
Book review: Courts and politics in Southeast Asia

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by Björn Dressel

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The judiciary in Southeast Asia has undergone a significant transformation over the past few decades. Once regarded as a subordinate institution to the executive branch, courts in various Southeast Asian countries have increasingly emerged as influential actors in shaping governance, ensuring political stability and reinforcing the rule of law. In his book *Courts and Politics in Southeast Asia*, Björn Dressel presents a thorough and thought-provoking analysis of this shift, exploring how judicial institutions across the region engage with political forces, negotiate their independence and influence governance. His work provides an insightful examination of the judiciary's evolving role within the socio-political framework of Southeast Asia, shedding light on both the opportunities and challenges facing courts in different national contexts.

One of the book's most compelling contributions is its conceptual approach. Rather than treating the judiciary as a neutral institution merely tasked with interpreting and applying the law, Dressel adopts a relational perspective, portraying courts in Southeast Asia as institutional hybrids where formal legal structures are intricately entangled with informal political and social networks. He argues that judicial institutions do not function in isolation but operate within a complex web of relationships involving political elites, oligarchs, legal professionals and civil society actors. This perspective is particularly relevant in a region where power is often concentrated within small elite circles and where patronage networks continue to shape governance structures.

Dressel further strengthens his argument by tracing the historical evolution of judicial institutions in Southeast Asia. He contextualizes the modern judiciary within the broader legacy of colonial rule, post-colonial state-building and democratization efforts. Many of the region's legal systems were initially established under colonial administrations, often designed to reinforce executive authority rather than function as independent arbiters of justice. However, in recent decades, courts in several Southeast Asian nations have asserted their independence, sometimes challenging executive power and positioning themselves as key players in constitutional and political disputes.

Since the fall of Ferdinand Marcos in 1986, the Philippine Supreme Court has played a crucial role in governance, frequently acting as a check on executive authority. As the guardian of the constitution, it has consistently invalidated unconstitutional policies and ensured government compliance with legal frameworks. Over the years, the court has ruled on a range

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of politically sensitive cases, including disputes over presidential powers, electoral integrity and human rights violations. Its assertiveness is particularly evident during political crises when the executive branch seeks to expand its powers beyond constitutional limits. The Supreme Court's rulings have shaped the country's political trajectory by reaffirming the principle of separation of powers and strengthening democratic institutions. However, this judicial activism has often faced resistance. Political actors have repeatedly attempted to undermine the court's independence through tactics such as political pressure, court-packing strategies and even impeachment proceedings against justices whose rulings are perceived as unfavorable to those in power.

Similarly, Indonesia's Constitutional Court, established in the wake of the 1998 *reformasi* movement, has played a pivotal role in reinforcing the country's democratic transition. Entrusted with reviewing legislation and resolving constitutional disputes, the court has been instrumental in delineating the limits of executive and legislative authority. In its formative years, it gained recognition for its bold decisions striking down unconstitutional laws and safeguarding fundamental rights. It has also played a key role in electoral oversight, ensuring the credibility of democratic processes. However, as Dressel points out, judicial assertiveness in Indonesia has not resulted in an uncontested victory for the rule of law. Instead, it has provoked significant political pushback, with elites attempting to assert influence over the court through judicial appointments, legislative constraints, and, in some cases, direct coercion. The Constitutional Court's independence has been tested repeatedly, as political figures seek to shape its composition and decision-making. The erosion of judicial autonomy remains a persistent concern, particularly amid growing executive encroachment in recent years.

Dressel's comparative case study approach offers valuable insights into the divergent trajectories of judicial power across Southeast Asia. While the Philippines and Indonesia provide examples of judicial activism, other countries in the region exhibit different patterns of judicial behavior. In certain cases, courts have embraced their role as independent institutions, challenging executive overreach and shaping public policy through landmark rulings. These courts have expanded their jurisdiction into politically sensitive matters, reinforcing their position as coequal branches of government. However, in other instances, courts have been systematically co-opted by political elites, functioning as mechanisms for consolidating power rather than upholding justice. Under such conditions, the judiciary has been weaponized to suppress political opposition, validate controversial policies and provide a veneer of legitimacy to authoritarian governance.

There are also cases where the judiciary has chosen a path of deliberate restraint, maintaining an image of professionalism while avoiding political entanglements. Courts in these systems may enjoy formal independence but exercise their authority cautiously to avoid direct confrontation with ruling powers. While this approach allows judicial institutions to maintain operational stability and avoid political reprisals, it also raises concerns about their ability to safeguard constitutional principles and protect individual rights. The variation in judicial-political dynamics across Southeast Asia underscores the complexity of judicial independence, highlighting the continuous struggle between legal integrity and political influence in the region.

The book also explores the political economy of judicial independence, analyzing how economic and political forces shape judicial behavior. In several cases, courts have been captured by elite interests, functioning as instruments for maintaining the status quo rather than promoting justice. Dressel examines how judicial appointments, budgetary constraints and political pressures affect court rulings, often limiting judicial autonomy and effectiveness.

For instance, in Thailand, the monarchy and military have long exerted substantial influence over the judiciary, ensuring that court rulings align with the interests of the ruling elite. In Cambodia, the judiciary is effectively controlled by the ruling party, rendering it incapable of functioning as an independent institution. Meanwhile, in Indonesia and the Philippines, where courts have displayed stronger judicial activism, judicial independence

remains fragile, with political elites frequently seeking to shape court decisions through appointments and legislative interventions.

Despite being a highly valuable contribution to the field, *Courts and Politics in Southeast Asia* does have some limitations. One notable shortcoming is its limited focus on smaller Southeast Asian nations such as Vietnam, Myanmar and Laos. The book primarily examines major judicial systems in Indonesia, the Philippines, Thailand, Malaysia and Singapore, leaving less room for discussions on how courts function in socialist or semi-authoritarian regimes where judicial autonomy is even more constrained. Another aspect that could have been explored further is the impact of digital technology and social media on judicial processes. In recent years, digital platforms have played an increasingly influential role in shaping public perceptions of the judiciary, mobilizing legal activism and even pressuring courts into issuing certain rulings. While some Southeast Asian governments have utilized technology to improve judicial transparency, others have exploited it to suppress dissent and manipulate legal narratives. A deeper examination of these dynamics would have enhanced the book's contemporary relevance.

Nevertheless, *Courts and Politics in Southeast Asia* remains an essential read for scholars, policymakers and legal practitioners seeking to understand the evolving role of the judiciary in the region. Dressel challenges the traditional view of courts as purely legal institutions, presenting them instead as dynamic actors embedded within complex political and economic frameworks. His relational approach provides a more nuanced understanding of judicial behavior, emphasizing the significance of social networks, informal institutions and elite dynamics in shaping legal outcomes.

In conclusion, Dressel's work offers a thought-provoking and analytically rich exploration of Southeast Asia's judicial landscape. By bridging the gap between law and politics, he illuminates the intricate and often contentious relationship between judicial institutions and political power, demonstrating both the potential and the limitations of courts in shaping democratic governance. For anyone interested in Southeast Asian legal studies, political science or governance, this book is an invaluable resource that deepens our understanding of the judiciary's role in the region's complex political environment.

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