

Authoritarian constitutional institutions: Explaining the decision-making process toward Chiang Kai-shek's third presidential term and the institutionalization of the Kuomintang's authoritarian regime

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Abstrak

Authoritarian regimes rarely, if ever, implement human rights protection clauses inscribed in constitutions or follow the principle of checks and balances. Authoritarian rulers are also rarely constrained by their respective countries' constitutions. For these reasons, existing studies have paid little attention to the role of the constitution in authoritarian countries. Constitutions, nonetheless, can provide legality to authoritarian rule. Furthermore, the authoritarian ruler and political elites can transform the constitution's checks-and-balances principle into a legal basis for the distribution of power, according to which the ruler and the elites cooperate in running the government. Because authoritarian governments neither protect human rights nor are not held accountable, the article refers to this practice as "authoritarian constitutional institutions." This article takes the case of Chiang Kaishek in 1960 as an example to illustrate that he, in order to be re-elected for a third presidential term "legally," followed constitutional norms to amend "the Temporary Provisions Effective During the Period of National Mobilization for Suppression of the Communist Rebellion." Taking advantage of Chiang's need to maintain the legality of his rule, political elites not only bargained with the strongman to further their own interests but also used constitutional norms to restrain Chiang's power. When political elites and the authoritarian ruler strictly adhered to authoritarian constitutional institutions in their political interactions, for power-sharing purposes, and during interest exchanges, not only was the restraining capacity of authoritarian constitutional institutions consolidated, but the authoritarian regime was also thereby institutionalized. This article shows that after Chiang Kai-shek was elected for a third time, the Kuomintang's authoritarian regime was further institutionalized by the amended "Temporary Provisions."