in the legislature in 2016 and 2020 elections despite winning mere 40% of votes. Such imbalance in the legislature has become the roots of executive aggrandizement in the country, which will be discussed in the upcoming chapter of this research project.

Overall, by breaking down democratic backsliding into specific sub-dimensions, this analysis identifies subtle and less visible cases of institutional erosion, many of which have occurred in established liberal democracies. The decline in checks and balances underscores that even strong democracies are not immune to executive aggrandizement and partisan manipulation of institutional constraints. Together with the declines in rule of law and civil

liberties, this pattern demonstrates a comprehensive erosion of liberal democratic norms, reflecting a global trend of weakening institutional safeguards.

Although subtle and often imperceptible deteriorations in sub-dimensions may be too minor to justify declarations such as “democracy is collapsing” or even “democratic backsliding”, they nonetheless serve as early warning signs of erosion. Identifying these issues before they escalate is crucial for preserving democratic integrity and preventing more severe forms of backsliding. Between 2012 and 2022, 10 electoral and 8 liberal democracies experienced backsliding, showing a decline of -0.1 points or more on the 0-1 scale.

While short-term fluctuations in democratic indicators are effective in signaling potential threats, they can also be interpreted as part of an ebb-and-flow cycle rather than permanent regression. Additionally, the years 2012 and 2022 mark two extremes in global democracy trends—2012 representing the highest number of democracies worldwide, while 2022 corresponds to the lowest, according to V-Dem reports.

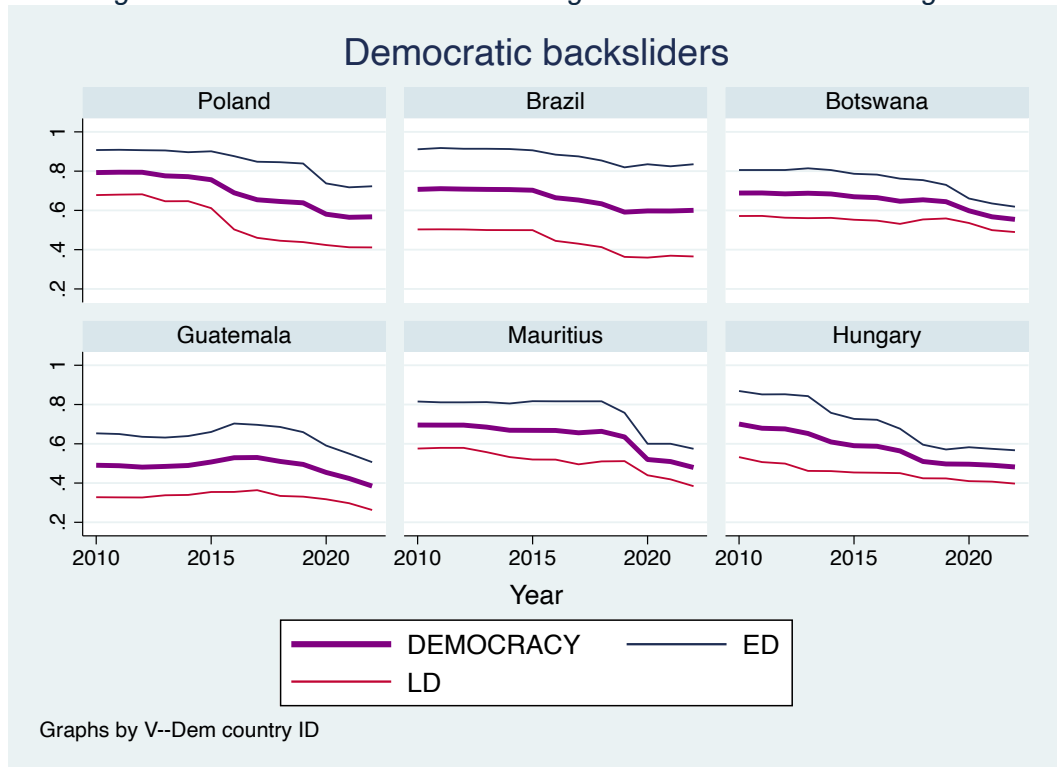
That said, some countries may have experienced temporary backsliding followed by recovery within this timeframe, meaning that short-term fluctuations are not fully captured in a decade-long comparative analysis.

If we aggregate the two dimensions of democracy — the electoral and liberal dimensions — and analyze not just electoral or liberal backsliding separately, but overall democratic backsliding (defined as deteriorations of 0.1 points or more), we identify only six countries that have undergone such backsliding.

$$Democracy = \frac{ED + LD}{2}$$

The empirical evidence suggests that electoral and liberal backsliding rarely occur together over the long term when comparing democracy scores between these two years. In fact, only six democracies — Poland, Hungary, Mauritius, Botswana, Brazil, and Guatemala — exhibited a simultaneous decline in the democracy score. This methodological difference — whether simply identifying simultaneous declines or applying a fixed threshold — produces notably different outcomes and shapes how we interpret the extent of global democratic erosion.

Figure 30. Countries that have undergone democratic backsliding



Source: V-Dem data, author's calculations and visualization.

Naturally, countries that have undergone democratic backsliding may no longer be classified as backsliders, as their autocratization process has further deepened, resulting in democratic breakdown. Examples include Turkey, Burkina Faso, Serbia, Comoros, India, El Salvador, and Benin.

The number of countries experiencing backsliding in ROLD, CLD and CBD (sub-dimensions of the LD) is significantly higher than the number of liberal backsliders overall. This is because the three sub-dimensions—civil liberties (CLD), rule of law (ROL), and checks and balances (CBD)—each carry equal weight (1/3) in the aggregate LD score. As a result, significant deterioration in one sub-dimension does not necessarily translate into a substantial decline in the overall LD score.

Table 12. Different trajectories of the backsliding process from 2012 to 2022

Types of backsliding and number	Countries
Electoral (4)	Ghana, Niger, Indonesia, Guyana
Liberal (5)	Brazil, Portugal, Austria, Greece, USA

Civil liberties (9)	<i>Croatia, Denmark, Germany, Chile, Lithuania, Australia, Paraguay, Romania, Bosnia and Herzegovina</i>
Rule of law (4)	<i>Austria, Netherlands, Uruguay, Malta</i>
Checks and balances (6)	<i>Mexico, USA, New Zealand, Finland, Cyprus, Spain</i>
Electoral and liberal (3)	<i>Poland, Mauritius, Hungary</i>
Electoral and civil liberties (1)	<i>Mongolia</i>
Electoral and rule of law (1)	<i>Botswana</i>
Electoral and checks and balances (1)	<i>Guatemala</i>
Electoral, civil liberties and rule of law (1)	<i>Hungary</i>
Electoral, civil liberties and checks and balances (0)	-
Electoral, rule of law and checks and balances (0)	-
Civil liberties and rule of law (5)	<i>Brazil, Portugal, France, United Kingdom, Norway</i>
Civil liberties and checks and balances (1)	<i>Greece</i>
Rule of law and checks and balances (0)	-

Source: V-Dem data, author's calculations.

Table 12 explains the multi-dimensional and complex nature of democratic backsliding process summarizing several important trajectories about how backsliding unfolds among 35 countries. Firstly, single-dimension backsliding (in otherwords backsliding occurring only in one dimension) is the most common pattern and combined backsliding (where backsliding occurring in two or more dimensions) is much rarer. Secondly, civil liberties is the most damaged aspect where 17 countries in total have experienced decline in CLD, following rule of law (11 countries), checks and balances (8 countries) and electoral dimension (4). The pattern showed on Table 12 suggests that democratic backsliding is typically selective and targeted rather than systemic or total. Comprehensive, multi-dimensional backsliding, where electoral integrity and liberal safeguards deteriorate in tandem, is confined to a small subset of the most severely declining democracies (3 countries). Overall, the table highlights the multi-dimensional nature of backsliding, making it clear that understanding democratic backsliding requires disaggregating the electoral, civil liberties, rule of law, and checks and balances components — rather than treating democracy as a single unified block. Even if we treat democracy as a “single block,” we find that only six democracies meet the backsliding threshold. Most importantly, when we take the average 10-year change in the democracy index across all democracies, the result is only -0.03 , indicating a very small overall decline over the past decade. This suggests that, while certain countries exhibit significant backsliding, the majority of democracies have remained relatively stable during this period. Moreover, when

we average the 10-year change in each dimension across democracies, the picture appears much less severe than the often-cited narrative of widespread democratic backsliding — although the averages still reflect negative values (Table 13).

Table 13. Averaging the change between 2012 and 2022 across democracies

Dimension	Average change
ED	−0.028
LD	−0.022
CLD	−0.032
ROLD	−0.019
CBD	−0.014

Note: Only countries with ED ≥ 0.5 as of 2022 are included in this calculation, ensuring that the analysis focuses exclusively on democracies. Source: V-Dem data, author's calculations

However, such static comparison may not fully capture short-term fluctuations or cases where a country backslides and later recovers, making the overall erosion appear less severe than it actually is. A more dynamic approach—such as panel data analysis—would provide deeper insights into whether electoral or liberal deterioration occurs first and whether countries experience temporary reversals. This will be further examined in the next section through fixed-effects regression and Granger causality tests.

5.4. Statistical analysis of backsliding

Given the theoretical premise that electoral dimension (ED) and liberal dimension (LD) influence each other simultaneously (e.g. Lührmann & Lindberg, 2019), analyzing their relationship requires a multi-step empirical approach to avoid misinterpretation. A standard ordinary least squares (OLS) regression model is inadequate in this context because it does not account for unobserved country-specific heterogeneity, nor does it establish temporal sequencing between ED and LD. OLS assumes exogeneity and a unidirectional effect, contradicting the reality that ED and LD are endogenous and mutually reinforcing. Instead, the next section applies a structured analytical sequence—correlation analysis, fixed-effects regression, and Granger causality testing—to systematically investigate the interaction between these two dimensions of democracy.

First, correlation analysis is employed to establish the strength and consistency of the relationship between LD and ED, without assuming causality. This step helps determine whether association exists between the two variables and provides a foundation for further

investigation. This approach aligns with previous studies emphasizing the mutual reinforcement of democratic attributes (Dahl, 1971; Lührmann & Lindberg, 2019).

Second, a fixed-effects regression model is applied to examine whether changes in LD influence ED (or vice versa) within different regime types (liberal and electoral democracies). This method controls for all country-specific characteristics that remain constant over time, such as geography, colonial legacies, or foundational institutional structures. By doing so, it allows for a clearer examination of within-country variation in democratic backsliding over time. However, in this case, where the two variables have bidirectional relationship, in other words reverse causality, regression analysis alone does not fully explain the causal dynamics between the two dimensions.

Ultimately, a Granger causality test is conducted on panel data from 2012 to 2022 to assess the temporal precedence between LD and ED. This test evaluates whether past values ($t-1$, $t-2$) of LD predict future changes in ED and vice versa. While Granger causality does not establish true causation, it provides critical insights into the directionality of democratic backsliding—whether institutional decline precedes electoral deterioration, or if electoral manipulation precedes broader institutional weakening.

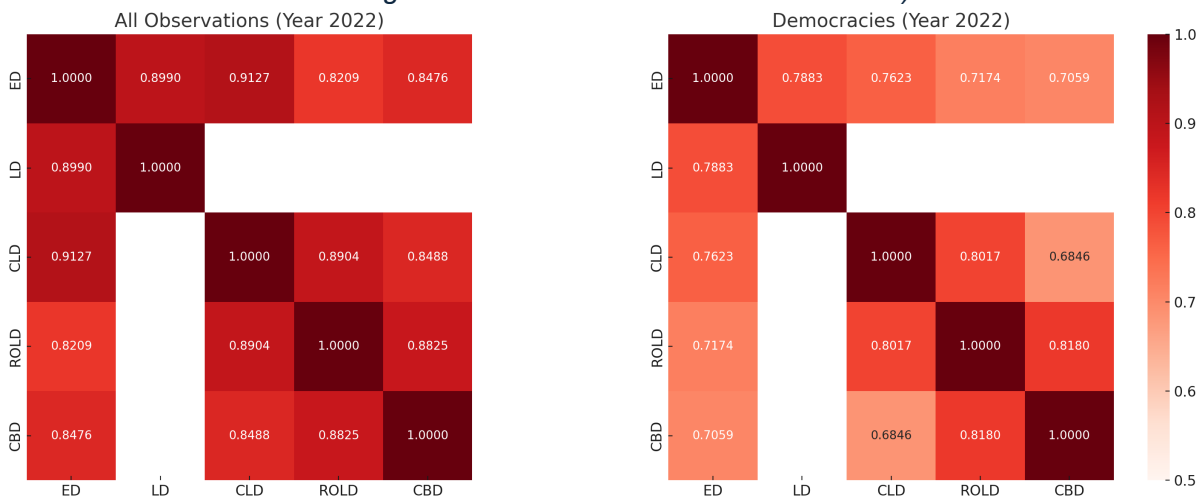
By following this structured approach—first testing association (correlation), then estimating directionality (fixed-effects regression), and finally establishing temporal order (Granger causality)—it aims to understand the dynamics of democratic backsliding and its complicated nature.

5.4.1. Correlation analysis

If we look at the relationship between the ED and LD (and its sub-dimensions), without surprise, we find a positive relationship between the variables. However, the degree of correlation coefficient is worth to have more narrow focus.

The relationship between ED and LD across all countries in the year 2022 exhibited a high correlation of $r=0.8990$ (See Figure 30). Delving deeper into the correlations among the sub-dimensions of LD, we observed strong associations, with values of 0.9127 for civil liberties, 0.82 for rule of law, and 0.85 for checks and balances dimensions. Additionally, the correlations among the sub-dimensions CLD ROLD and CBD ranged from 0.85 to 0.89 .

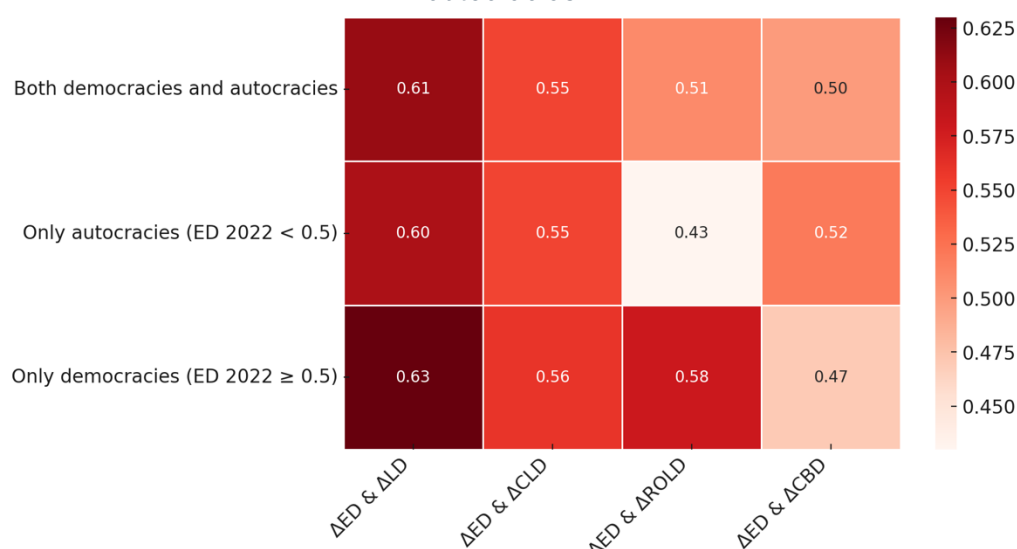
Figure 31. Correlation heatmap of dimensions of democracy (All regimes vs. democracies – including both electoral and liberal democracies).



Source: V-Dem data, author's calculations and visualization.

The heatmaps reveal a notable difference in the correlation strength among democratic indicators when comparing all regimes versus democracies alone. When all countries (both democracies and autocracies) are included, the correlations between electoral dimension (ED), liberal dimension (LD), and their sub-dimensions—Civil Liberties (CLD), Rule of Law (ROLD), and Checks and Balances (CBD)—are very strong (above 0.8–0.9), suggesting that in autocracies, backsliding tends to occur holistically—when one dimension erodes, others follow rapidly. However, within democracies alone, these correlations weaken (ranging from 0.7 to 0.8), indicating that democratic erosion is more selective, with electoral institutions often remaining intact while civil liberties, rule of law, or checks and balances deteriorate. This finding reinforces the idea that autocratic consolidation is a more uniform process, while democratic backsliding is incremental and multidimensional, occurring in distinct patterns as discussed in the previous section.

Figure 32. Correlation of changes (2012 vs. 2022) in dimensions in democracies and autocracies.



Source: V-Dem data, author's calculations and visualization.

This heatmap (Figure 31) illustrates the 10-year change (subtracting value of 2022 from 2012) in various dimensions of democracy, highlighting the pairwise correlation between changes in electoral dimension (ΔED) and other dimensions of democracy (namely, ΔLD , ΔCLD , $\Delta ROLD$, ΔCBD) for autocracies and democracies.

First, the correlation between changes in electoral dimension and liberal dimension ($\Delta ED \ \& \ \Delta LD$) is high across all regime types (0.61–0.63), which means that declines in electoral integrity are often accompanied by declines in liberal institutions. This relationship supports the general idea that when electoral dimension declines in democratic regimes, liberal dimension also tend to decline with it.

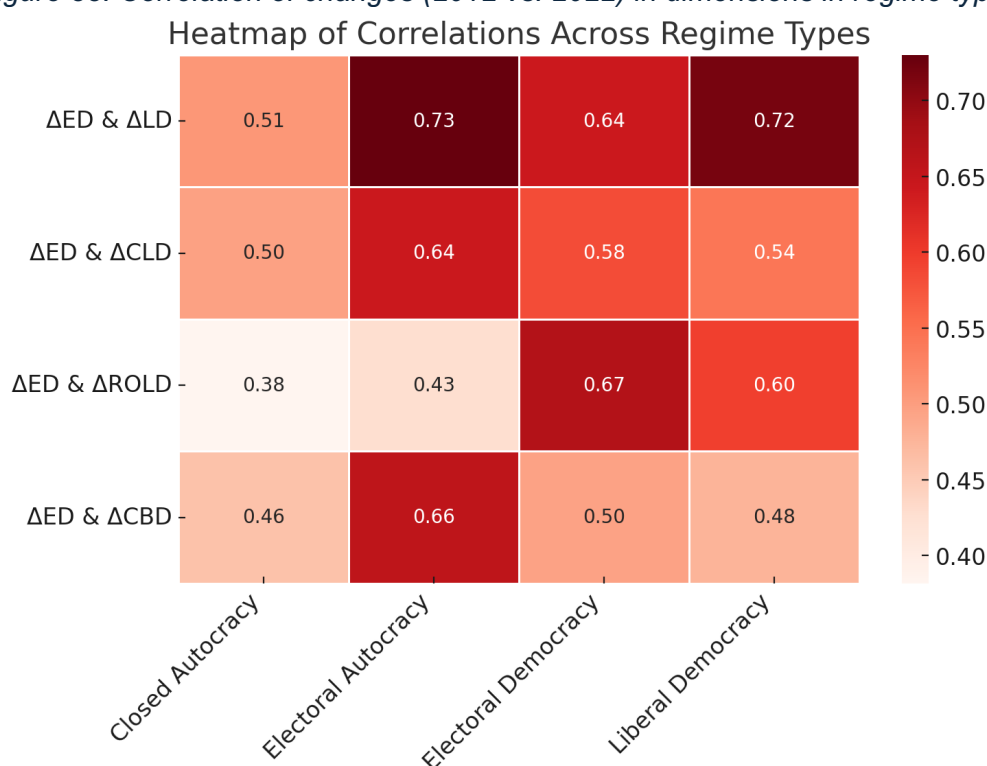
However, the correlation between electoral dimension and the rule of law dimension ($\Delta ED \ \& \ \Delta ROLD$) is weaker in autocracies (0.43) than in democracies (0.58). This suggests that countries with shifts in electoral dimension tend to exhibit corresponding changes in rule of law more consistently when they are already democratic. However, in autocracies, changes in electoral dimension are less strongly linked to variations in rule of law, which may indicate that electoral shifts alone do not necessarily always translate into improvements in legal institutions.

The correlation between electoral dimension and checks and balances ($\Delta ED \ \& \ \Delta CBD$) is slightly higher in autocracies (0.52) than in democracies (0.47). This suggests that fluctuations in the electoral dimension do not exhibit as strong an association with changes in

executive constraints, particularly in democratic systems where institutional checks and balances may be more stable and less sensitive to electoral shifts. In autocracies, while the correlation is slightly higher, it remains moderate, indicating that electoral changes may sometimes coincide with adjustments in executive constraints.

Lastly, civil liberties (ΔED & ΔCLD) show a consistent correlation (0.55–0.56) across all regime types, which means that restrictions on press freedom, civil society, and individual rights are associated with electoral backsliding irrespective of the political system. This indicates that when the electoral dimension shifts—whether positively or negatively—civil liberties tend to show a corresponding pattern and vice versa. However, this statistical association does not establish that improvements (or declines) in the electoral dimension directly drive changes in civil liberties, as both variables may be responding to external factors.

Figure 33. Correlation of changes (2012 vs. 2022) in dimensions in regime types.



Source: V-Dem data, author's calculations and visualization.

The interpretation remains largely unchanged even when analyzing a more granular comparison across distinct regime types—closed autocracies, electoral autocracies, electoral democracies, and liberal democracies (See Figure 32)—with some variations observed between closed and electoral autocracies. This is not surprising, as closed autocracies are

characterized by highly repressive governance, where political competition, civil liberties, and institutional checks are systematically restricted, limiting variations in other democratic dimensions.

5.4.2. Fixed-Effects Regression

While the correlation analysis suggests strong associations between the electoral dimension and the liberal dimension (and its sub-dimensions), a more rigorous fixed-effects regression model allows us to isolate within-country variations over time, controlling for country-specific unobserved characteristics. Additionally, instead of comparing the levels of 2012 and 2022, the fixed-effects regression model utilizes panel data covering all years between 2012 and 2022, making the model more robust. This approach helps differentiate patterns of backsliding across regime types, as outlined in previous chapters, and provides a clearer picture of how liberal institutional changes relate to fluctuations in the electoral dimension. It is important to note that the liberal dimension is omitted from the regression analysis because its components (sub-dimensions) are included separately, which would otherwise create a problem of collinearity.

Table 14: Fixed-Effects Regression Across Regime Types (2012 to 2022). Dependent variable: Electoral Dimension (ED)

Independent Variables	Autocracy Model	Electoral Democracy Model	Liberal Democracy Model	Interpretation
CLD (Civil liberties)	+0.868 (p<0.000)	+0.301 (p < 0.000)	+0.083 (p < 0.000)	<i>CLD has a much stronger effect in autocracies, meaning that when civil liberties improve, electoral dimension follows. In democracies, the effect is weaker since elections are already established.</i>
ROLD (Rule of law)	-0.001 (p= 0.985, not significant)	+0.290 (p < 0.000)	+0.061 (p = 0.018)	<i>Rule of law is more important for ED in electoral democracies, while its effect in liberal democracies is weaker but still significant.</i> <i>Rule of Law has no significant effect in autocracies, meaning that clear</i>

				<i>and predictable laws and access to justice does not protect electoral dimension in authoritarian settings.</i>
CBD (Checks and balances)	+0.183 (p = 0.001)	+0.242 (p < 0.000)	+0.149 (p < 0.000)	<i>Stronger CBD effects in electoral democracies, but still relevant in liberal democracies and autocracies.</i>
LD (Liberal Democracy Index)	Omitted due to collinearity			<i>LD is highly correlated with other predictors (as they are its sub-dimensions of LD), making it redundant in the model.</i>

Source: V-Dem data, author's calculations.

The fixed-effects model shows some interesting findings (See Table 14). The results indicate that civil liberties sub-dimension have the strongest effect on electoral dimension in autocracies ($\beta = 0.868$, $p < 0.000$), followed by electoral democracies ($\beta = 0.301$, $p < 0.000$), and the weakest effect in liberal democracies ($\beta = 0.083$, $p < 0.000$). The regression model supports the correlation findings, but it further clarifies that civil liberties play a much more dominant role in shaping the electoral dimension in autocracies. This suggests that when civil liberties improve in authoritarian settings, they are often accompanied by improvements in electoral processes, whereas in electoral and especially, in liberal democracies, the effect is less pronounced.

Rule of law (ROLD) presents a different pattern. The regression results show that ROLD has no significant effect on electoral dimension in autocracies ($\beta = -0.001$, $p = 0.985$), while its impact is significant in electoral democracies ($\beta = 0.290$, $p < 0.000$) and weaker but still significant in liberal democracies ($\beta = 0.061$, $p = 0.018$). These findings reinforce the correlation findings, formulating that rule of law improvements are more relevant for the electoral dimension in democratic settings, while in autocracies, elements of the thin conceptualization of rule of law, as have been formulated in previous chapters—such as transparent laws and access to justice—are not significant drivers of electoral changes. The regression findings confirm the correlation results but further reveal that there isn't a significant relationship between the electoral dimension and the rule of law dimension among autocracies.

Lastly, checks and balances (CBD) emerge as particularly significant in electoral democracies. The findings show that CBD has the strongest effect in electoral democracies ($\beta = 0.242$, $p < 0.000$), followed by autocracies ($\beta = 0.183$, $p = 0.001$) and the weakest effect in liberal democracies ($\beta = 0.149$, $p < 0.000$).

Among liberal democracies, changes in checks and balances (CBD) appear to have the strongest influence on electoral dimension (ED), compared to changes in rule of law (ROLD) and civil liberties (CLD). One possible explanation is that liberal democracies already have strong protections for civil liberties and the rule of law, meaning that their deterioration may not immediately coincide with electoral backsliding. Instead, following the conventional trajectory of democratic backsliding, the erosion of checks and balances serves as an early-stage warning sign. When executive constraints weaken, leaders gain more freedom to manipulate election processes, suppress opposition, and undermine electoral integrity and other sub-dimensions of democracy over time. Thus, in liberal democracies, the dismantling of institutional safeguards is often a precursor to electoral erosion rather than a consequence of it.

The assumption of a bidirectional causal relationship between the electoral dimension (ED) and the liberal dimension (LD) is initially grounded in theory. Drawing on existing literature on democratic backsliding (e.g., Lührmann & Lindberg, 2019), this study hypothesizes that electoral and liberal components of democracy can be mutually reinforcing—where liberal erosion can create conditions for electoral manipulation, and flawed elections can empower actors who further erode liberal institutions.

Nevertheless, we hypothesize that the liberal dimension (LD) exerts a primary causal effect on the electoral dimension (ED). Specifically, the premise is that deterioration in liberal institutions—such as weakened civil liberties, erosion of the rule of law, or declining checks and balances—can create conditions that eventually undermine electoral integrity. As a first step, this study examines the pattern of causal links between each of the three sub-dimensions of LD (civil liberties, rule of law, and checks and balances) and ED to determine whether liberal erosion precedes electoral backsliding across different regime contexts.

The fixed-effects regression analysis reveals that the influence of liberal sub-dimensions on electoral quality is highly contingent on regime type. In autocracies, civil liberties appear to be the primary driver of electoral change, while rule of law is largely irrelevant, and checks and balances play a limited role. In electoral democracies, checks and

balances are the most important safeguard against electoral erosion, while civil liberties and rule of law remain significant contributors to democratic resilience. In liberal democracies, all three dimensions remain relevant but have weaker effects.

While the fixed-effects regression uncovers important relationships between ED and the liberal sub-dimensions across regime types, it does not determine which dimension drives backsliding. In other words, it does not clarify the direction of causality in democratic erosion. To address this limitation, the next section applies Granger causality tests to examine the temporal dynamics between ED and LD and assess whether the hypothesized causal ordering holds in practice.

5.4.3. Granger Causality Test: Investigating Bidirectional Relationships

To further investigate the relationship between electoral and liberal democracy, a Granger causality test is applied using panel data from 2012 to 2022, rather than a comparison of only years 2012 and 2022 (as we did in correlation analysis). This method tests whether past values of LD ($t-1$) can predict future values of ED and vice versa. If LD Granger-causes ED, it suggests that declines in liberal institutions precede electoral erosion. Conversely, if ED Granger-causes LD, it indicates that electoral manipulation often occurs first, setting the stage for broader institutional weakening. However, it is important to highlight that Granger causality does not determine causal mechanism but rather identifies predictive precedence in temporal relationships.

Deriving from analysis of the previous section, it is determined that the relationship between ED and LD is not uniform across regimes. The panel data also suggests that the dimensions *behave* differently across the regimes.

In autocracies, where democratic institutions are already weaker, electoral decline may accelerate further institutional erosion. In hybrid regimes (electoral democracies), electoral manipulation may serve as the entry point for broader democratic backsliding. In liberal democracies, institutions are stronger, meaning that electoral decline might occur only after prolonged institutional weakening and deterioration of civil liberties. The following section disaggregates the Granger causality results by regime type, shedding light on how democratic backsliding evolves differently depending on a country's initial democratic structure.

Table 15. Granger causality test

Regime type	LD → ED (p-value)	ED → LD (p-value)	Interpretation
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Autocracies (both closed and electoral; ED < 0,5)	3.1552 (p=0.0000)	3.4969 (p = 0.0000)	Bidirectional causality: Institutional and electoral decline reinforce each other.
Electoral democracies	2.5926 (p = 0.0002)	4.0046 (p = 0.0000)	Bidirectional causality, but ED → LD is stronger: Once elections are manipulated, broader institutional erosion follows.
Liberal democracies	1.7724 (p = 0.2989, not significant)	3.6496 (p = 0.0000)	ED drives LD: Electoral decline precedes broader institutional backsliding. Not the other way round.

Source: V-Dem data, author's calculations.

The Granger causality test results show the sequence of democratic backsliding is different across regime types. In autocracies, the relationship between ED and LD is mutual; institutional decline (decreased civil liberties, judicial independence, and executive constraints) results in electoral decline, and election manipulation accelerates the institutional decay (LD → ED: 3.1552, $p = 0.0000$; ED → LD: 3.4969, $p = 0.0000$). This confirms that democratic erosion in authoritarian settings is a self-reinforcing cycle: if either electoral integrity or liberal institutions are weakened, the decline of the other follows. On the other hand, in liberal democracies, only ED Granger causes LD (3.6496, $p = 0.0000$), whereas LD does not significantly predict ED (1.7724, $p = 0.2989$). This implies that electoral manipulation is the key turning point in strong democracies—when elections are considered unfair and/or disputed, then institutional safeguards deteriorate and lead to a more general erosion of democracy.

The findings of the Granger causality test challenge the conventional backsliding narrative, which suggests that the deterioration of liberal institutions—such as executive constraints, judicial independence, and the rule of law—precedes and ultimately leads to the decline of electoral integrity. While this relationship holds for electoral democracies and autocracies, the results cast doubt on its applicability to liberal democracies, suggesting that the sequence of democratic erosion may differ depending on the regime type.

It is ironic that the dominant narrative of democratic backsliding is often exemplified by cases from established liberal democracies, yet the empirical evidence suggests that the conventional sequence of backsliding—where liberal institutions erode first, leading to electoral decline—does not necessarily hold for these regimes. This challenges the widespread perception that backsliding is a uniform process, instead highlighting that democratic erosion unfolds differently depending on the regime type. The very democracies that are most frequently used to illustrate this phenomenon appear to resist the assumed causal sequence, raising important questions about how and when backsliding manifests in liberal democratic systems.

While backsliding in liberal democracies often appears unidimensional (as we have found out in Section 5.3.3) —primarily affecting the liberal dimension (LD) while the electoral dimension (ED) remains outwardly stable—the Granger causality analysis suggests a more complex dynamic. Specifically, the results indicate that in liberal democracies, electoral deterioration Granger-causes liberal erosion ($F = 3.6496$, $p < 0.001$), whereas the reverse is not statistically supported ($F = 1.7724$, $p = 0.2989$). This finding implies that initial shifts in electoral integrity or competitiveness may serve as precursors to broader institutional weakening, even if formal liberal structures remain intact in the short term. Thus, what appears as “unidimensional” backsliding at the liberal-institutional level may, in fact, be triggered by earlier, subtler declines in electoral practices—highlighting the importance of early electoral signals in diagnosing democratic risk.

Now back to the pattern in electoral democracies, it is intermediate between these two extremes, having bidirectional causality, but with electoral erosion being a stronger cause of institutional backsliding ($LD \rightarrow ED$: 2.5926 , $p = 0.0002$; $ED \rightarrow LD$: 4.0046 , $p = 0.0000$). This means that in hybrid regimes, once electoral manipulation begins (e.g., fraudulent elections, opposition suppression, media restrictions), institutions deteriorate at a faster rate, thus reinforcing autocratization. These findings suggest that, again, democratic backsliding is not a uniform process across all regimes – while autocracies suffer from the simultaneous erosion of institutions and elections, electoral democracies are especially prone to election-related backsliding which, in turn, results in further institutional degradation.

The empirical findings provide motivation to further expand and double-check existing theories of democratic backsliding while offering new insights into how regime type shapes the sequence of the backsliding process. In autocracies, backsliding operates as a self-

reinforcing cycle, where electoral and liberal institutional decline occur simultaneously. In electoral democracies, electoral manipulation appears to trigger broader institutional decay, making this regime particularly vulnerable to democratic collapse. In liberal democracies, electoral dimension remains relatively stable until the integrity of elections is called into question, at which point institutional erosion accelerates. These distinctions underscore the need for a more nuanced understanding of backsliding that accounts for regime-specific vulnerabilities and trajectories.

These findings raise critical questions about which aspects of democracy should be prioritized for protection, particularly in liberal democracies, where preventing weakening of electoral integrity may serve as a key defense against further decline in other dimensions, and overall democracy.

5.5. Conclusion: Rethinking the Patterns of Democratic Backsliding

This study aimed to examine the nuances and trajectories of democratic backsliding by analyzing regime transitions and intra-regime deterioration across multiple dimensions of democracy that have been outlined in previous chapters. Through empirical examination, it has become evident that democratic erosion is neither a uniform nor linear process, but rather unfolds in distinct patterns depending on regime type. The findings challenge conventional narratives that assume a singular trajectory of democratic decline, demonstrating that the dynamics of backsliding differ fundamentally between autocracies (as autocratic consolidation), electoral democracies, and liberal democracies.

The analysis of regime transitions from 2012 to 2022 reveals a worrying trend: while the number of democracies has declined, autocratic regimes—particularly closed autocracies—have increased. The global decline in both electoral and liberal dimensions suggests that backsliding is not limited to isolated cases but is part of a broader, systemic trend of autocratization. While some countries have managed to democratize or consolidate democracy, the overall trajectory points to an erosion of democratic quality worldwide to varying extent.

A key takeaway from this research is that democratic backsliding does not always result in a full regime transition to autocracy. Instead, many cases exhibit gradual, yet significant, deterioration in electoral integrity, civil liberties, rule of law, and institutional constraints on executive power. This incremental decline often occurs within existing democratic structures, making it more difficult to detect and counteract.

The empirical results also highlight the role of electoral integrity in shaping democratic trajectories. In electoral democracies, manipulated elections frequently serve as the entry point for broader institutional erosion, with executive dominance and the weakening of independent institutions following electoral distortions. Conversely, in liberal democracies, liberal dimension remains stable until electoral integrity begin to deteriorate, at which point liberal safeguards' decline accelerates. This pattern contradicts dominant theories of democratic backsliding, which often assume that horizontal accountability institutional decline (liberal dimension) precedes erosion in electoral integrity. Instead, the evidence suggests that in many cases, the erosion of electoral processes acts as a catalyst for broader backsliding.

The Granger causality test further reinforces these findings by demonstrating that the sequence of democratic erosion varies by regime type. In autocracies, institutional decline and electoral deterioration reinforce each other in a self-perpetuating cycle. In electoral democracies, electoral decline tends to trigger broader institutional backsliding. In liberal democracies, however, electoral integrity is often the last stronghold of democracy—when elections are no longer perceived as fair, broader institutional decline follows rapidly.

The disaggregation of democratic backsliding into electoral and liberal dimensions, as well as further breakdowns into sub-dimensions such as civil liberties, rule of law, and checks and balances, provides a more granular understanding of how democracy erodes. The findings underscore that different dimensions of democracy deteriorate at different rates and in different sequences depending on the political context. While some countries experience parallel declines across multiple dimensions, others exhibit selective erosion, where certain aspects of democracy remain intact while others weaken.

At the same time, it is important to acknowledge that labeling countries as autocratizing or backsliding should be approached with caution. Most often, these deteriorations are too incremental to conclude that democracy, as a system, is in overall decline. Rather, what is observed are fluctuations within democratic structures that may or may not lead to overall systemic deteriorations.

In conclusion, the patterns of democratic backsliding uncovered in this study call for an alternative way of how democratic erosion is conceptualized and measured. As the global trend toward autocratization continues, understanding the nuances of democratic backsliding becomes ever more critical. The patterns observed in this study highlight the need for

continuous monitoring and proactive strategies to counter democratic decline before it becomes irreversible. By recognizing that backsliding follows different paths depending on regime type, policymakers can adopt more targeted approaches to defending democracy in an era of authoritarian pressure.

Chapter 6: Democratic (liberal) backsliding in Mongolia.

Building on the theoretical foundations and global trends of democratic backsliding established in the previous chapters, this chapter shifts focus from the general to the specific by conducting an in-depth case study of Mongolia. Previous chapters explored how democratic backsliding can take both electoral and liberal forms, often through varying patterns.

Having outlined both the conceptual typology and empirical patterns, it becomes essential to examine how these dynamics unfold within a concrete national context. Mongolia presents a particularly revealing case: as a country once hailed as a “democracy without prerequisites” (Fish, 1998a), its recent trajectory illustrates how successful democratizers, even those once viewed as promising outliers, may face significant erosions. More importantly, Mongolia offers a unique opportunity to analyze how constitutional courts—typically tasked with defending fundamental rights and democracy—can act as agents or accomplices of democratic backsliding project.

Through this case study, the chapter not only grounds the broader theoretical framework in a concrete national context but also sharpens it by examining the paradoxes of constitutional design, the spurious application of constitutional doctrines, and the evolving role of judicial behavior in a post-transitional, semi-parliamentary democracy.

The case of Mongolia demonstrates that democratic backsliding can unfold over an extended time frame (by decades), marked by a series of fragmented and seemingly isolated episodes. While each episode may not, on its own, clearly signal authoritarian regression, when assessed cumulatively and from a broader institutional and temporal perspective, they reveal a discernible trajectory of backsliding. This pattern of incremental deterioration has contributed to democratic backsliding across both the electoral and liberal dimensions, highlighting the importance of long-view analyses that capture the slow-burning nature of institutional decline.

6.1. Introduction to the chapter

As the liberal democratic form of governance has become widespread—often referred to as the age of constitutional globalization (Dixon & Landau, 2021, p. 3; Fontana, 2011, p. 36)—certain institutions, particularly the judiciary with powers to examine the actions of the other branches of government, which are meant to protect liberal democracy, have been almost universally established across democracies. These institutions have become widespread,

irrespective of a country's historical regime or geographical position. Once a rare institutional power, judicial review is now an almost universally granted power in many constitutions around the world where the politics have become “judicialized” (Hirschl, 2008, p. 3, 2016, p. 153) or “constitutionalized” (Ginsburg & Versteeg, 2023).

However, although this power was originally granted to safeguard liberal constitutional democracy, in recent years in some jurisdictions, it has been gradually altered, where it has been abused to consolidate authoritarian interests, despite its initial purpose to protect individual rights and freedoms, uphold the rule of law, and serve as a check on legislative and executive power (Landau, 2013; Scheppele, 2018). Mongolia is no exception to this broader trend, as the Constitutional Court has, whether deliberately or inadvertently, acted in ways that have facilitated executive aggrandizement (Bermeo, 2016)—a phenomenon we previously conceptualized as checks-and-balances backsliding, and which constitutes a key trajectory of democratic backsliding.

Originally, establishment of the Constitutional Court was considered to be one of the milestones of the Mongolian democratic transition in early 1990s and such new constitutional institution with novel powers has commenced a new stage in the country's politics and justice system for the following three decades.

In the first decade after its establishment, the Court overall has been acting actively to limit the powers of the executive and legislative branches whenever the two branches were aiming to aggrandize beyond which will be reflected in the next subsections. However, after more than three decades, the role of the Court has been transformed into more corresponding an accomplice of this aggrandizement project, rather than counterbalancing it.

Ultimately, the chapter studies a landmark decision of the Constitutional Court that illustrates the constitutional court's deteriorating transformation by demonstrating how the court has been utilized to aggrandize the executive branch. This chapter specifically focuses on the famous case — at least among Mongolian constitutional law experts — known as the case of *davkhar deel*, which directly translates into “double layer coat,” or more academically, “dual mandate,” a debate that has been ongoing since the late 1990s and has taken shape through several constitutional amendments. It argues that, although the Court has been endowed with the power of judicial review and has borrowed concepts and doctrines from liberal democratic

constitutionalism, ironically, their application has unfortunately materialized in an abusive fashion, which has ultimately resulted in backsliding.

The case-study of this chapter reveals that the liberal backsliding has taken place in two major strides. First, the loosened checks and balances, where the executive power has aggrandized. Second, the misuse of the “basic structure” doctrine in the constitutional development in Mongolia which has resulted through an abusive constitutional borrowing (Dixon & Landau, 2021).

Following with an overview to the Constitutional Court, this chapter provides an in-depth analysis of the notorious “dual mandate” case, illustrating one of the incidences of liberal backsliding in Mongolia's democratic history. However, before delving into the backsliding case in greater detail, it is compelling to explore the historical roots of Mongolia’s liberal past.

6.2. Liberal tradition of the Mongolian politics

There has been established a rich literature on the fact that to reach liberal democracy in the first place, for a country, it is best have a liberal tradition and roots (Rodrik, 2016; Zakaria, 1997). In similar logic, there are ones also outline that lack of strong liberal tradition as a moving factor for the democratic backsliding to occur (Carothers & Press, 2022).

Many argue that attributes related to political liberalism, such as civil rights and freedoms, the rule of law, independent judiciary, legislative and judicial oversight have been materialized in Mongolia only after the democratic revolution of 1990 and birth of the democratic Constitution of 1992; hence, one might argue that current backsliding process can be associated to the assumed shallow liberal past. Of course, freedoms and civil rights under the Soviet control was suppressed viciously, but, it would be a mistake to say that the birth of such liberal values and institutions has only happened merely thirty years ago. Perhaps, it would be valuable to have a glance at the period before the communist era and even, before the domination of the Manchu-led Qing dynasty where the Mongols were independent.

It could be argued that existence of democratic and quasi-constitutional principles have long existed since the formation of the Mongol Empire and the Yassa legal system established by Chinggis Khan in the 13th century, the founder and first leader of the Mongol Empire (Riasanovsky, 1948). Yassa contained a provision stating that

“Mongols shall not give to their kings and nobles many laudatory names, or titles, like the other nations. And to him that sits upon the throne of the kingdom they shall add only one name — The Khan” (Vernadsky, 1938),

which bestowed supreme power on the Khan and abolished all other aristocratic titles. Yet, the power of the Khan was not absolute as it was subject to the Ikh Kurultai²² (the Great Assembly), which consisted of clan chieftains (Vernadsky, 1938). The Kurultai had the power to elect and appoint the Khan and the Yassa prohibited anyone proclaiming themselves as a Khan, if not duly elected by the Kurultai. Chinggis Khan himself was proclaimed leader elected by the Kurultai in 1206.

It is fascinating that elements of Mongolia’s historical political system—particularly the deliberative role of the Ikh Kurultai—emerged well before the *Magna Carta*, often celebrated as the first document to assert that the king was not above the law. While not a democratic institution in the modern sense, the Kurultai embodied a form of elite accountability and collective decision-making. From a historical perspective, this legacy may help explain why Mongolia, unlike many of its Central Asian peers that preserved autocratic structures, embraced a semi-parliamentary democratic model—drawing not only from international models but also from culturally resonant notions of governance rooted in its imperial past.

6.3. Constitutional Court of Mongolia

In the 1990s, Mongolia gained attention from the international community for its peaceful transition to democracy, which was considered successful. Unlike its post-Soviet Asian counterparts, Mongolia was the only country that could avoid personalistic authoritarian rule, as in Kazakhstan, Turkmenistan, Uzbekistan, and Kyrgyzstan. It was quite unexpected that having a poor economic performance, achieved modernization less than a hundred years ago, being located far from a consolidated democracy neighborhood, landlocked between two powerful authoritarian regimes, and with no pre-history of democracy was able to achieve a

²² The official name of Mongolia’s modern legislature—the State Great Khural (Ulsyn Ikh Khural)—is a deliberate invocation of the Ikh Khurultai, the grand assembly of clan leaders that played a central role in the governance of the Mongol Empire. This symbolic continuity reflects a conscious effort to root contemporary democratic institutions in indigenous political traditions. By adopting terminology from Mongolia’s imperial past, the country not only asserted national identity in the wake of Soviet rule, but later also sought to legitimize its democratic transition as a revival of historically grounded governance. The echo of the Khurultai reinforces the narrative that democracy in Mongolia is not an entirely imported model, but a modern expression of deeply embedded collective decision-making practices that long predate colonial or communist influences.

peaceful democratic transition. It is often referred as “a democracy without prerequisites” as it made the transition under very unlikely circumstances (Fish, 1998b).

After its democratic revolution, the country has adopted a new democratic constitution in 1992 which expelled the one-ruling-party provision, enshrined human rights, and constitutionalized civil and political liberties. The Constitution established several democratic institutions such as unicameral legislature consisting of 76 popularly elected members²³; the President, the head of the state who is popularly elected and has the power to veto legislations; the Government headed by the Prime Minister, who is subject to the legislative vote of confidence; and the Constitutional Court, which was one of the main milestones of the new democratic constitution. The Constitution of Mongolia states that

“The Constitutional Court of Mongolia is the body which has full powers to exercise supreme supervision over the implementation of the Constitution, to render decisions on the infringements of its provisions, to settle constitutional disputes, and is the guarantor for the Constitution to be strictly observed” (Article 64.1, Constitution of Mongolia, 1992²⁴)

The principles, methods, forms and organization of the activity and the powers of the Constitutional Court is determined by the Constitution and by the ordinary Law on the Constitutional Court (1992)²⁵ and the Law on the Constitutional Court Procedure (1997)²⁶.

6.3.1. Composition of the Court

The Constitutional Court is composed of nine members, three of whom are nominated by the President, three by the Parliament, and three by the Supreme Court. The nine members are appointed by the Parliament for a non-renewable six-year term (Art. 3.1, LCCtM).

The requirement for justices is not particularly rigorous, as it only mandates that justices be over 40 years old and have experience in politics and law, without specifying the years of experience required (Art. 65.2, C). As a result, it opened a possibility for individuals with non-

²³ In 2023 constitutional amendment, the Parliament is enlarged from 76 to 126 seats.

²⁴ Hereafter *C*.

²⁵ Hereafter *LCCtM*.

²⁶ Hereafter *LCCP*.

judicial backgrounds, such as geologists and diplomats, to be appointed in the court to adjudicate constitutional cases (Ginsburg, 2009, p. 174).

6.3.2. Powers of the Court

The court resolves disputes concerning the constitutionality of legislations and other decisions of the parliament, presidential decrees, government decisions, international treaties to which Mongolia is a party, and decisions of the election commission (Art. 66, C). However, the Constitutional Court has no right to question constitutionality of ordinary court decisions, nor ordinary courts cannot issue certification of questions to the Constitutional Court; and unlike many constitutional courts around the world, at the moment of writing this chapter²⁷, the CCtM has no ability to receive and discuss disputes related to violations of fundamental rights.

6.3.3. How cases are handled?

First of all, the Constitutional Court has no power to start the review process on their own initiative, without receiving a petition submitted by citizen or a request by the President, ministers, or the Supreme Court (Art. 21, LCCP). If a petition or a request is submitted to the Constitutional Court, the Chair of the Court assigns the case to one member²⁸, who then assesses whether the case is valid and should be considered by the Constitutional Court (Art. 3, LCCP, 1997). If it is considered a valid case, then the case is discussed among five member panel.

The member of the Court can refrain to hear the case with a larger bench if the petition does not meet the requirements (e.g. name, address of the petitioner and of the respondent,

²⁷ As of September 2024, the proposed draft amendments to the Laws on the Constitutional Court and Constitutional Court Procedure aims to enable individuals to file a complaint to the Constitutional Court if they claim their fundamental rights are violated (even after the final judgement of the Supreme Court, which is the “highest judicial organ” as stated in the Art.50.1 Constitution). The lawmakers argue that the Constitutional Court can review constitutionality of the decisions related to the fundamental rights resolved by the Supreme Court as the Constitution also states that “If a decision made by the Supreme Court is incompatible with law, the Supreme Court itself shall have to repeal it.”

²⁸ A program for randomly assigning petitions, information, requests, and complaints submitted to the Constitutional Court, as well as for determining the panel composition (justices and presiding justice) for dispute resolution, has been approved along with its implementation procedure, and it is set to take effect starting 1 October 2024 (Constitutional Court of Mongolia, 2024).

Available at: <https://constitutionalcourt.mn/2024/09/%D1%86%D1%8D%D1%86%D1%8D%D0%B4-%D0%B8%D1%80%D1%81%D1%8D%D0%BD-%D3%A9%D1%80%D0%B3%D3%A9%D0%B4%D3%A9%D0%BB-%D0%BC%D1%8D%D0%B4%D1%8D%D1%8D%D0%BB%D1%8D%D0%BB-%D1%85%D2%AF%D1%81%D1%8D%D0%BB%D1%82-%D0%B3/> (last accessed 3 June 2025).

grounds of a claim, proof of evidence) set forth in Article 20 LCCP, if the petitioner is not authorized to address to the Court (Art. 21.5.2, LCCP), if claims in the petition do not fall within the jurisdiction of the Court (Art. 21.5.3, LCCP), and if there is already an existing Court resolution on a given dispute (Art. 21.5.4, LCCP). The complainant can appeal the decision, and, in this case, three-member panel will convene (Art. 21.4, LCCP). If the three-member panel deem resolve that the case does not have a valid constitutional claim, then the case is rejected (Art. 3, LCCP). Otherwise, the case proceeds to the five-member panel (ibid.). The decision of the five-member panel is not final because it needs a resolution from the legislature to recognize the judgement within fifteen days (Art. 36.2, LCCP). If the Parliament accepts the Court resolution, then the decision of the Court is directly enforced and if rejected, the Court convenes *en banc* (full bench panel of 7-9 justices) and with a two-thirds majority decision, the Court's judgement will be final.

Article 36.2 of the LCCP obligates the Parliament to issue a resolution back to the Court within fifteen days, indicating whether it accepts or rejects the decision of the five-member panel. However, there is no specific regulation regarding what the Court can do if the Parliament does not respond to the Court by issuing a resolution at all. Without a parliamentary resolution, the Court cannot convene in full bench and the case remains in a state of gridlock. Ginsburg (2009, p. 170) explains that the Mongolian constitutional design which makes the interpretative function of the Constitutional Court dependent on the Parliament is due to the socialist notions of parliamentary sovereignty which has survived and enshrined in the democratic constitution as “the Parliament is the highest organ of state power” (Art.20, C).

Such an unusual circumstance became a reality in 2000 and has brought a big stress on the constitutional legal order of the country which will be discussed in the next section.

6.4. Major cases of liberal backsliding in Mongolia

6.4.1. Liberal Backsliding Episode I: The Clash Between the Judiciary and the Legislature.

When drafting the constitution, Mongolian constitution-makers have refrained to introduce a complete constitutional insulation between the legislative and executive branches and eventually decided to remove provisions which prohibited members of the Cabinet to hold concurrently a seat in the Parliament (Ginsburg & Ganzorig, 2001, p. 325). Absence of such

insulation among legislative and executive branches was left to be regulated through ordinary laws.²⁹

The Constitution stated that:

“Members of the Parliament [...] may not hold concurrently any posts and employment other than those assigned by law.” (Art. 29, C)

Instead, the provisions regulating dual mandate were indicated on the Law on Parliament, which set the maximum number of ministers in cabinet who can concurrently hold seat in parliament to one third (Art. 22, Law of Mongolia on Parliament 1992).

In 1996, this provision has been brought before the Constitutional Court and the Court ruled that the provision was considered as unconstitutional by receiving complainant’s reason that it weakened the separation of powers and prompted conflict of interest by allowing a law-making body to perform simultaneously as a law-enforcing role ([Lamjav v. Parliament, 1996 CCtM 06](#)). The Court has forwarded its decision to the Parliament, but the Parliament has rejected the decision. The full bench of the Court convened and sustained its previous assessment. In response, the Parliament passed another law allowing dual mandates (Art. 6.1, Law of Mongolia on Legal Status of a Member of the Parliament, 1998). The Court struck the law once again by upholding its previous decision ([Lamjav v. Parliament, 1998 CCtM 02](#)).

In 1999, the Parliament decided to amend the Constitution for the first time, allowing members of parliament to hold ministerial positions, including that of Prime Minister ([Constitutional amendment of 1999](#)). However, in this episode, the President vetoed the law, stating that the Parliament should have consulted the Constitutional Court and the President before passing the amendment, even though there were no legal provisions requiring them to do so. Nonetheless, the Parliament overrode the presidential veto.

²⁹ If the primary leaders of a party chose not to compete for legislative seats to secure a ministerial position, there was no guarantee that the lower-level leaders would receive sufficient voter support in parliamentary elections. This is because the party faced a scarcity of human resources following the democratic transition, and if the top leaders were elected to the Parliament, they would be barred from holding ministerial positions due to the insulating provision. Consequently, second-string leaders would have to step in to fill ministerial positions.

Subsequently, a complaint was submitted to the Constitutional Court claiming that the amendment was unconstitutional because it violated procedural rules in amending the Constitution ([Narangerel v. Parliament, 2000 03](#)). The amendment was submitted to the Speaker of the Parliament on 23 December 1999, and was discussed and approved by the Parliament on the following day without providing any time for deliberation among citizens and civil society organizations. Additionally, the amendment was passed without reaching the required quorum of three-quarters since five out of seventy-six legislative seats were unfilled at the time which is instructed in Article 69.1 of the Constitution. The Court found the complainant's argument to be valid and issued a decision that the constitutional amendment was unconstitutional.

The Parliament, in turn, decided not to reply, and the next term parliament also ignored the judgement of the Court as if such events have not happened at all. It was quite certain at the time that if the Parliament would have issued a resolution that rejected the judgement of the five-member panel of the Court, then the full bench would have the final say on the matter, as stated in the Constitution, which might have been contrary to the interest of the Parliament.

After facing unceasing resistance, instead of accepting or rejecting the judgement, the Parliament eventually stated that the CCtM has resolved a case outside its jurisdiction, viewing that the Court has no right to review constitutional amendments, and the Parliament left the case as it has been settled. The Court has persistently demanded an official resolution from the Parliament, but the Parliament maintained that it shall not issue a resolution because it viewed the act of the Court as unconstitutional. It must be noted that, although there is no such provision in the Constitution nor in any other law that allow the Parliament to interpret constitutionality of laws or acts of other branches of the government, the Parliament has conducted a constitutional interpretation, a power which was only granted to the Constitutional Court.³⁰

The Court did not give up. On 29 November 2000, it reviewed with full bench the 1999 constitutional amendment was unconstitutional relying on an unenumerated provision that the Parliament should consult with the Constitutional Court and the President when making amendments to the Constitution ([Narangerel v. Parliament, 2000 02](#)). This was the first

³⁰ Ginsburg & Ganzorig (2001) have criticized the Parliament's act of self-imposing the role of constitutional interpretation (p.318) and also the Court for rendering a decision which based on the feeble "consultation" argument (p.321).

incidence in Mongolian jurisprudence of the unconstitutional constitutional amendment. The Court's reason was identical to the prior presidential veto.

A month later, the Parliament has defied the Court's decision and blatantly responded with another constitutional amendment which was exactly identical to the 1999 one ([Constitutional amendment of 2000](#)), but this time the Parliament has introduced the amendments to the President and the Constitutional Court by sufficing prior requirements made by the CCtM.³¹ The Court did not react to this amendment.

It has never been fully exposed what were the true motives behind the CCtM's decision declaring the amendment of 1999 as requiring extraconstitutional requirements from the Parliament that it must consult with the Court and the President when making amendments to the Constitution. Did the Court issued such decision, despite the weakness of the "consultation" argument, for the sake of magnifying or proving its institutional power and position in the game of politics by proclaiming its ability to review constitutional amendments? Or did the Court wanted to reshape the form of governance by introducing a stronger separation of powers, notwithstanding the fact that the constitution-makers have removed such provision earlier in the drafting process? Be it former or latter, or both, the Court has demonstrated itself as a *strong player in the game* and that politicians must consider the role and actions of the Court more cautiously.

Analyzing from this episode, the CCtM and the Parliament both have performed their role contributing to the backsliding process. The Court has issued a judgement basing on the weak extraconstitutional "consultation" argument despite the absence of such legal provisions requiring the Parliament to do so. The Parliament, on the other hand, has evaded in responding to the Court opinion and not only, it has amended the Constitution by defying the Court's

³¹ One of the underlying reasons for the Parliament's insistence on making an amendment was to expand the executive power and decrease powers of the President. The original text of the Constitution stipulated that the President has the power "[...] propose to the Parliament the candidature for the appointment to the post of Prime Minister in consultation with the majority party or coalition [...]" (Art. 33.1.2) and the Prime Minister shall "in consultation with the President, submit his or her proposals on the structure and composition of the Cabinet to the Parliament" (Art. 39.1.3). In practice, the term "consultation" was often used more like a bargaining tool, as the President could veto nominees for the Prime Minister proposed by the majority party and nominees for ministerial positions at his or her own preference. The 2000 amendment prevented the President from vetoing candidates for Prime Minister who had the backing of a majority of votes in Parliament, leading to a significant shift towards a more parliamentary system of governance. The amendment also allowed the Prime Minister to submit the proposal for structure and composition of the Cabinet directly to the Parliament, if he/she could not reach a consensus with the President (Art. 39.2).

previous “unconstitutional constitutional amendment” decision by ratifying the exact same text of the 1999 amendment. This would not be too dramatic to say that the legislature has essentially disregarded and challenged the authority of the CCtM by reintroducing the exact same amendment, which ultimately distorted the checks and balances and the rule of law.

Eventually, as a result of the notorious clash between the legislature and the CCtM, the dual mandate has remained in subsequent cabinets until the 2019 constitutional amendment. For almost two decades, appointing ministers from the legislature has been a common practice in Mongolian politics. During this time, corruption among high-ranking officials, including members of the government and parliament, have been the main challenge of the country to consolidate its democracy. The Parliament has been criticized for serving as a sanctuary by corrupt politicians by allowing them to stay immune till the expiration of statute of limitations.³² As a result, there has been growing public dissatisfaction with the constitutional provision allowing the dual mandate and with the Parliament itself, and an increased demand for a thicker separation between the legislative and executive branches. Unprecedentedly, this has also led to a growing number of viewpoints advocating for the adoption of a presidential system (Munkh-Erdene, 2018).

6.4.2. Liberal Backsliding Episode II: Loosening the Nuts and Bolts of Checks and Balances

6.4.2.1. 2019 Constitutional Amendment – More Insulation Between the Separation of Powers

Following the 2016 and 2020 parliamentary elections, Mongolia has evolved into a political system where one party holds dominant control. The Mongolian People’s Party (MPP) managed to secure a supermajority of parliamentary seats 85% in the 2016 elections and 81% in 2020, despite only acquiring 45% of the total votes in each election. This was the outcome of abolishment of the previously used mixed system³³ as the CCtM has declared the proportional representation (PR) electoral system as unconstitutional (Banzragch v. Parliament, 2016 05).

The Court viewed the PR part of the mixed electoral system as violating the constitutional principle for *direct elections* because it placed political parties between voters

³² This has been criticized in major Mongolian news outlets such as [Eagle.mn](#), [Medee.mn](#)

³³ In 2012 parliamentary election, 48 members were elected by plurality vote in multi-member constituencies and 28 members were elected through a closed-list proportional representation systems.

and elected candidates. Subsequently, the 2016 election was held under the single-member district plurality voting system.³⁴ It also must be noted that the split and internal conflict of the Democratic Party (DP), which is the main opposition party, relating to the leadership disputes have weakened its role as a strong opposition force. Under the new electoral system and whilst DP was institutionally weakened, MPP has scored a landslide victory.

After receiving a supermajority of seats, the MPP was able to exclusively amend the Constitution, which it eventually did in 2019 ([Constitutional amendment 2019](#)). The 2019 amendment is considered a positive development because of its inclusion of public participation, in contrast to the amendments of 1999 and 2000. Prior to the amendment, the Parliament passed a law that required the analysis of public opinion through deliberative polling before making constitutional amendments.³⁵ The Parliament gathered opinions of 669 citizens through deliberative polling and echoed their voices in the drafting process of the amendment.

There are two important provisions in the 2019 constitutional amendment which grabs attention. The first introduced a separation of powers provision which limited the number of ministers concurrently being members of parliament to four (Art. 39.1, C)³⁶. The second granted the Prime Minister the power to appoint and dismiss cabinet members autonomously (Art. 39.4, C)³⁷, which it previously needed a legislative approval on each minister. In this way, it was expected to de-politicize the executive branch as ministerial positions will not be heard in front of the Parliament allowing to establish a more technocratic government.

The provision limiting the dual mandate has been widely appreciated for bolstering the separation of powers, since the number of members of the unicameral legislature *was* relatively

³⁴ Also known as the first-past-the-post system where only one candidate who has the most votes gets elected from each electoral district.

³⁵ Deliberative polling is a research method that involves polling a random, representative sample on targeted issues. The sample is then invited to a single location where they receive background materials and engage in small group discussions with trained moderators, as well as dialogue with experts and leaders. Deliberative events are broadcasted to the public, and after the deliberations, the sample is polled again to measure changes in opinion, reflecting the public's informed and engaged view. This method was invented and supervised in Mongolia by Professor James S. Fishkin of Stanford University. Prior using the deliberative polling for a constitutional amendment, it has been tested in 2015 for allocating the budget of the capital city in projects prioritized by citizens.

³⁶ Article 39.1 of the Constitution of Mongolia: "The cabinet shall comprise the Prime Minister and other Ministers. The Prime Minister and up to four Ministers may also be currently elected members of the Parliament."

³⁷ Article 39.4 of the Constitution of Mongolia: "The Prime Minister shall appoint and dismiss the Ministers upon introducing the candidates to the Parliament and the President. The Minister shall swear oath in front of the Parliament."

smaller (seventy-six seats), compared to other democratic countries with similar population size.³⁸

Before the 2019 amendment, the payroll vote³⁹ within the Mongolian parliament was considerably high, and it was nearly impossible to hold the cabinet accountable and call a vote of no confidence, especially when the super-majority of the unicameral legislative 76-membered chamber is occupied by a single party. By limiting the dual mandate, it abolished the country's long-established practice of appointing ministers almost entirely from the legislature as common in Westminster-derived systems. The influence of the executive branch on the legislature was hoped to be minimized after introducing such a limit.

The amendment also increased the parliamentary quorum threshold. Before the amendment, it was possible to pass a law if there were present only twenty parliamentarians and without any limit on the dual mandate, the cabinet had enormous power in the legislative process. The amendment increased the threshold to thirty-nine, which prevented passing laws with too few MPs, helped to reduce the influence of the executive on the parliament and overall, and it thickened the separation of powers. Overall, the 2019 amendment is considered to be a step forward in strengthening Mongolian democracy as it has bolstered the separation of powers (Ganbaatar, 2023).

There is no universal approach to dual mandates across the jurisdictions around world, as each country chooses its own constitutional designs according to its unique characteristics, history, culture, traditions, and it depends on local institutional and political settings (Bulmer, 2019). Some countries separate ministerial and parliamentary positions (e.g., most presidential systems, Norway, the Netherlands, and Belgium), some allow the dual mandate (e.g., continental European parliamentary systems), some necessitate entire ministers to be elected representatives in the parliament (e.g., the United Kingdom, Zambia, New Zealand, and Australia), and some require a certain number of ministers to be appointed from the legislature (e.g. Ghana, Bangladesh) and some countries set a maximum limit for the dual mandate (Mongolia limits to four, India set limit of fifteen percent and Vanuatu one-fourth).

³⁸ Considering the 35% growth in population since establishing the democratic Constitution, in terms of representativeness, the number of unicameral legislative seats should also have increased in the 2019 amendment.

³⁹ It refers to a situation where dual mandated MPs, as expected in parliamentary systems, to always vote for the government. If dual-mandated MPs decide to vote against or publicly criticize the government, they shall resign from their ministerial position.

From one side, appointing ministers from the parliament is much more democratic because ministers are directly accountable to the voters, since they can be displaced if they do not win the parliamentary election. To preserve their ministerial positions, dual-mandated ministers would, intuitively, pay more attention to their electoral constituencies and *be closer to the citizens*. Dual mandated ministers would also make the parliament more knowledgeable, since ministers would obviously know the practical issues dealt with by the executive branch and hence, would help in producing laws coherent to the local context.

From the other point of view, the argument that having members of the executive branch within a parliament would undermine the separation of powers appears to be valid as well, if the size of the parliament and quorum is small, if there is no limit on the number of ministers, and if the payroll vote is overexpanded within the legislature. When the Prime Minister appoints ministers of his cabinet amongst the MPs without parliamentary approval, the Prime Minister will obviously have a big leverage of patronage power over the legislative branch, since it can appoint MPs who are supportive and skip ones who are against his/her agenda.

In the context of a small unicameral legislature as in Mongolia, allowing MPs to be appointed as ministers without any limit would have more negative effects than positive. Firstly, the head of the executive with the power to design the structure and composition of its cabinet, even from the parliament, would have great patronage power in the legislative process. As a result, dual-mandated legislators would be more likely to support initiatives coming from the Cabinet in order to maintain their ministerial positions. This undermines legislative independence and compromises the separation of powers. Secondly, the workload of dual-mandated officials would be plentiful, as they would need to attend plenary sessions of the Parliament, committee meetings, meet with interest groups and constituents, and fulfill their duties as ministers. This creates the risk of underperforming in either or both of these roles. Lastly, from the perspective of the Prime Minister, he or she would prefer to choose ministers mostly from the Parliament to reassure the survival of the Cabinet in case of a vote of no confidence in the Parliament. However, this not only increases politicization in the executive branch, but also limits the formation of an expertise technocratic cabinet. Instead of qualified and specialized individuals, less specialized MPs may be appointed to ministerial positions, which could lead to underperformance of the Cabinet.

However, a couple of years later the progress that was made turned into a step backwards. On 15 August 2022, the Constitutional Court of Mongolia ruled that the 2019 amendment contained an unconstitutional provision and stroke down certain provisions ([Dorjkhand v. Parliament 2022 02](#)). The Court considered the well-appreciated Article 39.1 of the Constitution, which ceiled the number of dual mandated ministers, as unconstitutional basing on and outlining dubious reasons which are discussed in the following sections.

6.4.2.2. Misuse of the Basic Structure Doctrine

First of all, the Court reasserted itself as the competent authority to review the constitutionality of constitutional amendments proclaiming its role as the *guardian* of the Constitution (section 1, [Dorjkhand v. Parliament 2022 02](#)) ensuring they align with the *basic structure* and fundamental principles of the Constitution and to prevent incompatibility within the Constitution.⁴⁰ The Court has reversed its previous rulings holding that the CCtM would not review duly enacted constitutional amendments which was a decision after the 1999 constitutional crisis as discussed in the previous section.

The terminology of the basic structure was not adopted by the Court out of the blue; rather, it references the Law on Procedures for Amendments to the Constitution⁴¹, which was ratified by Parliament in 2010 to prevent a constitutional crisis similar to the one that occurred in 1999. Article 5.2.1 of this law states that amendments to the Constitution must comply with the basic structure and fundamental concepts of the Constitution.

However, there are no specific wordings that outline what constitutes the basic structure of the Constitution. Instead, Article 5.2.2 of the ARL provides several eternity clauses - which are unamendable constitutional provisions despite following formal amendment rules, but it still does not explicitly mention that these provisions form the basic structure of the Constitution.⁴²

⁴⁰ Article 64.1 of the Constitution of Mongolia: “The Constitutional Court is an organ exercising supreme supervision over the implementation of the constitution, making a judgment on the violation of its provisions, and resolving constitutional disputes. It is the guarantee for the strict observance of the Constitution.”

⁴¹ Hereafter referred to as the Amendment Rules Law (ARL).

⁴² On the [website](#) of the CCtM, the former Chief Justice has stated that these unamendable provisions determine the basic structure of the Mongolian Constitution. This raises concerns that the doctrine of basic structure and eternity clauses are intertwined in Mongolian jurisprudence.

Most importantly, the ARL is violating one of the most fundamental concepts of the constitutionalism, which is the *supremacy of the constitution* and the hierarchy of norms. In most legal systems including Mongolia, the Constitution is on the top of the hierarchy of norms and laws; and hence, all other legislations must adhere to it. However, in the Mongolian context, an ordinary law declaring certain articles of the Constitution as unamendable even though the Constitution itself does not provide such a restriction, is plainly imposing restrictions on the Constitution itself.

From both constitutional theory and practice, it is highly problematic and rare for countries to declare unamendable constitutional provisions through ordinary law as the Constitution is at the top of the legal hierarchy. The logic of ordinary laws confining certain constitutional provisions to be unamendable is clearly intending to override the Constitution and hence, unequivocally violates the supremacy of the Constitution.

It is an almost universal standard in comparative constitutional design that, when prohibitions or restrictions on amending certain constitutional provisions exist, they are explicitly stated within the Constitution itself. Examples include Germany (Basic Law Art. 79(3)), France (Constitution Art. 89), Italy (Constitution Art. 139). While in practice it is often the same institutional body — such as Parliament — that enacts both ordinary laws and constitutional amendments, these two powers are functionally and normatively distinct. Roznai (2017, pp. 139–141) argues that “limitations upon the delegated secondary constituent power can solely be imposed by the higher authority from which it is derived, namely the primary constituent power”, claiming that only the constitution — representing the authority of the primary constituent power — can impose limitations on constitutional amendment. Ordinary legislation, even if passed by Parliament, lacks the hierarchical authority to entrench substantive limits on the amendment power, and thus cannot validly introduce unamendable provisions.

Therefore, the application of the basic structure doctrine in the CCtM’s ruling raises critical concerns. By referencing the ARL provisions related to the unamendable constitutional provisions, the CCtM has failed to determine that such provisions are violating the principle of supremacy of the Constitution; but rather, instead of providing corrective explanation, it has sustained the inaccuracy that is in the ARL that intertwines the basic structure doctrine with the eternity clause; despite these concepts are theoretically and practically distinct. Although the both doctrines aim to protect fundamental principles of a constitution, they are both being

theoretically distinct as they differ in their origin, application, and conceptual frameworks. Notably, the basic structure is a judicially developed and interpreted doctrine that imposes implicit limitations on the amendment process (*Kesavananda Bharati v. State of Kerala*, 1973). On the other hand, eternity clauses are a priori explicitly established within a constitution, declaring that certain principles or elements cannot be altered or abolished, even through formal constitutional amendment processes (Law, 2022, pp. 190–192).

Table 16. Basic structure doctrine and eternity clauses compared

Feature	Basic Structure Doctrine	Eternity Clauses
Nature	Implicit, judicially developed principle	Explicit, textually enshrined in the Constitution
Source of authority	Developed by courts through interpretation	Directly codified by the constituent power
Who defines it	Courts (usually constitutional courts or supreme courts)	Constitution itself (usually through a specific article or section)
Purpose	To prevent amendments that violate the “core identity” of the Constitution	To permanently protect certain constitutional provisions from being amended
Amendment possibility	Courts may strike down even <i>formally correct</i> amendments	Provisions listed are formally unamendable
Relevance to backsliding	Can be abused to block reforms or protect illiberal interests (or vice versa)	Can be weaponized by incumbents to entrench their political order (or vice versa)

Source: Author’s elaboration

In fact, only Bangladeshi constitution enshrines the term “basic structure” in cases all around the world, but it does not explicitly specify which exact articles are the part of the basic structure; and yet it also provides certain eternity clauses. The article reads:

“Notwithstanding anything contained in article 142 of the Constitution, the preamble, all articles of Part I, all articles of Part II, subject to the provisions of Part IXA all articles of Part III, and the provisions of articles relating to the basic structures of the Constitution including article 150 of Part XI shall not be amendable by way of insertion, modification, substitution, repeal or by any other means.” (Article 7B, Constitution of Bangladesh).

In the case of Bangladesh, the Constitution provides both unamendable constitutional provisions on one hand, which are common practice, and on the other, it mentions the basic

structure doctrine in it, which is the only case around the world. Although the Constitution recognizes the implicit limitation imposed on the amendment process by mentioning the basic structure doctrine, which is judicially implied restriction; it does not explicitly countdown which exact articles constitute the basic structure, but rather it leaves it to be determined by the judiciary, which has been a long-established practice even before introduction of the Article 7B in 2011 in the Constitution of Bangladesh.

Unlike the Bangladeshi context, Mongolian restricting provisions are not enshrined in the constitutional text which defies the supremacy of the constitution, which can be fitted under the rule of law backsliding scheme outlined in previous chapters. Ultimately, the CCtM's reaffirmation of such irregularity facilitates further backsliding.

The key irregularity in the CCtM's reasoning lies in its tacit acceptance of an ordinary law (the ARL) as being normatively superior or at least coequal to the Constitution, particularly by treating it as the source for determining what constitutes the “basic structure” of the Constitution. This is a serious legal and doctrinal slip-up that violates the hierarchy of norms—a foundational principle of constitutionalism.

In normative theory and practice, the Constitution sits atop the legal hierarchy. All other laws, including procedural laws like the ARL, must derive their validity from the Constitution—not the other way around. By allowing the ARL to define eternity clauses or limit constitutional amendability—even though such restrictions are absent from the Constitution itself—the Court effectively permitted an ordinary legislative act to bind the amending power of the constituent authority. This conflation is doctrinally untenable and sets a dangerous precedent which further consolidates grounds for the further backsliding.

6.4.2.3. Abuse of the Basic Structure Doctrine

Secondly, in its reasoning the Court considered that limiting dual mandates, contradicts with the fundamental principles of the Constitution which is enshrined in the Article 1.2 of the Constitution.⁴³ According to the Court, limiting a number of ministers (Prime Minister included) who can be simultaneously a member of parliament “deteriorates and creates the risk

⁴³ Article 1.2 of the Constitution of Mongolia: “The fundamental principles of the activities of the State shall be democracy, justice, freedom, equality, securing a national unity, and the rule of law.”

of destabilization of the parliamentary system, [...] restricts rights of members of parliament,⁴⁴ [...] undermines principles of democracy and the rule of law, weakens the checks-and-balances, and [...] it is attacking the authority of Prime Minister, and weakens competence of the executive branch” (sections 5, 6, 7, [Dorjkhand v. Parliament 2022 02](#)).

This reasoning of the CCtM stresses several important points. In the literature, phenomena of executive aggrandizement and attack on the judiciary and legislature are mainly conceptualized and discussed (e.g. Bermeo, 2016; Graber, Levinson & Tushnet, 2018; Khaitan, 2019). However, attack from the legislative on the executive seems an unorthodox and eccentric argument when we consider liberal parliamentary democracies and not other forms, especially presidential ones.

The Court’s finding that the dual mandate provision is restricting the Prime Minister’s authority to form his/her Cabinet autonomously and thus, considering it unconstitutional seems to be lacking sound reasoning. Perceptibly, there is no such constitutional provision that prohibits the Prime Minister to appoint someone as a minister from outside the Parliament and even if all ministers are named from the Parliament, it is ultimately up to the MPs to accept the offer and resign from their present office. Therefore, it is tenuous to claim that the dual mandate provision is attacking the authority of the Prime Minister. Neither the Court explains why the limitation on dual mandates is a factor that would reduce the competence of the executive branch.

Overall, the CCtM should have provided a more detailed explanation for why it reached such conclusion, as the reasoning of the Court ranges almost less than a full page for such a fundamental topic relating to the system of governance. Considering the fact that it has cherished the basic structure doctrine which usually tend to be resonated in multi-hundred-page judgements of constitutional courts around the world which outlines the constitutional principles that are in question, legal reasoning for why the constitutional amendment violates the basic structure, precedents and comparative law from other jurisdictions and implications for the constitutional order, governance and democracy; the Court has taken perfunctory approach. It is regular for courts around the world who have utilized the doctrine to provide a

⁴⁴ The Court considered that Article 39.4 is incompatible with Article 29.1, since it inhibits the right of members of the Parliament. Article 29.1 of the Constitution states “Members of the Parliament [...] shall not hold concurrently any posts and employment other than those assigned by law except for the post of the Prime Minister and member of the Cabinet.”

lengthy but most importantly, a comprehensive judgement given the complexity of constitutional law and the rich substance of the doctrine, but not a one-page ruling which touches upon fundamental pillars of a liberal constitutional democracy such as the rule of law, democracy, and governance stability.

At first glance, the Mongolian case of the utilization of the basic doctrine seems to be groundbreaking, especially considering its parliamentary system without Westminster-derived legal tradition as in the countries that have acknowledged the basic structure doctrine as in the case of India⁴⁵, Bangladesh⁴⁶, Israel⁴⁷, Kenya⁴⁸ and Belize⁴⁹. In these cases, the Courts have stroke down duly enacted constitutional amendments to safeguard the core principles, values and overall, the basic structure of their Constitutions. However, by analyzing the substance of the one-page long judicial reasoning of the Mongolian Court, one would criticize that the Court's action has advanced the executive aggrandizement process and hence loosened the checks and balances, which provides enough reasons to criticize that the Court has acted as an accomplice and abusively misused the basic structure doctrine favoring the agenda of the politicians, namely the executive, to aggrandize its power beyond the bounds of liberal democratic constitutionalism.

If the doctrine had been properly and accurately applied, it would have established a long-lasting precedent in Mongolia's constitutional development to genuinely protect liberal constitutionalism and overall democratic minimum core. The Court would have truly armed with tools to combat the backsliding process and empowered to protect the core basic structure of the Constitution. Had it embraced a more robust and principled interpretation of the basic structure doctrine, the Court could have established a meaningful precedent for future constitutional adjudication in the country. Such a precedent would not only deter political actors from attempting manipulative reforms but also strengthen the normative force of the Constitution as a living safeguard against executive overreach. In doing so, the Court could have positioned itself as a genuine constitutional guardian rather than a passive or complicit actor in the backsliding episode.

⁴⁵ Kesavananda Bharati vs. The State of Kerala; AIR 1973 S.C. 1461, (1973) 4 SCC 225)

⁴⁶ Anwar Hossain Chowdhary vs. Bangladesh; 41 DLR 1989 App. Div. 165, 1989 BLD (Spl.) 1

⁴⁷ Movement for Quality Government in Israel v. the Knesset judgment [issued on 1 January 2024](#)

⁴⁸ David Ndii and Others v Attorney General and Others; [2022] KESC 8 (KLR)

⁴⁹ BISL v. AG of Belize 2020] CCJ 9 (AJ) BZ, [299] – [301]

It may be the case that the abusive usage of the doctrines that are intended to safeguard liberal democratic constitutionalism to use it against its main purpose have been journeyed from other parts of the world. In the Latin American context, such abusive usage of the unconstitutional constitutional amendment doctrine on issues related to the checks-and-balances, especially on presidential term limits, have been materialized in Bolivia⁵⁰, Venezuela⁵¹, and Ecuador⁵² (Dixon & Landau, 2021, pp. 132–136). Courts in these countries have allowed the incumbents to remove presidential limits, whereas courts in Nicaragua⁵³, Honduras⁵⁴ and Bolivia⁵⁵ in 2017 have acted proactively by striking down constitutional provisions related to presidential limits as unconstitutional. It is yet to be seen whether presidential term limit evasion will occur in Mongolia. However, the current conditions became more conducive to the materialization of such danger.

Returning to the Mongolian context, limiting the number of ministers who can also be parliamentarians does, in theory, create another layer of insulation for the separation of powers (Feld, 1986) as it would limit executive influence on the legislature, especially in the case of a small-sized unicameral legislatures. However, the CCtM has gone off-track by peculiarly considering such restrictions as a downgrading element for the checks and balances, the rule of law, and the overall stability of the democratic governance. Looking from these developments, it can be said that Mongolia took a step forward by making the 2019 amendments, allowing the Prime Minister to compose the cabinet autonomously and limiting the number of dual mandates. However, the checks and balances were weakened when the CCtM annulled the imposed limit on dual mandates while still leaving the power to the Prime Minister to appoint ministers without legislative approval. The Court's application of the basic structure did not serve to fortify the insulation of the separation of powers or overall liberal constitutionalism which is the true spirit of the doctrine, but rather, it has been abused to aggrandize the executive power.

Right after the ruling of the Court, the Prime Minister swiftly increased the number ministers from 16 to 20 and increased dual-mandated ministers from four back to 13, and most

⁵⁰ Plurinational Constitutional Tribunal, Decision 0194/2015; Supreme Electoral Tribunal, Decision RALP 017/2015-2016 (Bolivia).

⁵¹ Decision 49 of 2009; Decision 53 of 2009 (Venezuela).

⁵² Constitutional Court of Ecuador, 0001-14-RC (2014) (Ecuador).

⁵³ Supreme Court of Nicaragua, Constitutional Chamber, Decision No 6 of 2010.

⁵⁴ Supreme Court of Justice (Honduras), Constitutional Chamber, Decision of 23 April 2015

⁵⁵ Plurinational Constitutional Tribunal, Decision 84/2017.

importantly, the Parliament amended the law forbidding the CCtM from reviewing constitutional amendments (Article 13.1.1, LCCP). Interestingly, the Court remained idle while the Parliament forbade the Court's judicial review power of constitutional amendments through an ordinary law and not by another constitutional amendment. It is unknown whether the Court received a complaint on this matter, as information relating to submitted complaints is not published by the Court which highlights the issue of transparency of the Court activities.⁵⁶

The Court could have struck down the disabling provision of the LCCP, given that it had already established its position in a prior judgment affirming its authority to review constitutional amendments as the guarantor of the Constitution. Serious concerns arise from the fact that Parliament deliberately disregarded this judgment and proceeded to strip the CCtM of its review power—despite the Court's own assertion of its constitutional role as the ultimate guardian vested with the power of judicial review over such amendments.

The Parliament undermines the authority of the judiciary by enacting ordinary legislation that overlooks the en banc decision of the CCtM, which has the final say on the dispute. Second, by disabling the Court's power to review constitutional amendments, it removes a crucial safeguard against potential abuse or threats posed to the integrity of the Constitution. Lastly, the Court's inaction fuels suspicion that it has acted as an accomplice to the backsliding project camouflaged by the incumbents to loosen the nuts and bolts of the checks and balances.

It becomes questionable the independence of the CCtM. By turning a blind eye to endeavors of the Parliament to disable its judicial review power over constitutional amendments raises the alarm of its concerns to its commitment to safeguarding constitutional principles.

It would not be an overstatement to imply that the incumbents have strategically utilized the Court as a means to advance their illiberal projects, treating it, in a sense, as a disposable tool. While they make an illusion of responding to public demands for a dual-mandate provision through a constitutional amendment, they promptly manipulate the Court to strike it down. The Court's actions in aggrandizing executive power lack a clear rationale unless

⁵⁶ The Constitutional Court of Mongolia has recently announced that starting from August 2024, it will publish information related to cases that have reached a decision on the eligibility of matters for initiating the process of examination and dispute resolution. However, it is still not publicly available informations on dismissed cases. Constitutional Court of Mongolia. At: <https://www.conscourt.gov.mn/?p=10994> (accessed on 1 October 2024).

influenced by external factors, raising concerns about the interaction between the judiciary and the political branches.

The incumbents take advantage of the Court as they are shielded from vertical accountability, namely elections. This has ripple effect: public distrust and dissatisfaction arises viewing that the judiciary is overstepping its mandate when it strikes down certain constitutional amendment provisions and, yet the public might not fully comprehend that it is the incumbents are the ones orchestrating behind the scenes. From public distrust and dissatisfaction against the judiciary benefits the incumbents, as it weakens the judiciary's role as a check on the other branches of government and facilitates further aggrandizement process.

6.4.3. Liberal Backsliding Episode III: 2023 (another) Constitutional Amendment

The 2019 constitutional amendment ignited a chain reaction in constitutional developments in Mongolia. Following the Constitutional Court's ruling to strike down the 2019 amendment and its decision regarding the dual mandate, on June 27, 2022, the CCtM overturned its previous decision in *Banzragch v. Parliament* (2016 05), which had declared the proportional electoral system unconstitutional (*Dorjkhand v. Parliament* 2022 01). In the latter case, the Court held that the choice of an electoral system is within the Parliament's authority, as long as the system does not conflict with the Constitution and ensures free and fair elections through a secret ballot. These two rulings have established grounds for another constitutional amendment.

6.4.3.1. Draft Constitutional Amendment

Right after the Court's rulings, the Parliament passed a [resolution](#) number 54 of 2022 giving a task to the Prime Minister to draft an amendment, in relation to re-balancing the checks and balances, to modify the number of members of Parliament and to provide provisions related to the electoral system of the Parliament in the Constitution.

Upsize the legislature. Initially, the draft amendment proposed by the Cabinet contained several major changes.⁵⁷ It pursued to double the number of MPs from 76 to 152 by claiming that such change would increase the popular representation in the legislature as the population has steeply increased since the beginning of 1990s.

⁵⁷ Draft amendment proposed by the Government of Mongolia can be retrieved here in Mongolian (Last accessed: 8 May 2023): <https://cabinet.gov.mn/law-local/монгол-улсын-засгийн-газраас-монгол-у?lang=en>

Constitutionalize electoral system. Based on the Court's overturned decision considering the proportional electoral system as constitutional, the Parliament opted to include electoral provisions explicitly in the Constitution. In the draft amendment, the Parliament introduced election provisions, outlining that 76 members of parliament will be elected by the majoritarian system, and 76 members will be elected by the PR electoral system.

These proposed changes have been seen as increasing the likelihood of more political parties being represented in Parliament, potentially shifting the political system from a one-party-dominant structure to a more inclusive multiparty one. However, one might question this move, given the political context at the time: the MPP, the dominant party, had the power to amend the Constitution singlehandedly. The ruling MPP could have continued to use the plurality voting system in upcoming legislative elections, having already secured two landslide victories in the previous elections. So why would they aim for changes that would allow more parties in Parliament, especially since a proportional representation system would translate votes into seats more equitably? Why did the MPP choose to introduce these electoral provisions into the Constitution rather than regulating them through ordinary laws?

There are two possible explanations. One potential answer could be that the MPP is no longer confident that it would secure their dominance in the upcoming elections using solely the previous plurality voting system, and even the party might be avoiding losing their supermajority to another opposition party. Since the MPP's ruling in 2016, several corruption scandals have erupted. The former leader of the MPP was involved in the corrupt sale of government positions and was ousted from its position of Speaker of the Parliament ("Mongolia Parliamentary Speaker Ousted amid Corruption Scandal," 2019). Multiple MPs and ministers were involved in the embezzlement of national funds (Dierkes & Jargalsaikhan, 2018). The most striking scandal was the illegal smuggling of coal across the Chinese border by the state-owned mining company which caused a potential loss of revenue estimated at 13 billion U.S. dollars, equivalent to Mongolia's annual gross domestic product (Munkherdene & Ahearn, [2023](#)). Several mass protests took place during the MPP's rule, and the protest of December 2022 was the most vibrant. Demonstrators protested in front of the Government Palace for over two weeks under the extreme cold of -30 degrees Celsius. The public satisfaction with the MPP has sharply fell down over the last few years (Sant Maral Foundation, [2023](#)) and with a danger of losing viciously in the next election, the MPP might be minimizing the probable harm by increasing number of seats and introducing mixed electoral system.

Another conjecture could be that the MPP is voluntarily and with good faith aiming to advance the quality of democracy by increasing chances for other political parties to step in the Parliament and reduce degree of disproportionality in the electoral system. At the end of the day, majority of political forces, together with academics, agree that democracy is not merely a form of governance to choose from, but rather it is the essential cornerstone of the national security framework and overall independence of Mongolia (Fish, 1998a; Ginsburg, 1995; Heaton, 1992; Pomfret, 2000). Many would agree that without democracy, there will be no independent Mongolia (See Tsakhia, 2014).

The choice of the parliamentary democracy, by allowing open competition among diverse interests, mitigates external influence by channeling it through parliamentary debate, decision-making processes and overall checks and balances. As Mongolia's democratic development has enhanced its international standing since its transitional period, it served as a crucial factor in preserving its independence and preventing it from being subsumed by the influence of its neighboring superpowers (Otgonbayar, 2020). It could be that, given the rising tensions between the East and West—particularly the deteriorating relationships between Western countries and the two neighbors of Mongolia — Mongolian leaders chose to loosen their grip on power and prioritize political plurality. This shift is expected to diffuse external influences, such as pressure on Mongolia to join the Shanghai Cooperation Organization.

When introducing the draft amendments and addressing to the Parliament, the Prime Minister called the Members of the Parliament to pass the amendment stating that it is well-timed in times of rising world geopolitical tensions and noted the geopolitical context of the country:

“As a country with a democratic parliamentary government situated between two major world powers, we must demonstrate ingenuity, political leadership, and flexibility to protect our independence, democracy, freedom, and territorial integrity while pursuing development.” (Parliament of Mongolia, [2023](#))

Whether the true reason for proposing the enlargement of the parliament and introduce a proportional electoral system provision is the former—to reduce the potential loss in the next election—or the latter—to consolidate democracy by promoting political pluralism in the system, the draft amendments certainly move to usher in a new phase of politics in the country.

Proposed changes related to the Constitutional Court of Mongolia. One of the most drastic changes proposed in the draft amendment relates to the modification of the core nature of the Constitutional Court. Specifically, the draft amendment prohibits the reappointment of a justice of the Court after the expiration of their six-year term.⁵⁸

The proposed changes seek to enable citizens to lodge a complaint to the Constitutional Court after exhausting remedies to assert their fundamental rights, which is currently not possible under the current constitutional framework. This institutional structure would certainly create greater opportunities for individuals to protect and promote fundamental rights and freedoms, and hold the government accountable for its actions that violate such rights.

Despite the significant impact that such a change could have in safeguarding fundamental rights, the draft amendment does not address changing the current eligibility requirements for Constitutional Court justices. The existing preconditions for justices of the Court are relatively lenient as it does not require to be a lawyer, or to have a legal profession nor any specific years of experience. It only requires justices to “have high qualifications in politics and law” (Art. 65.2, Constitution) and it is ambiguous how such “high qualifications” are determined. In the past three decades, the Court has been comprised of justices with not only legal backgrounds, but also from backgrounds in geology and diplomacy and several of them have worked for managerial positions for private companies and had affiliations with political parties.

If the eligibility requirements for justices of the Court remain untouched while opening a possibility for the Court to resolve fundamental rights cases taking precedence over decisions made by ordinary courts could lead to serious consequences for the protection of such rights in the country. Justices who lack expertise in human rights law or have narrow legal knowledge might not be able to fully comprehend the complexities of these cases, leading to inconsistent and flawed judgments that not only fail to adequately safeguard these rights but even further jeopardize them. Therefore, eligibility requirements indicated in the Constitution for the justices needs to be outlined in a more detailed manner to ensure that only qualified individuals with relevant legal expertise and experience are appointed to the Court. Therefore, while expanding the role of the CCtM in handling fundamental rights cases, it is essential to ensure

⁵⁸ In practice, there were instances where justices served for the Court for 18 and 26 years consecutively.

that the justices appointed to the Court have the necessary expertise and qualifications to make sound judgments that uphold the rule of law and protect fundamental rights.

6.4.3.2. Constitutional amendment passed

The draft amendment has eventually trimmed down to change only the Article 21.1 of the Constitution and it has been passed on 31 May 2023. The amendment provides that the legislature to be upsized from 76 to 126, the initial proposed 152 has been reduced after conducting several deliberative polling among citizens; and indicated that 78 of members of parliament to be elected by majority/plurality voting and 48 to be elected by PR. The wordings used in the amendment enables the Parliament to further specify which exact forms of majority and proportional voting systems to be used through modifying the Law on Elections.

This was good news for the opposition Democratic Party, as it has been weakened after years of internal dispute over the leadership and greatly lost two consecutive parliamentary elections, to re-establish stability and revitalize the party. The amendments were promising for opposition parties to increase their representation in the Parliament which resulted uniform approval in passing the amendment.

The next year, in 2024, Parliamentary election was held in accordance with the constitutional amendment. 78 members were chosen by multimember plurality voting system and the 48 were elected by closed party list proportional electoral system. As a result of such modifications, the election results has removed the one dominant party system and brought more balanced multiparty system as the ruling MPP obtained 68 seats (54 percent of total seats) where previously they had 62 seats, DP has increased their seats from 11 to 42 (33 percent), the HUN party increased from 1 to 8 seats (6 percent); and the proportional electoral system allowed two political parties – National Coalition and Civill Will-Green – to obtain four seats each in the Parliament.

The 2024 legislative election has produced a much more balanced parliament compared to the previous ones. Although the MPP has still won the majority of seats, greater presence of opposition parties has glimmered hope of being check on the power. But in contrary to the expectations, although some had envisioned (Dierkes, 2024), the MPP has invited the DP and HUN party to form an oversized coalition government despite winning the majority in the Parliament. The invitees swiftly agreed and joined the coalition cabinet.

The MPP has ceded several of the most important ministries to the DP and HUN, including the ministries of education, mining and industry, economy and development, trade and investment, justice and internal affairs, environment and climate change, urban development and housing, and digital development and communications. At first glance, it may seem puzzling why the leaders of the MPP would, first, decide to invite minority parties into the Cabinet and, second, give away key ministries such as mining, development, justice, and trade.

There could be several reasons for this. For instance, it might be a tactic by the MPP to diffuse accountability among other political parties, which could be advantageous in the next electoral cycle by allowing them to shift blame to the coalescing parties, who hold key ministries. Alternatively, it could be a signal of internal divisions within the MPP, where external support was needed to maintain stability. Or perhaps, as the leader of the MPP stated, the coalition's formation is aimed at finding solutions for socioeconomic issues that have stagnated over the past three decades due to politicization. Whichever the case may be, the duopoly of the MPP and DP powers has long existed and it has been marked in history as a “fog⁵⁹ that has descended over the Mongolian democracy” (Dierkes, 2017) obscuring it through corruption and abuse of power. In fact, Mongolia scores 33 out of 100 on the Corruption Perception Index, which ranks as the lowest among democracies (Transparency International, 2024).

Although the effective number of parliamentary parties (Laakso & Taagepera, 1979) had increased substantially from 1.46 to 2.45 in the latest 2024 parliamentary election, the oversized coalition government now accounts for almost 94 percent of the total seats in the legislature, raising alarms about the checks and balances and deficiency of opposition parties within the Parliament. The formation of the oversized coalition is certainly raising alarms about the backsliding of checks and balances.

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The chapter demonstrates case study approach can achieve deeper analysis on identifying patterns of democratic backsliding. The detailed study of Mongolian constitutional

⁵⁹ Fog literally translates to “манан” in Mongolian, which is also an acronym derived from the names of the Mongolian People's Party (Монгол Ардын Нам) and the Democratic Party (Ардчилсан Нам).

and judicial developments reveals that backsliding processes contain many complex nuances which is not fully transparent upon looking through quantitative models and general comparative frameworks that has been discussed in previous chapters.

The current analysis examines liberal backsliding through undermining judicial independence and constitutional doctrine manipulation in Mongolia. While this chapter has focused exclusively on the *liberal dimension* of democratic backsliding—particularly the erosion of judicial independence and the distortion of constitutional norms—it is important to acknowledge that Mongolia has also experienced significant *electoral backsliding*.

Although a detailed analysis of electoral dynamics lies beyond the scope of this chapter, emerging concerns regarding the integrity of electoral competition have been noted. For instance, recent observations by the OSCE following the 2024 parliamentary elections highlighted troubling trends, including insufficient political pluralism, media bias, and the excessive advantage enjoyed by incumbents such as increasing salary and pension and welfare benefits which is widely seen as vote buying (OSCE, 2024). Moreover, in the 2024 parliamentary election—which employed a multimember plurality voting system to elect 78 members—ballots were invalidated if voters failed to select a number of candidates equal to the total number of mandates in their electoral district (Art. 72, Law on Elections).⁶⁰ For instance, in districts with 10 mandates, voters were required to mark exactly 10 candidates for their ballot to be considered valid which clearly favored the major parties. These developments point to a broader deterioration that affects not just institutional checks and balances, but also the procedural foundations of democracy, namely the electoral dimension.

The parallel degradation of institutions in both the liberal and electoral domains reveals a complex and uneven pattern of democratic backsliding across different areas. This thesis substantiates its core argument by demonstrating that less common patterns of backsliding emerge through a detailed analysis of how power shifts both within and between democratic institutions.

⁶⁰ A complaint was submitted to the Constitutional Court arguing that treating undervoted ballots as invalid infringes upon the freedom of choice. The middle bench found that this regulation violates Article 21.2 of the Constitution, which guarantees the right to freely elect Members of Parliament. At the time of writing, Parliament is required to issue a resolution either accepting or rejecting the middle bench's ruling. If the ruling is rejected, the Constitutional Court will render a final decision through its full bench.

The country's liberal backsliding process in Mongolia remains distinctive because its main institutional factor involves the Constitutional Court. The institution faced its original purpose as constitutional protector during important institutional reform periods despite its initial establishment. This chapter demonstrates that the Court has acted as an accomplice to democratic erosion, rather than serving as a safeguard against it.

The Court has applied the basic structure doctrine in a distorted manner through its judicial decisions. The doctrine that protected constitutional integrity was used in a controversial legal and politically significant way to block essential reforms of the separation of powers. Through its actions the Court failed to protect liberal constitutionalism while creating an opportunity for executive power growth by pretending to act as a legal authority.

The Court's relationship with Parliament reveals how institutional erosion continues to develop. After the Court approved executive power by striking down the dual mandate limit Parliament adopted measures to restrict the Court's authority over constitutional amendment decisions. The Court's failure to take action as the Constitution's protector created significant doubts about its independence while positioning it as an unwilling participant.

The backsliding process in Mongolia emerges as a different type from executive dominance or electoral manipulation because it involves the progressive integration of liberal institutions. Since its establishment as a genuine guardian during the 1990s and early 2000s the Constitutional Court has evolved into an instrument which supports illiberal practices.

The country faces a rapid rate of constitutional changes together with these new developments. In the last decade, Mongolia has experienced three amendments to its constitutional framework. The recurring nature of constitutional amendments endangers institutional stability as well as public trust in the constitutional framework which might undermine the stability of the Constitution itself (Elkins et al., 2009).

Negretto (2012, p. 760) argues that rigid constitutional amendment procedures may take on a different character when a dominant party system emerges. In highly fragmented party systems, amendment rules become rigid in practice, making constitutional change difficult despite formal provisions. Mongolia's political trajectory over the past decade exemplifies this dynamic. The current 94% oversized coalition in the multiparty parliament now faces a critical test: whether it can use its unprecedented dominance to reverse democratic deterioration and contribute to the restoration of democratic resilience in Mongolian politics.

A significant political factor sets Mongolia apart because its authoritarian leaders have never established enduring power dominance. Political actors who embrace illiberal views experience periodic rises and declines and leadership positions switch frequently. The absence of extended incumbency defines Mongolia because it differs from numerous backsliding regimes that allow permanent erosion of democratic systems. The unstable nature of leadership in Mongolia seems to protect voting patterns and diverse political processes although liberal standards continue to weaken.

By examining Mongolia's constitutional and judicial trajectory in detail, it becomes evident that backsliding processes often follow nuanced and context-specific paths that may not conform to the quantitative model that has been discussed in previous chapters.

Taken together, these parallel erosions—liberal and electoral—suggest that Mongolia's democratic backsliding is unfolding across multiple dimensions, albeit in asymmetrical and at times fragmented ways. This reinforces the broader thesis that uncommon patterns of backsliding are best revealed through deep, context-sensitive analysis that can track how power is subtly reconfigured within and across institutions.

Nevertheless, unlike the commonly studied patterns where liberal and electoral dimensions of democracy erode sequentially or concurrently, Mongolia exhibits an *uncommon* trajectory in which the erosion is deeply intertwined with the behavior of a single institution: the Constitutional Court. Although established to serve as the guardian of the Constitution, the Court has—over time—deviated (at least slightly) from this role, particularly in moments of important constitutional reform. The case of Mongolia underscores how a constitutional court, rather than acting as a bulwark against democratic erosion, can paradoxically become its facilitator, at least in the cases discussed in this chapter.

This pattern is most strikingly illustrated in the Court's adoption—and distortion—of the *basic structure doctrine*. A legal doctrine originally developed to uphold constitutional integrity was here invoked in a puzzling and arguably abusive manner to invalidate reforms intended to strengthen the separation of powers. Rather than protecting liberal constitutionalism, the Court weaponized a doctrine of preservation to further enable executive aggrandizement.

In this context, the Mongolian case reveals a form of backsliding that is neither driven purely by the executive nor through overt electoral manipulation, but through the *co-optation*

and gradual transformation of a liberal institution—one that had, in its early years during the 1990s and early 2000s, acted as a genuine constitutional guardian. In this instance of democratic backsliding, the Constitutional Court acted less as a guardian and more as an accomplice—demonstrating how institutional erosion can unfold through episodic alignment with illiberal agendas.

Chapter 7: Conclusion

This dissertation set out to unpack the multidimensional phenomenon of democratic backsliding through a disaggregated and empirically grounded approach. Against the backdrop of a global democratic recession, it sought to move beyond overgeneralized accounts by examining whether backsliding processes follow common patterns—both in terms of trajectory and intensity—and whether they manifest similarly across varying regime types. Through a combined large-N quantitative analysis and a qualitative case study of Mongolia, this work contributes a nuanced, typologically informed framework to the field of comparative politics and democratic theory.

Reframing Backsliding as a Multi-Trajectory Phenomenon

A central contribution of this research lies in the conceptual reorganization of democracy into two analytically distinct yet empirically interrelated dimensions: the electoral and liberal dimensions. By disentangling these dimensions and their subcomponents—civil liberties, rule of law, and checks and balances—this study demonstrates that democratic backsliding is not a monolithic process but instead one that unfolds heterogeneously across contexts and dimensions. In doing so, it challenges the prevailing assumption that liberal erosion necessarily precedes electoral decline, a view dominant in the existing literature.

In developing the measurement framework for this study, I opted not to rely directly on the composite indices provided by the V-Dem project, such as the Liberal Democracy Index. While these indices offer a valuable overview, they place relatively greater emphasis on aspects related to checks and balances, while civil liberties and rule of law are combined into a single dimension. This aggregation risks obscuring the distinct trajectories and political significance of each component. By instead disaggregating rule of law, civil liberties, and checks and balances, and assigning them equal weight, this study enables a more detailed and differentiated analysis of democratic development. This approach allows for the identification of more specific erosion patterns—showing, for instance, whether liberal backsliding begins with infringements on civil liberties, the weakening of judicial independence, or the dismantling of oversight mechanisms.

The findings from the global dataset (2012–2022) present compelling evidence that backsliding does not occur uniformly or even sequentially. Rather, deterioration may initiate in either dimension depending on the regime type and political context. Through Granger

causality tests and fixed-effects regression models, the study shows that in liberal democracies, electoral erosion often acts as a trigger for broader liberal institutional decline. In autocracies, both dimensions tend to decline simultaneously, forming a mutually reinforcing cycle of institutional decay. In electoral democracies, the relationship between electoral and liberal erosion is bidirectional—but notably, the erosion of electoral integrity exerts a stronger causal influence on liberal institutions. That is, manipulation of elections tends to precede and intensify liberal backsliding, making electoral democracies particularly vulnerable to collapse when competitive authoritarian practices take root.

These differentiated patterns underscore the need for a regime-sensitive theory of backsliding—one that avoids the “one-size-fits-all” narrative and acknowledges contextual contingencies, threshold effects, and temporal sequencing.

The Mongolian Case: A Judicial Path to Backsliding

The Mongolian case study reinforces the broader argument about the plurality of backsliding paths, while also offering original insights into judicial complicity and the role of constitutional design in facilitating executive aggrandizement. Far from acting as a bulwark against democratic erosion, Mongolia’s Constitutional Court emerged as an institutional vector for liberal backsliding, not least through its flawed application of the basic structure doctrine.

By analyzing landmark rulings—including the “dual mandate” controversy and its aftermath—this chapter illustrates how constitutional jurisprudence, when leveraged without theoretical rigor or doctrinal coherence, can serve the strategic goals of dominant political actors. The Mongolian experience affirms that even institutions formally tasked with safeguarding constitutional democracy can be co-opted into weakening it, often under the guise of constitutionalism itself. This highlights a core irony of contemporary autocratization: that illiberal actors increasingly operate through nominally democratic and legalistic mechanisms.

Beyond Crisis Rhetoric: Towards a Nuanced Theory of Democratic Backsliding

Taken together, the findings of this thesis offer a robust theoretical and empirical challenge to the alarmist rhetoric of universal democratic backsliding or autocratization. While backsliding is indeed pervasive, its manifestation is often partial, dimensionally fragmented, and temporally reversible. Most democracies remain stable within the observed period, and average rates of deterioration, while significant in specific cases, are modest overall.

Thus, this research contributes to a more measured, dimensionally-aware, and empirically-anchored understanding of democratic decline—without minimizing its significance or overextending its scope. It warns against conflating transient disruptions with structural erosion and encourages scholars to adopt longitudinal, regime-sensitive, and institutionally differentiated approaches.

Implications and Future Research

This thesis invites a reconceptualization of democratic backsliding not as a singular or episodic event, but as a dynamic and temporally layered process. One of the key implications emerging from this research is that the diagnosis of backsliding must be undertaken longitudinally and contextually, rather than inferred from short-term deviations or episodic ruptures. Democracies often experience fluctuations—periods of democratic stagnation or turbulence that, while appearing regressive in the short run, do not necessarily amount to structural erosion in the longer term.

Thus, future research should move beyond snapshot measurements and crisis-oriented framings, and instead develop tools that can distinguish between temporary illiberal episodes and sustained democratic deterioration. This requires sustained observation over time, incorporating a comparative-historical lens that can capture ebb-and-flow dynamics in democratic trajectories. Democracies may appear to decline when viewed from a narrow time frame, but when placed in broader perspective, many demonstrate remarkable institutional resilience and adaptive capacity.

The findings of this thesis also caution against interpreting every momentary drop in democratic indicators as definitive evidence of backsliding. Some cases flagged as declining may, over time, stabilize or even rebound, suggesting the need for a more flexible, diachronic understanding of political change. Recognizing this helps recalibrate scholarly and policy responses, focusing on enduring patterns rather than overreacting to every fluctuation.

Ultimately, this approach encourages scholars to analyze democratic erosion as a process of varying velocity, depth, and reversibility, embedded within complex national trajectories. Developing a richer typology of these trajectories—some linear, others recursive or cyclical—will be critical for both theory-building and effective democratic support strategies.

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