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edited by

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Australian National University

Meredith L. Weiss

University at Albany, SUNY

COURTS AND POLITICS IN SOUTHEAST ASIA

Björn Dressel

Australian National University



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Courts and Politics in Southeast Asia

Elements in Politics and Society in Southeast Asia

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Björn Dressel
Australian National University

Author for correspondence: Björn Dressel, bjoern.dressel@anu.edu.au

Abstract: Courts around the globe have become central players in governance, those in Southeast Asia have been no exception. This Element analyses the historical foundations, patterns, and drivers of judicialization of politics by mapping critical junctures that have shaped the emergence of modern courts in the region and providing a basic typology of courts and politics that extends the analysis to the contemporary situation. It also offers a new relational theory that helps explain the dynamics of judicial recruitment, decision-making, court performance—and ultimately perceptions of judicial legitimacy. In a region where power is often concentrated among oligarchs and clientelist political dynamics persist, it posits that courts are best comprehended as institutional hybrids. These hybrids seamlessly blend formal and informal practices, with profound implications for how Southeast Asian courts are molding both the rule of law and political governance.

Keywords: high courts, judicial behavior, rule of law, networks, Southeast Asia

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