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# **Market, Governance and Human Rights Contested Human Rights Paradigm in Thailand and Indonesia**

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## **I. Introduction**

Studies of governance in developing countries have been extremely arising in proposing certain conditionalities which were influenced by international financial institutions, especially World Bank and IMF, and also the role of development assistance or donor countries. After financial crisis hit East and Southeast Asian countries in 1997-1998, there has shown not only the collapse situation and the dependence their economic to the foreign debt, but also the dynamic of democratization throughout these regions. These democratization processes have been not only showing the change of political leaders, but also the development of political structure and governance reform.

The conditionalities that have been proposed to the loan recipient's countries, it has clearly brought numerous package of democratization and rule of law projects from the North to the South. Assumption behind these packages were the Bank as well as donor countries evaluating that poor governance and undemocratic regime in the developing countries have caused large number of corruption, inefficiency, many failures for fulfilling growth economy rate and contrary with market liberalization.

By learning from Sub-Saharan Africa, such as Ghana, Kenya, and Zambia, it was early 1980s when the World Bank started to introduce prescriptive model of governance and democratization, encountering poor governance which was considered as serious factor to obstruct economy liberalization (Abrahamsen 2000), the case of Southeast Asia is also relevant for learning in this context.

This paper aims to understand the influence of market to the political structure and governance, and to look at more detail the impact to human rights in Thailand and Indonesia. In order to answer this aim, it examines three questions: (i) How the market has influenced the political structure and governance in Thailand and Indonesia? (ii) Whether these influences have affected to the progress of human rights in Thailand and Indonesia? (iii) What are differences and similarities the experiences in Thailand and Indonesia?

This paper structure is divided into three sections, first, the explanation of market assistance; secondly, the dynamics of political structure and governance; and third, the impact to human rights. Lastly, as conclusion, it will address the character of influences or ascendancy market, political structure and governance to the progress of human rights.

## **II. Market Assistance**

If discussing the role of market, it can inseparable with the talk of globalization and its paradigm. Globalization is the latest stage in a long accumulation of technological advance which has given human beings the ability to conduct their affairs across the world without reference to nationality, government authority, time of day or physical environment. These activities may be commercial, financial, religious, cultural, social or political, nothing is barred (Longhorne, 2001: 2). Globalization it self has positive and negative effects. One of the most negative sides of globalization is enlarging impoverishment and depriving socio-economic rights. Especially in terms of economic, economic globalization constitutes integration of national economies into the international economy through trade, foreign direct investment (by corporations and multinationals), short term capital flows, international flows of workers and humanity generally, and flows of technology, phenomena defined and treated more fully below (Bhagwati 2004: 3).

In simpler perspective of globalization, *Pieterse* says that there is ‘similes of globalization’ (capitalism = imperialism + capitalism = globalization, therefore globalization = imperialism) (Pieterse 2004: 36). In these similes, we can see that if we are discussing globalization, it cannot be separated with imperialism as well as capitalism.

In this context above, market is an effectiveness tool of globalization. Market is also trying to design a hierarchical of social, economic, and political relations. Who are the market actors here? It is not easy to conclude the actors of market, because they have significant role which intertwined and support among them at various levels. Such as the role of transnational corporations (TNC’s). Most of TNC’s can achieve their objectives without control over sovereignty, and in influencing market economically, TNC’s are also supported by the IMF, World Bank, and WTO regulations suffices, along with lobbying and sponsoring political actors at domestic level.

The market assistance projects like water privatization, land reform, cheap labor policy, mega projects and governance reform have been introduced, and these are clearly making poverty and conflict of rights in rural and urban communities, especially for small farmers/villagers and unskilled-labor. Exploitation of natural resources and human life, monopoly of public needs, and deprivation of rights can be seen clearly in the context of globalization. Impoverishment could be easily happened because capital accumulation facilitated by globalization system.

Why market is interested to influence to the democracy development? This question is importance in order to know the relationship of market interest and development paradigm. In the case of Thailand and Indonesia, there were numerous TNC's coming in investment, and it was facilitated by the government to get easier access to exploit or develop their business even though deprive the people rights. In getting easier access, it needed "political access" to support their business included the supporting of the World Bank and IMF through certain conditionalities imposed to such governments. This showed the neo-liberalism track by promoting vague 'assistance' which bias to the interest of capitalists. Market assistance nowadays can be actually seen as the process of designing a trap of burden impoverishment, which potentially deprives the rights of the people in general.

### **III. The Dynamics of Political Structure Change & Governance**

How the market has influenced the political structure and governance in Thailand and Indonesia? The political structure and governance in this context are two things which can be inseparable, and both of them are important to be seen as indicator the influence of market. Because this issue is very broad theme, it will only focus on constitutional reform and "good governance" as key political structure change and governance issues.

Political structure in normative terms could be scrutinized from the statement of constitution and its operational Acts. In ordering certain type of governance, the change of constitution is urgently needed. Governance in this context is defined as a set of ideas about how direction is provided to human activity, functioning institution or social system. It has system as a framework, included formal elements such as constitutions, laws, policies, and conventions, and also informal traditions, such as accepted practices, unwritten codes of conduct that people follow it in shaping how governance works. In World Bank (1992) terminology has defined ‘governance’ as the exercise of political power to manage a nation’s affair. This management – also called public sector management – has three components: (i) legal framework for development; (ii) accountability; (iii) transparency and information.

“Good governance” has been described as denoting ‘predictable, enlightened and open policy processes bureaucracy with a professional ethos, a government accountable for its actions, a strong civil society participating actively in public affairs, and all under the rule of law’ (World Bank 1994). This description was embedded in a neo-liberal ideology by supporting and promoting liberal democracy, human rights and strong civil societies as essential preconditions for sustainable growth and social development. Constitutional amendment was the first object which should be considered as main part of neo-liberalism machine. In Indonesia, debate between socialism and neo-liberalism during constitutional amendment process 1999-2002 has been happening, especially concerning on article 33.<sup>1</sup> It was finally won by Indonesian socialism at last draft submitted to

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<sup>1</sup> Neo-liberalist pushed to revise 3 sub-articles under Article 33, but Indonesian socialism could stronger draft and convince MPR (People Representative Assembly) for keeping the original provision. The final draft submitted by Economic Team Expert, it was added 2 sub-articles under Chapter XIV (The National Economy and Social Welfare), and completely Article 33 constitute: “(1) The economy shall be organized as a common endeavor based upon the principles of the family system; (2) Sectors of production which are important for the country and affect the life of the people shall be under the powers of the State; (3) The land, the waters and the natural resources within shall be under the powers of the State and shall be used to the greatest benefit of the people; (4) The organization of the national economy shall be conducted on the basis of economic democracy upholding the principles of togetherness, efficiency with justice, continuity, environmental perspective, self-sufficiency, and keeping a balance in the progress and unity of the national economy; (5) Further provisions relating to the implementation of this article shall be regulated by law.”

*Majelis Permusyawaratan Rakyat* (People Representative Assembly, the highest parliament in Indonesia) (Susanti 2002). Although Indonesian socialism has won in contesting ideas, but ‘paper’ victory could not enough guarantee to fight neo-liberalism project which hijacked institution, structure and policy at domestic level.

In Thailand, constitutional amendment process during 1996-1997 has been influenced by middle class reformers, because they have strong position historically at political chess (Maisrikrod 1997). Although democracy has been developing steadily since 1978, the new constitution represents a step level shift in the movement toward full democracy. Not only does the new constitution radically revise the systems of electoral democracy, it also creates new institutions for democratic governance that parallel elections as major instrument of democratic authority (Albritton and Bureekul 2001). But, new electoral systems and neo-institutionalism approach in procedural democracy in Thailand were also expected by neo-liberals reformers, included during constitution amendment process. Robinson et. al. in their observation stated that,

The crises strengthened the political leverage available to neo-liberal reformers in Thailand. The proposed neo-liberal reforms were not simply clearing space for the efficient operation of the market. Such reforms demanded fundamental transformation in the operation of government and in the ways of the business was organized and conducted. Neo-liberal reforms such as privatization and deregulation aim to neuter the state’s ability for economic intervention, while political reform were meant to establish ‘good governance’ and to insulate officials and technocrats from particularistic influences and cronyism. As noted elsewhere, this process might have been political, but ‘the ultimate aim was to empty the state of politic and to replace it with a notion of governance conceived as a technically rational and abstracted process (Robinson, Rodan and Hewison 2002: 2).

Clearer provisions under new Constitution of The Kingdom of Thailand amended in 1997 were included several provisions in line with neo-liberalism economic agenda, or it provided certain provisions locked in the interest of market (Perdana 2006). It can be seen from Chapter V concerning on ‘Directive Principles of Fundamental State Policies’

which clearly states privatization and encourages a free economic system.<sup>2</sup> In written paper context, if it is compared to Indonesian Constitution, the Thai Constitution explicitly has stronger and clearer provision in facilitating neo-liberal economy agenda. Even though Indonesian socialism successfully resisted the neo-liberal agenda through drafting and amending new constitution, but at this point, it still remains question if neo-liberal agenda could be resisted or rejected in the policy level. Resistances to neo-liberalism are very being depended to legal and structural implementation, especially at Constitutional Court, government policies, and other administrative aspects.

In this context, the idea of constitutionalism is very important to be able to be seen as whether neo-liberalism mainstream could be resisted not only in legal terms, but also economically and politically in particular policy. In political dimension, neo-liberal concept on good governance has posed in shaping democratization model.

As noted in legal framework for development under new constitution dealt with electoral democracy, Thailand and Indonesia have had experience for the first democratic general election after constitution amendment. It was quite successfully in terms of liberal democracy and enlarging civil society participation in election. Liberal democracy, of course, was costly in practical. And it was involving many donor institutions and states from the North to fund general election. In the sense of liberating politic through electoral democracy, unsurprisingly and easily seen that neo-liberalist has been quite influencing to develop ability Indonesian and Thailand government, as well as civil society, by giving or lending money to democratize better and fair elections.

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<sup>2</sup> Provision supporting the neo-liberal economy agenda can be referred from Section 87, “The State shall encourage a free economic system through market force, ensure and supervise fair competition, protect consumers, and prevent direct and indirect monopolies, repeal and refrain from enacting laws and regulations controlling businesses which do not correspond with the economic necessity, and shall not engage in an enterprise in competition with the private sector unless it is necessary for the purpose of maintaining the security of the State, preserving the common interest, or providing public utilities.”

For neo-liberalist, as Unger says, ‘the form of politics preferred by neo-liberalism is relative democracy, democracy but not too much’ (Unger 1999: 68). Democracy is needed, but it should be restricted and delegative at best. This model is actually facilitating competitive capitalism in accordance to defend free market policy, and it would be necessary based on capitalist democracy against all totalitarianism or undemocratic governance in the past. Its logical can be understood as World Bank which has identified crises by putting all blame for the problems and the responsibility for reform on ‘domestic institutions and policies’ (Islam and Morrison 1996: 5-7; Quadir et al. 2001: 12-14). Liberal democracy and civic participation in election that have been practiced in Thailand and Indonesia was one pillar of ‘good governance’ which should be extolled by government representatives.

Explanation above shows that the dynamics of political structure change and governance in Thailand and Indonesia are not only simply influenced by local or national actors, but also tremendously involving international actors and its market interests which strongly orchestrating model of democracy, by driving the change or reform agenda, particularly through constitutional reform and governance reform.

#### **IV. The Impact to Human Rights**

After understanding the influence of market on political structure change and governance issues, the next importance thing is whether these influences have affected to the progress of human rights in Thailand and Indonesia. In other form of question, whether neo-liberalism/market assistance on political structure change and governance brings human rights into prominent consideration? By touching the corruption issue, it is believed that corruption spends public money which automatically reduces the budget capacity to implement economic and social rights. And it should be seen as not only the failure of administration or governance, but also as a serious human rights problem. The second

issue is also interesting, concerning to the water rights. Both of these issues will be shortly overviewed.

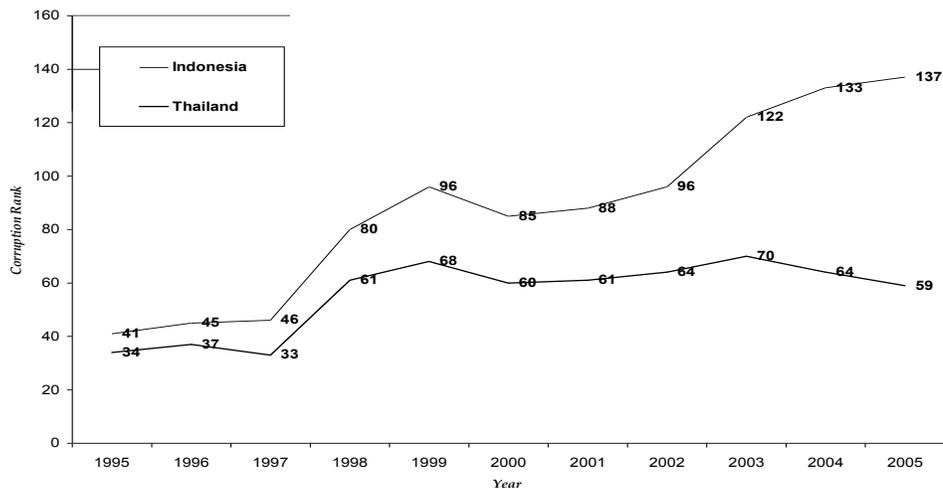
### ***Corruption***

Neo-liberalism in context of political governance has strong discourse which has brought a discursive power into political projects. Because the typical of neo-liberal which predominantly strives to create an enabling environment for markets to flourish, they believe that governance reform is possible only through a retreating state, in context that the state must make space for the market. By reducing state roles, it can ensure efficient management of resources. State roles in this context are very important as an indicator to see whether or not government still concern to respect, protect and fulfill human rights.

Does governance reform reduce corruption or protect human rights? Theoretically, governance reform which has been arguing many strategies for developing better administration, proposing many ideal principles and defending legal guarantee, actually expected could reduce level of corruption and have more sensitive approach in responding human rights. But here, this section does not repeat discourse or theory on governance reform, but it exercises in more detail the impact of governance reform based on real situation, especially in criticizing implementation of good governance.

The Berlin-based Transparency International since 1995 has been releasing international annual report on corruption. The first report on corruption perception index (CPI) reported that Indonesia ranks was the worst and Thailand was categorized the worst ten in the world most corrupt nations. And surprisingly, during and after economic crisis in mid's 1990s, the most corrupt position tends to be consistently worsening from year to year and time to time. It can be seen from CPI 1995-2005 made by Transparency International (2005) in table bellow.

Corruption Rank 1995-2005



CPI country rank diagram shown above does not really measure corruption, but it is a perception of it. But this diagram can be reflected to level of corruption in both countries, especially comparing with other countries in the world. This country rank is based on CPI Score surveyed by Transparency International, related to perceptions of the degree of corruption as seen by business people and country analysts and ranges between 10 (highly clean) and 0 (highly corrupt). In 2005, CPI for Thailand is 3.8, and Indonesia is 2.2, and both of them have been increasing 0.2 of previous year. But increasing rate for both are quite slow and low from year to year, especially there was no significant number in increasing of CPI since economic crisis 1997.

At this point, we should look at more detail why governance reform in both countries could not work properly. It means that we should scrutiny several possibilities to understand major problem spreading corruptions, and these were found in many studies done by scholars, non-governmental groups and government institution itself. Problems of corruption in Thailand and Indonesia have been around for a long time and its roots are deeply in culture and systematically in economic or politic.

In Thailand, after constitutional amendment 1997, there was bunch new mechanism in the fight corruption. The major improvements were establishment National Counter

Corruption Commission and the Public Information Disclosure Act. Corruption analyst said that the major problem is the clash between Thai traditions and the new method in fighting corruption (Professor Chong, cited in Warsta 2004: 5, 13). In structural perspective, even since 1932, the year of democratic system has been laid down, all Thais have always depended on bureaucrats in every activities of their life. It is inevitable that corruption still exists not only for small bribes by base echelon, but also gaining huge sum of money from abusing power in mega projects by politicians. Not far different with Indonesian experience, since authoritarian regime of Soeharto took in power in 1966-1967 and during his reign for 32 years, large corruptions have been spreading systematically in every sectors of government, judicial, political party and society. The corruption was also seen as major problem on economic collapse in 1997-1998, so then regime post Soeharto has put special program in the fight corruption. The difficulties to combat corruption in Indonesia are deepened by two things, first, resisting the corruptor network of status quo power in the past which is still influencing in the political position nowadays; and secondly, social system or culture of corruption which have been well accepted and practiced for long time in society.

The major problem of corruption in this explanation above is actually not only based on 'structural-domestic', but also 'structural-international'. It means that the role of international institution actors have been also contributing to the worsening corruption.

A World Bank report stated that it has been approximately 20-30 % development loan stolen or shifted its allocation for paying informally or bribing to government official and politicians. They have shifted development loan for adding operational or compensation money (Schwartz 1999; Winters 2004). As mentioned before that economic crises was triggered by corruption problem in such countries, and in order to respond this crisis, World Bank, ADB, IMF and other donor countries have been injecting 'good governance' to combat corruption.

In Asia, especially in Thailand and Indonesia post crisis, pillars of 'good governance' to combat corruption have been introduced as an attached part of loan conditions. Its loan conditions can be easily found at their policy, report, and research documents (World Bank 1997; AusAid 2000). They called it 'good governance through development assistance'. It means that governance reform should be applied in order to enhance economic management, institutional capacity, and effective environment for supporting liberal market economy. In other words, it is clearer defined as 'good governance free market assistance', meaning that 'good governance' and free market should go hand in hand.

According to these designs in applying good governance, of course, anti-corruption program is also developed in the sense of market based development. Governance reform in this context has not been really combating corruption by criticizing those projects (privatization and legal reform), and its roots at structural and cultural level. Anti-corruption scenario was only addressed to safe loan scheme and attack misuse of power in implementing donor's agendas. It can be concluded that the Bank's or donor project on 'good governance' were biased toward the promotion of market economies rather than human security or rights. Human rights have not been regarded as part of the concept as such, but rather as an issue that arises in relation to World Bank (or other donor) activities. Only to some extent have human rights been considered relevant to the Bank's mandate (Koch 2000: 84-85). In the sense of democracy, 'good governance' was concentrated to larger participation of people in electoral democracy, and it would be resulted representative politician who legally and politically recognized by market player. Liberal democracy in the frame of good governance has tended to establish 'capitalism democracy'. Here, substantial democracy involving people in controlling government

was not drawn clearly by donors in progressing level of participation.<sup>3</sup> Unsurprisingly again, because ‘tokenism’ of participation, that many local government, included member of parliament, were easily doing collective corruption, legalizing laws against people rights, misusing public budget for traveling abroad, shopping, facilitating themselves. Uniquely, donors have no interest enough or touch to criticize those major problems on corruption.

It is not a surprise because rampant corruption can be seen at every level. At every level, whether at bureaucracy, political or judiciary institution, corruption is the day-to-day means to make money. After Decentralization Act 1999 enacted by parliament in Indonesia, it was massive and systematic corruption occurred, not in central government anymore, but corruption was largely and wildly decentralized in most of regional government, district government up to the lowest level of government. Participation in corruption has enlarged or increased, in loan based projects as well as in autonomous projects without loan. The widespread fears of democracy would lead back to an era of chaos and confusion were vindicated after the fall of Soeharto in 1998 as the new democratic politician failed to shake themselves free of either the entrenched bureaucratic and military remnants of the Soeharto era or the floods of new political entrepreneurs and gangster that now jostled for power, influence and patronage in the arena of parties and elections (Robinson, 2000; Hadiz, 2003). In this picture has shown corruption at stake, legalized, and uncontrolled.

In Thailand, as Benedict Anderson observed, predatory business systems found the new system of parliaments and parties that evolved through 1980s and ideal framework that

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<sup>3</sup> In practical situation, participation in ‘good governance’ involves public or people to access information, to discuss and insert ideas in formulating decision, to be partner in implementing programs. But adversely, many participations found that there were manipulated by government in determining who is individual or group who should be involved or invited. If there is critical member of people coming, quite often the government excludes him/her. Even through democratic process and involving multi-stakeholders, but if the process is addressing to market or state based law, quite often also the process of multi-stakeholders discussion would be deadlock. A study of effectiveness the multi-stakeholder as attached part of ‘good governance’ found that prescribed law in participation process is often unable to meet agreement because law as source of conflict should be respected or recognized by all parties (Fahmi and Zakaria 2004).

enabled them to avoid dealing with official and bureaucrats, extending their controls and influence over rents through financial control of elections, politician and parties (in Robinson, 2004). More recently, there was demonstrated how Prime Minister Thaksin established a new and more highly concentrated form of money politics in the post crisis democracy in Thailand (Hewison 2003; Phongpaichit & Baker 2004). Even the effect of foreign debt is not highly burdening Thai government, but neo-liberalism has been influencing into economic foreign policy and particularly on governance reform. Like other countries in Latin America, Thailand practice dual economic strategies that try to profit from globalization while simultaneously protecting internal interest. This has been labeled “neo-liberal populism” or “globalized populism” (Phongpaichit & Baker 2004).

In terms of corruption, these situations above are relevant in explaining why the CPI Score after enacting new legislation in 1999 in Indonesia and Thailand was extremely below or worse than CPI Score in the early economic crisis 1996/1997. It can be assumed that there was a close relationship between neo-liberalism mainstream and deepening of corruption. At least, neo-liberalism projects and its own agenda for strengthening market based development in both countries which have not really touched the roots of corruption or ‘omission’ of governance deterioration. In conclusion, governance reform could not systematically reduce corruption and adversely deepen corruption. It also directly affects to the progress of human rights protection and fulfillment, such as the effort to maximize and prioritize public budget for free education, health service access, social insurance, disability access, and many other economic, social and cultural rights.

### ***Water Rights***

Under package of loan adjustment, it has been introduced a legal framework development. It is simply interpreted by creating new legal products and institutional. But in practical situation, especially at lower level, transparency and participation are often used only for fulfilling loan scheme, rather than for democratizing people participation.

Term of 'used' here does not always relate to practice in real or substantial meaning. By tackling water rights, it addresses privatization as a human rights problem because it has systematically deprived small-farmer (peasant communities) in rural areas, and also urban poor communities in urban areas. Water commercialism is the primary target of market, and it should be applied under loan scheme.

In the case of water resource management in Indonesia, after enacting new Water Management Bill which provides or allows water privatization over water resources bought and occupied by capital owner. This Act was actually influenced by several loan adjustment projects, such as WATSAL project of World Bank concerning on water technical support loan, PISP project of ADB concerning on irrigation supporting project, and also PRSP project of World Bank concerning on poverty reduction strategies. All of those projects have similarities in determining 'participation' as loan conditionalities. The government should prepare 'public' entities to justify projects for getting money (loan). In preparing 'public' entities is often found that the government manipulates the role of public participation in real meaning, such as recognizing only Water User Association (WUA) as single organization for involving at decision making process. In fact, WUA does not represent majority of people, especially those are who accessing water as well, such as peasant or subsistent farmer, women at rural, indigenous community, and small industry at rural. Non governmental organizations have been involved also, but it was not as an equal partner. They were more involved as sub-contractor of loan projects, rather than contributing in decision making (Perdana 2004).

Same situations have been occurred in Thailand. Although ADB loan conditions and processes could violate of the Thai People Constitution 1997, ADB nonetheless demands a fundamental reform of national policy on water resource through its Agricultural Sector Program Loan or ASPL. (Chantawong 2002: 1). Under the Development Policy Letter and Policy Matrix, ADB required Thai government to reform water management structures in the country as a condition for the loan. ADB also called for the drafting a

National Water Resources Policy, enactment of a Water Law and an application of policy on cost recovery in irrigation, an increase in the National Water Resource Committee's authority in managing water resources nationwide, and an appointment of river basin organizations in three pilot river basins. It also required privatization of an irrigation system by having a private company take care of the irrigation operation system and having farmers in the irrigated share the cost occurring from water management (Chantawong 2002: 3-4). In drafting the policy, the National Water Resources Committee obtained technical assistance from consultants hired by the ADB and committee members who had close relationships with these ADB-hired consultants. Shortly, the direction of the National Policy on Water Resources in Thailand was determined by the ADB (Chantawong 2002: 3-4).

By considering both experiences in Indonesia and Thailand, legal framework has shown a model of 'authoritarian in law' which violated human rights. There was no respect to legal pluralism over local community. Law was ordered and controlled by capitalists, and it should be implemented in accordance to neo-liberalism favor. Again, it also showed that transparency, participation and other principles of 'good governance' in water privatization project was clearly driven to market assistance.

## **V. Conclusion**

By learning to Thailand and Indonesia experiences, in this conclusion will address the issue of why market influence has strongly exported the idea of political structure change and governance. This conclusion below will shortly view the character of ascendancy, especially in injecting neo-liberal paradigm under law designs.

The first answer for this is neo-liberalism paradigm which characteristically mainstreaming the model of democracy. (Neo)Liberals have long been interested in democracy, participation and representative at the level nation state. It seems logical and

reasonable for (neo)liberals to expect and promote these characteristic at the global level, particularly in international institution. International financial institutions like World Bank, International Monetary Fund (IMF), and Asian Development Bank (ADB), and also some donor countries, such as United States, Japan, and European Union, have strong and common interest to establish more efficient economy market by improving bureaucracy or better administration in the South. Generally speaking that without 'good governance', according to them, would be affecting to the deficiency in liberating market economy. Especially for debt repayment scheme, it would be important for obeying 'political or democracy adjustments', included strengthening rule of law as basis of fairly competitiveness.

By imposing scheme of debt repayment for supporting market principles, deregulation and privatization, it has been clearly showing the idea of neo-liberal on political structure change and governance. The idea of neo-liberal here is defined as the ordering principle of international relations, which has major factor of economic globalization. This factor or characteristic of economic globalization, according to Amorre et al (1997: 181), has been transforming social relations and political institutionalization. It includes, (i) an expansion of the process of capitalist accumulation; (ii) the tendency 'toward the homogenization of state policies', (iii) 'the addition and expansion of a layer of transnational institutional authority above the states' and (iv) 'the exclusion of dissident forces from the arena of state policy making'. As a consequence of neo-liberalism scheme within economic globalization, the role of state primarily would be away from the domestic constituency in favor of transnational capital.

Second, there were found positive correlation between deepening corruption score as well as rank and 'good governance free market assistance' in the sense of exterminating deep participation, substantial democracy, and progressive legal reform. Rights of the people have been deteriorated by leviathan of bureaucracy, uncontrolled politician, and many other corruptors in every level. Thailand and Indonesia experiences after crises and

constitutional amendment have clearly shown those tremendous situations. Predatory business in politics or collective and legalized corruptions are unsurprisingly unfolded, and these are the neo-liberalism impact on political structure and governance reform. And also in the case of water privatization under market assistance, it can be easily seen that the privatization project has deprived participation and the role of civil society, and more seriously deprived water rights access.

In conclusion, the model of political structure change and governance which introducing a 'democracy' character driven by market assistance, is only satisfying the interest of capitalist and neo-liberal proponents, and tremendously worsening the rights of people. And lastly, these ascendancy are actually still reconstructing the juxtaposition of state, market and civil society in political structure change and governance model, and these ascendancy are also challenging for advancing human dignity and sounding progressively for social-economic rights protections.

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