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Legislative Procedures and Perceptions of Legitimacy

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Legislative Procedures and Perceptions of Legitimacy

by

Megan Elizabeth Cox

A thesis submitted in partial fulfillment of the
requirements for the degree of

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in
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Thesis Committee:
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Abstract

While mechanisms of legitimacy development have been extensively studied in governments as a cohesive whole, procedural legitimation of the legislative branch has not been explored. Using a procedural justice framework to identify indicators of openness in legislative rules, this paper theorizes that the presence or absence of these indicators will be the key factor in public perceptions of legitimacy of the legislature. This paper hypothesizes that where more indicators are present, a legislature will be viewed as more legitimate by its citizens as compared to a legislature with fewer indicators.

Comparing Indonesia and the Philippines, two presidential democracies in Southeast Asia with very similar economic, political, and historical circumstances, this paper reviews the procedural rules of both legislatures. It further performs a qualitative analysis of publicly available media reporting to corroborate whether the public has the opportunity to form opinions of legislative legitimacy based on the availability of information on legislative procedure. This paper finds that more openness indicators are present in the legislature of the Philippines than in the legislature of Indonesia. Because the Philippines legislature enjoys higher public satisfaction than the legislature of Indonesia, a positive relationship between indicators of openness and perception of legitimacy is exposed. In the absence of other persuasive explanations of legislative legitimacy in these two cases, and with qualitative evidence demonstrating the public has access to information on legislative procedure when forming their opinions on the legitimacy of the legislature, the theory of legislative legitimation via procedure is supported by these cases.

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I. Introduction

As Legislative Counsel to the Senate of the Republic of Palau, I was the frequent recipient of criticism of the legislative process. “We don’t know what’s going on.” “This happened out of nowhere.” “They’ve been stalling on this issue for months, are they going to do anything?” Citizens who contacted me were concerned, frustrated, and sometimes angry, about their inability to interact with the legislative process. Their lack of information was not due to a technical deficit in access. The Senate chambers at the capitol in Melekeok, a 45-minute journey from the population center in Koror, was a beautiful facility with ample gallery space for visitors. The legislative sessions were simultaneously broadcast on national television, then rebroadcast that same evening for those who cared to watch the proceedings but were otherwise occupied during the day. Palauans’ lack of information came from legislative procedures obfuscating the creation of policy.

In Palau, legislative rules were antithetical to both transparency and public participation in the legislative process. Legislation was rarely available before it was introduced; I occasionally was asked to draft bills at 9am for introduction at a floor session beginning at 10. Committees did not hold hearings on legislation; rather, they passed legislation back and forth between members privately until a majority of the members were satisfied with the draft. There were no restrictions on amendments; a bill initially drafted to regulate plastic bags could be amended to change agricultural import rules.

And a bill could become law in two votes, one from each chamber, with only 24 hours elapsing and no notice required to the public.

I observed that the comments of Palauan citizens, expressing dissatisfaction with the legislature, appeared to be linked to legislative institutions, in particular legislative procedures, that limited the participation of the public in the generation of legislation. On the basis of this observation, I theorized there was a causal link between legislative procedures and perceptions of legitimacy of legislatures as a whole. The causal link implicated by my anecdotal observations are supported by procedural justice theory.

Procedural justice theory, utilized more often by scholars of criminal justice or urban planning, holds that people derive their judgments about the outcomes of a decision-making process based on whether they perceive the process to have been fair. Elements of fairness include the opportunity to speak on the issue, the transparency of the process, and the neutrality of the decision-makers. Openness is one catch-all descriptor for the procedural justice concepts of voice, neutrality, interpersonal respect and trustworthiness. Openness can be described as the degree to which people who are not elected members of the legislature can make their views on specific measures under consideration known and understand the views of legislators in return. Openness depends to a large extent on chamber rules, particularly those that make legislative procedures predictable. It also depends on informal institutional norms of behavior. I theorize that procedural justice, as evidenced by openness of procedural rules, can impact public perceptions of legitimacy of legislatures, just as it does in other institutions.

In this thesis, I theorize that legislatures with procedural rules incorporating procedural justice by creating specific opportunities for transparency and public participation in the legislative process have higher public approval ratings than legislatures that have not adopted those practices. While the importance of procedural justice to legitimation has been analyzed in other contexts, it has not previously been analyzed in the comparative context for national legislatures. To assess that theory, I analyze the legislative procedures and institutionalized practices of two presidentialist democracies: Indonesia, and the Philippines. I further analyze the connections between those procedures and perceptions of legitimacy in the legislatures using qualitative analysis of publicly available media reporting on the legislative process, to determine if the legislative procedures exert a causal effect on perceptions of legislative legitimacy. I measure perceptions of legitimacy using publicly available survey data from the World Values Survey, on public satisfaction with the legislature in each country. I hypothesize that if a legislature demonstrates more identifiable indicators of openness in their legislative rules and practices, perceptions of legitimacy, as indicated by data on public satisfaction with the legislature, will be relatively higher when contrasted with legislatures not presenting indicators of openness.

I find that, when legislative procedures are evaluated to ascertain their procedural fairness by detecting indicators of openness to public participation, the legislature with more procedural instances of openness enjoys higher rates of public satisfaction than the legislature with fewer procedural instances of openness. Furthermore, the existence of publicly available reporting indicates that the public both has access to information

regarding legislative procedure in both countries, and in the country with lower instances

of openness and satisfaction, public reporting draws the connection between legislative

procedure and dissatisfaction.

II. Literature Review*Global Concepts: Legitimacy, Procedural Justice, and Democracy*

An examination of the impact on procedural justice on legitimacy of national legislatures writ large has not previously been undertaken; however, existing research has explored many concepts foundational to this study. Both legitimacy and procedural justice have been examined as global concepts impacting all aspects of societal relations, and the framework has thus been established to extend these concepts into more detailed aspects of governance.

There is no lack of research on the presence or the construction of legitimacy as system-wide phenomena. This extensive research, however, has not generated consensus on the origin of legitimacy, beyond finding that the origins of legitimacy are “multiple, interconnected, and context-specific” (McLaughlin, 2015). Many categorizations of legitimacy generation methods exist; many include a category of procedural (von Soest and Grauvogel, 2017) or “through-put” (Scharpf, 1999; Schmidt, 2013; Taylor, 2019) legitimacy. Broadly, this conception of legitimation holds that it is the consistent observation of rules through which legitimacy is generated. While the literature finds that not every regime seeks legitimation through procedures, it also finds that all regime types rely on procedures to some extent. The centrality of procedural legitimation compared to other identified legitimation methods, however, is not conclusively known.

Similarly, existing scholarship has not settled on the appropriate evaluative perspective to employ when analyzing the phenomenon of legitimacy. While some

scholars employ a top-down approach, concerned primarily with identifiable elements of the system in which legitimacy is to be evaluated (Buchanan, 2002), others center the experience of the public and whether they believe the use of state authority is justifiable (Beetham, 1999; Taylor, 2019; Gilley, 2006). The top-down approach permits scholars to adopt an objective lens through which to evaluate the presence or absence of systemic characteristics, while the bottom-up framework centering the experiences and perceptions of citizens as the metric by which legitimacy can be measured.

Not all studies of legitimacy fall on one side or the other of this paradigmatic divide. Weatherford's (1992) work represents an attempt at bridging that gap and uniting the institutional and public opinion paradigms. In his attempt to develop improved survey methods by which we might evaluate public opinion on legitimacy, he observes that individuals are capable of making much more targeted assessments of actors and of distinguishing actors from institutions when forming opinions of their government. This insight indicates individuals may form nuanced perceptions of the legitimacy of political institutions within the broader governmental structure. It also augers well for a study such as this one, asking targeted, focused questions about how particular processes within institutions may be reflected in survey data on legislative approval.

Previous scholarship has demonstrated that people evaluate governmental systems based on whether they believe they have been treated fairly (McLoughlin, 2015; Taylor, 2019; Meares et al. 2015; Bottoms and Tankebe, 2012). This concept, "procedural justice" theory contends that perceptions of outcomes are shaped by evaluations of the openness and fairness of the process. The importance of procedural justice has been

confirmed through empirical, experimental evidence testing perceptions of systems on the basis of the inclusivity and neutrality. This research demonstrates that people broadly evaluate a system on the basis of how they feel it treats them, that they are more willing to accept negative outcomes when they feel the system is fair, that they are more inclined to compromise when the system is fair, and that they evaluate their beliefs about how a system values the based on the fairness demonstrated by the process. Empirical research also shows that people are more reliant on evaluations of the fairness of a process when they receive an unfavorable outcome (Muller and Kals, 2007). The impact of procedural fairness is not limited to formal institutions; it is a society-wide phenomena that impacts all interpersonal interactions (Muller and Kals, 2007).

Scholars have identified consistent elements of systems that are perceived as procedurally just. Again broadly construed, the elements of a procedurally just system are voice, or the ability of the public to express their views before the authorities make a decision; neutrality, or the transparency and impartiality of the decision-making process; interpersonal respect, or respect for the rights and dignity of all people who may be impacted; and fourth, trustworthy motives, or the belief of the public that the authorities are attempting to do what is good for the people for whom they are responsible (Bottoms and Tankebe, 2012). When broadly construed in this manner, the elements of procedural justice, or their absence, may be identified in any society or component of societal procedure. By applying this framework, other scholars have evaluated the procedural justice of institutions; by applying it to legislatures, I am able to extend the concept to additional institutions not previously considered.

While democracy is yet another heavily debated concept, the most useful conceptualization is a broad vehicle for translating legitimacy and procedural justice into a system of government. Scholars debate whether democracy is a purely procedural matter of elections for control of governmental authority (Schumpeter) or a multi-pronged test requiring both procedures and values (Beetham 1999). Regardless of the definition of democracy, however, the need for an application of established procedures, in some manner, is a constant criterion. Democracy is, across definitions, recognizable as a vehicle for both the public's expression of input, or voice, as well as the public's receipt of interpersonal respect and demonstrations of trust as elected officials or parties communicate to them. When present in a conceptualization of democracy, the values imputed to citizens of a democracy are values that correspond to the elements of procedural justice. Across definitions, as we identify the unifying procedural justice characteristics of democracy, we can see attempts to procedurally legitimate a democracy as the moral holder of authority. This observation lends itself to deeper study; as a democracy as a whole legitimates itself using its procedures, how may components of democracies do similarly?

Determinants of Legitimacy in Institutions

Diving deeper, the literature shows us that institutions within a democracy can develop their own legitimacy, and that some do so by incorporating elements of procedural justice. Procedural justice has previously been explored and applied to criminal justice and urban planning settings, as well as the European parliament. This demonstrates that legitimacy need not be perceived as a government-wide phenomenon;

sub-institutions may develop their own legitimacy, and may do so through procedures.

However, national legislatures have yet to be examined through this lens.

Procedural justice theory flows throughout the public administration literature on public engagement and legitimacy, sometimes explicitly and sometimes implicitly. In his discussion of legitimacy in public planning, Taylor (2019) notes that the search for legitimacy is of central concern, though it is not often expressed as such. Participation is assumed to lend legitimacy, though the mechanism leading from participation to that legitimacy may not be vocalized. Additionally, public administration scholars have been able to demonstrate the impact of public participation on legitimacy in a controlled setting. Using a survey experiment, with a hypothetical planning procedure to determine a finite planning issue, Jacobs and Kaufmann (2021) demonstrate that participants are more likely to perceive a planning process as “fair” when participation is solicited. Their research, among other work on the subject, demonstrates that institutions may be evaluated on the basis of their own procedures, separate and apart from the legitimacy of the broader government in which the institution is situated.

Furthermore, procedural justice may be used as a supplement for other forms of democratic legitimacy in institutions. While we know that institutional design involves trading off values, such as exchanging representation in a legislature for efficiency in a legislature, we may also conclude that these trade-offs offer alternate paths to legitimacy for the institution (Clucas and Valdini, 2014). The tradeoff may be between representation and efficiency, and therefore procedural legitimation and performance legitimation, but the goal of legitimation at the sub-national level remains. Across the

procedural justice literature, we see the application of procedural legitimation in bureaucratic settings. The specific application of procedural justice to law enforcement (Bottoms and Tankebe, 2012) and public planning (Jacobs and Kaufmann, 2021) demonstrates the utility of the theory when evaluating the legitimacy of institutions that are not directly elected. Though they may report to elected officials, police officers and urban planners are not directly elected; the literature reasonably has therefore reasonably focused on the manner in which these unelected institutions may establish their legitimacy. It has not been extended to the legislature, comprised of officials who are directly elected and may have been supposed to have generated its legitimacy by other means. This absence represents a gap in the literature.

Legislatures, Legitimacy, and Procedural Justice

Finally, while literature exists comparing legislatures, and demonstrates that those comparisons are valid even across political culture (Lijphart, 2012; Clucas and Valdini ,2014), legislatures have not previously been compared on the basis of their incorporation of procedural justice elements in their legislative procedure and the impact of these elements on legitimacy of the legislature itself.

The literature establishes the comparability of legislative institutions across countries. (Shepsle and Weingast, 1994; Laver, 2008). The literature also establishes the necessity of institutions within legislatures to manage the flow of business, and indicates the value of studying those institutions (Cox, 2008); however, the details and comparative case evaluations are limited. Some study of state legislatures has demonstrated that public approval of a state legislative body is more likely to hinge on the match between

the partisan control of the legislature and the individual assessing it, and the policy outputs made by that legislature, rather than the professionalization of that legislature (Richardson et al, 2012; Langehennig et al., 2019). However, professionalization is not necessarily a function of incorporation of procedural justice indicators in procedure. The availability of competent legislative staff, for example, may facilitate the ability of citizens to effectively communicate with their legislators, but it does not necessarily do so.

The gap in the literature, therefore, comes when considering the impact of procedural justice on the legitimacy of the legislature. Despite the study of procedural justice in bureaucratic settings, as discussed above, procedural justice has not been examined as a driver of legitimacy of a legislature independent of the government in which it sits. In addition to the extant literature examining procedural fairness and resulting legitimacy in other governmental institutions, the literature also tells us that procedural justice impacts all interpersonal interactions in a society (Muller and Kals, 2007). It is therefore reasonable to extend the concept to questions of legislative legitimacy.

III. Theory

I theorize that the legitimacy of a legislature is determined by its procedure, and that the causal relationship between legislative procedures and legitimacy exists independently of other legitimation by the rest of the governments in which the legislature sits. This basis for theory is not a novel one: many scholars have ascertained the relevance of adherence to ostensibly fair procedures when cultivating regime-wide legitimacy or legitimacy in bureaucratic subdivisions of government. The novelty lies in decoupling the procedure and the legitimacy of the legislature from the procedures and legitimacy of the whole of the government; procedural legitimation is not a framework that has previously been applied to legislatures independent of the governments in which they function. Because people use procedural justice information to evaluate a specific institution and their relationship to it, and because empirical evidence has demonstrated the relevance of procedural justice in citizen evaluation of the legitimacy of other institutions within government, I propose that the justice and fairness of legislative procedure is the causal mechanism generating citizen perception of legitimacy of the legislature.

The theoretical basis for this research is an institutionalist one: the institutional rules of the legislature drive public opinion of the legislature as an actor, independent from public opinion of any legislator. This paper relies on the idea that legislative institutions, and more precisely the institutional structures operating within legislatures, dictate the ability of actors to set agendas and dictate the political behavior of individuals. The institution and its rules are the independent variable and the unit of study. By

studying those institutions, and assessing their impact on political behavior, we can learn which institutions need modification if changes in public behavior are desired.

I assume that procedural legitimacy of the legislature, independent of legitimacy of the government, flows from a reiterative process of proposed legislation and public reaction to it. This approach builds from Beetham's (1999) conceptualization of democracy as a system of government which has both popular control and political equality as its two foundational principles. These principles are not merely components of a system, they are values held and agreed to by a critical mass of both citizens and elites. This approach then examines more closely how political control is perceived to be effectuated as a value by citizens. Because legislators must make decisions across many policy areas, it is difficult to control *ex ante* the beliefs of a representative on every policy area. While some theorists have responded that the public therefore conceptualizes their "control" as choosing competent individuals with good character to carry out public business, my theory presupposes that the public instead views subjects of legislation as opportunities to make their views heard. While not all members of the public care about all subjects, equally or at all, at the aggregate level the public is invested in individual decisions about matters before the legislature. When they are able to anticipate when those issues will be taken up by the legislature and participate in the process by way of physical presence or testimony, they believe they have the ability to exert some level of influence on the decisions made by their representatives. That perception of influence reinforces the belief that they have the opportunity to control the process, enhancing their perception of legitimacy.

Prior research has shown that regimes engage in deliberate self-legitimation, and many regimes leverage procedures to do so. While not all regimes deliberately legitimate themselves in the same way, even authoritarian regimes rely in some ways on procedure to legitimize themselves. Liberal or electoral democracies are understandably more reliant on their procedures to generate their legitimacy (von Soest and Grauvogel, 2017). It is reasonable to extrapolate that the institutions within a democracy will be as reliant on their own procedures to produce the institution's legitimacy as the democratic government as a whole. It is further reasonable to extrapolate from the work of Tyler that procedural justice is a key legitimator of governance structures beyond simply the criminal justice system.

Previous scholarship has observed that perceptions of justice and perceptions of legitimacy are logically linked in other governmental contexts. Legitimacy is, when viewed through a subjective, bottom-up lens, the belief that authority is being used justly, even when one disagrees with decisions being made using that authority. I propose that, just as procedural justice theory finds when applied to criminal justice or planning, one may be satisfied with the legislature when it does not produce the outcomes one would prefer, if one believes they have a chance to present a case and receive a fair hearing. Because survey data isolates satisfaction with a branch, rather than a government, the potential to decouple perceptions of the institution from the occupants is enhanced. While the potential for influence of policy outcomes on these perceptions is not dismissed by this theory, it proposes that institutions weigh more heavily on perceptions than partisanship.

I theorize that the procedural justice of legislative institutions is not only a determinant, but in fact the key determinant of public perceptions of legitimacy of the legislative branch. In democracies where the public satisfaction with the legislature is high, it is because legislative institutions facilitate public participation and take that participation seriously. In democracies where public satisfaction with the legislature is low, it is because legislative institutions are closed off from the public and the public feels it does not have the opportunity to participate, or even be aware of, the process. This approval or disapproval stems both from a sense of awareness of the progress of legislation and the ability to provide input on individual components of legislation, rather than merely selecting an individual and approving or disapproving of their performance across all policy issues when that individual seeks re-election.

In order to form these perceptions of legitimacy, I contend that individuals form impressions about the procedural fairness of their legislature by evaluating components of the legislative process. The procedures are made publicly available via the legislature in its own communication to citizens; they are also publicized by reports on legislative procedures through media, either in the form of general reporting on the institution or stories about specific legislation. Additionally, interest groups or other entrepreneurs may elect to make the public aware of the potential for contribution to legislative discourse through public outreach. Assuming the public is aware of these procedures, I contend that these evaluations track roughly with the components of procedural justice identified by Meares et al. (2015): individuals evaluate whether legislative procedure provides them

the opportunity to have a voice, is neutral and transparent, demonstrates respect for the public, and evidences the trustworthy motives of the legislators.

Citizens evaluate whether they have “voice” in the legislative branch based not only on the ability to elect minimally responsive legislators. Voice also requires the ability to make legislators aware of one’s preferences on individual policy decisions being contemplated by the legislature. That voice can come in the form of the ability to speak directly to an individual legislator via in-person or written communication, or to have one’s comments considered as part of the record in a legislative hearing.

Individuals additionally evaluate the neutrality of legislative procedures. Neutrality can be seen in the non-arbitrary application of legislative rules over time and across party. Neutrality can also be observed in the form of transparency. Transparency can be seen when the public can identify what the legislature is considering. Transparency also requires the ability of citizens to determine the position their legislator took on a piece of legislation. Additionally, neutrality may be evaluated by citizens who consider whether public testimony is permitted, or if only invited testimony, from government agencies, organized groups, or industry representatives, is permitted.

Furthermore, citizens evaluate how legislative procedures recognize the dignity of members of the public, which Tyler and Meares term “interpersonal respect.” Interpersonal respect in legislative procedures can be manifested in a number of ways, not limited to conventional displays of courtesy. Interpersonal respect also can be demonstrated through procedures or practices that invest weight in public participation. This can be manifested through attendance at committee hearings where public

testimony is taken, by follow-up questions to public comments, or by statements made by legislators demonstrating that a member of the public has influenced their thoughts on a matter. By contrast, procedures designed to negate or override public participation in the legislative process may be interpreted by the public as demonstrating a lack of respect for the public. Procedures demonstrating a lack of respect for public participation in the process include, in addition to the inverse of those listed immediately above, deliberate circumvention of public hearing procedures through late amendments or dramatic alterations to bills after they have passed the procedural point at which public hearings would be held.

Demonstration of trustworthy motives in legislative procedures, meanwhile, may be as simple as the creation of clear, regimented schedules and rules holding legislators accountable and preventing legislation by surprise. The absence of indicators that legislators are attempting to circumvent neutrality and transparency mechanisms also demonstrate trustworthy motives. When individuals can observe that legislators are voluntarily submitting themselves to procedures designed to enhance the openness of the legislative branch, they are able to infer that the legislators do not have ulterior motives and are worthy of trust.

By connecting these procedural justice components to the legislative rules that effectuate or inhibit them, and through observations of legislative norms and practices, I theorize a positive relationship will emerge between indicators of openness and legitimacy as measured through public satisfaction with the legislature.

Alternate explanations of legitimation of the legislature abound. First, procedural justice has been applied to whole governments to explain their legitimation, with the implicit assumption that the legitimation of one branch or entity carries through to all other entities connected with the government. This theory does not account for the ability of citizens to distinguish one branch from another when evaluating job performance of the incumbents in that branch. Satisfaction with individual branches or entities within government is not necessarily the same; therefore, cohesive enterprise-wide legitimation is not a satisfactory explanation.

Next, one might argue that legitimation is dependent upon outcomes or performance of the legislative branch. However, this runs contrary to the concept of legitimacy itself. If legitimacy is understood as an acceptance of a state's authority even when it engages in actions contrary to one's interests, then perception of legitimacy depend on disagreement with legislative outcomes. While it is not always the case that a citizen may have the opportunity to disagree with a legislature, it is far more likely that a legislature will produce some piece of legislation with which a citizen disagrees, and it is the citizen's perception of the legislature despite that decision, rather than because of it, that dictates legitimacy. Finally, legitimacy is more properly considered a precondition for satisfaction than satisfaction a driver of legitimacy. One may perceive a legislature legitimate, but not consider it satisfactory on the basis of performance, but it is less likely that a legislature will be satisfying if it is not first legitimate.

One might further argue that this theory fails due to a lack of public knowledge on legislative procedures. While it may be argued that citizens do not understand legislative

procedure well enough to form an opinion about the procedure's fairness (Prior 2021), I

do not believe this is the case. Testing a voter's knowledge of legislative procedures is a different matter from asking whether the legislative procedure is fair, just as testing a motorist's specific knowledge of criminal procedure is different from asking if they believe the officer treated them fairly. The literature on procedural justice from a psychological standpoint finds that people are able to perceive the fairness of their treatment and use that information to form detailed inferences about their position vis-à-vis the group; it stands to reason that they will be capable of doing the same regarding the legislature with limited information. Part of this paper will specifically test the availability of information on legislative procedure in print media, to demonstrate that a minimal amount of information is publicly available. If information is not sequestered, I theorize, on the basis of existing research that the public is sufficiently aware to draw conclusions as to the justice of a procedure and the resulting legitimacy of an entity.

IV. Methods

To test the effects of legislative procedures on perceptions of legitimacy, I use a most similar systems analysis to compare two cases, Indonesia and the Philippines, which are broadly similar across many variables. By comparing their legislative procedures, and supplementing that analysis with qualitative data on public perceptions of the legislative process, I evaluate the connections between the independent variable of openness in legislative procedures with the dependent variable of public satisfaction with the legislature, to identify if causality exists between the two variables.

A most similar systems method is the appropriate form of analysis for this research question under these circumstances. Analyses using a most similar systems method enable the political scientist to extrapolate a cause of a phenomenon by comparing two cases that align in each variable except the variable the researcher has identified. Because pure experiments, with every variable matching, can be difficult to come by, this form of analysis aims to find cases as close as possible on the variables that matter. As I delineate in greater detail in the Case Background sections to follow, Indonesia and the Philippines have substantially similar profiles. Both are large, multi-ethnic Southeast Asian democracies. Both are third-wave democracies, with extensive histories of colonization and subsequent control by authoritarian regimes. Though both democratized at a similar, although not concurrent, time, the democratization processes in the two countries diverged significantly. These divergent experiences are arguably represented in their legislative institutions, folding the most significant difference between the two, other than the independent variable, into the independent variable.

Literature comparing these two cases exists, as well. Buehler and Nataatmadja (2021) compared the success of former members of the authoritarian elite in seeking election to the legislature, finding that the state of the authoritarian party and the structure of the authoritarian state influenced whether elites were able to survive; they also found that authoritarian elites in the Philippines were more likely to find electoral success than those in Indonesia. In addition to demonstrating the comparability of the two cases, this study provides unique insight into the democratization processes in both, and will prove useful as I trace the influence democratization had on the development of the legislative structure and the development of perceptions of legitimacy.

Because I hypothesize that if the institutional rules and norms of the legislature create opportunities for the public to be aware of and participate in the legislative process, the public will demonstrate a higher rate of approval of the legislature, I will therefore evaluate this hypothesis by examining legislative rules of Indonesia and the Philippines, as well as secondary sources, to identify the presence or absence of indicators of legislative procedures open to public intervention and facilitating transparency. The indicators to be identified or noted as absent are whether the legislature holds public hearings, whether the legislature takes public testimony on legislation, whether amendments may be considered during plenary session or are restricted to committees, whether the legislature legislates on only one subject in a piece of legislation, as opposed to omnibus legislation, and whether the legislature posts agendas for their hearings and votes so the public may be aware of what legislation is presently under consideration. I

hypothesize that the more of these indicators are present, the higher the level of public satisfaction, and thus perceived legitimacy, will be.

First, the existence of public committee hearings on legislation under consideration allows for both transparency and the transmission of public sentiment from members of the public to legislators. When legislators obtain information in public, members of the public can be aware of the information they are receiving and counter or reinforce it as appropriate to their legislative goals. They may also demonstrate their position on legislation independent of providing testimony, through their presence or some other type of public demonstration. While it may be the case in any legislature that positions on bills are negotiated away from the public eye, the existence of public discussion and recorded public votes on legislation will be interpreted as the existence of public hearings on legislation. The presence of this rule permits the opportunity to present information to legislators, publicly or privately, regarding legislation under consideration, giving members of the public a voice in the legislative proceedings. It also enhances the transparency aspect of neutrality by facilitating public visibility of the legislative process.

Second, public hearings in which testimony may be given on legislation under consideration, give the public the opportunity to directly contribute to the legislative process on the record. In addition to the receipt of testimony, the hearings give the public the opportunity to hear the views of other individuals or groups, and to evaluate the legislators' positions on the legislation based on the legislators' comments or questions. Members of the public can also evaluate the legislation's chances of success or failure,

based on the consideration given to the legislation at a hearing, given that not every bill introduced even succeeds in being given initial consideration by a committee. If a legislature has this requirement, it should be documented in a straightforward manner in the legislative rules. This rule will be considered to be present if public hearings are required for most or all bills, with exceptions permitted if the exceptions are limited in nature to a small minority of bills. This rule is a crucial component of the “voice” element of procedural justice.

Third, a requirement that committees consider amendments to legislation, or, stated differently, a prohibition on amendments being made to legislation while it is being considered by the whole chamber, limits the opportunities for lobbying legislators, but also limits the opportunities for surprises. When committees must consider any amendment added to the bill, the amendments are subjected to the same hearing process as a piece of legislation introduced independently. When amendments may be added on the floor, the public may be surprised by the contents of new amendments. Legislation may be “gut and stuffed,” meaning that at a late stage in the process, the entire contents of a bill may be removed and replaced with new proposed statutory language. With a floor amendment, either small or large, the public has less of a chance to influence the votes of members of the legislature, diminishing the interpersonal respect facilitated by the legislative rules.

Fourth, a single-subject rule, sometimes described as a requirement that an amendment be “germane,” imposes limitations on what a piece of legislation can address. In legislatures with such a rule, the scope of legislation is defined in advance. This allows

interest groups or members of the public to strategically plan which legislation they must monitor. It also enables them to allocate time or other scarce resources toward lobbying on legislation containing concepts they support or oppose. While parliamentarians may interpret an existing germaneness requirement with varying degrees of precision, a legislature will be determined to have a germaneness requirement or single subject rule if one is referenced in the standing rules, regardless of the implementation of that requirement. Single-subject rules impact each element of procedural justice: if laws may be significantly changed without the notice of an introduced version of a bill cuing the public that their policy concerns may be under consideration, that diminishes not only the voice and transparency elements, but also the trustworthiness and interpersonal respect inherent in the legislative rules.

Finally, “agenda posting” requirements are requirements that a committee notify the public in advance, by some predetermined measure of time, what will be considered in a given committee hearing. These requirements give the public or interest groups the opportunity to read and analyze legislation, prepare testimony, be physically present at a legislative hearing, and present their testimony to the legislature. Agenda posting goes hand-in-hand with a public testimony rule to facilitate public participation: a legislature that accepts public testimony is not truly open if people do not know when they need to present that testimony. Because the existence or absence of this rule can be a matter of degrees, this rule will be considered present if it requires at least 24-hours public notice before the consideration of a bill by a committee, and will be considered present if it is generally in operation during the legislative session, with exceptions made as

adjournment draws near. Similarly to the single-subject element, agenda posting requirements not only touch on transparency, but also impact the opportunity to voice one's opinion and indicate the respect that legislators have for that opinion. Finally, passing legislation with no notice, even if that legislation is for the benefit of the public writ large, does not signal that the legislature is to be trusted; the existence of an agenda posting requirement will have a significant impact on the perceived trustworthiness of the legislature.

The primary source for these rules and norms is the published legislative rules of the legislatures in question (Regulation about Code of Conduct, n.d.; Rules of the Senate, 2016; Rules of the House of Representatives, 2016). To account for the possibility that norms and rules might lead to different functional results, I consult secondary sources, including media reporting and observations of other researchers, to identify the presence or absence of these norms. I will be using the rules from both the Senate and the House of Representatives in the Philippines, and the rules from the People's Representative Council, one chamber of Indonesia's Congress, in Indonesia. I draw this distinction because the Regional Representative Council, the other chamber in Indonesia's bicameral legislature, has limited legislative authority. The Regional Representative Council may propose legislation to the People's Representative Council, and it may provide input on legislation considering regional and local authority or distribution of resources across the country, but it does not hold the authority to create legislation in the way the People's Representative Council does. Because it is not comparable to the Senate or House in the

Philippines, but the People's Representative Council is, I analyze only the rules of the People's Representative Council in this study.

To further develop the connections between these legislative procedures and perceptions of satisfaction and legitimacy, I explore multiple sources of qualitative data. I review publicly available media sources to identify instances of public expression of approval on the basis of participation in the legislative process, as well as public expressions of disapproval on the basis of a lack of opportunities to participate in the legislative process. I review English-language media reporting to detect whether the same sentiments expressed by Palauan citizens about their legislative procedures are harbored by Indonesians or Filipinos. Specifically, I will be reviewing reporting to determine, first, if legislative procedures are reported on, either in the abstract or as applied to the consideration of certain pieces of legislation, and second, if expressions of satisfaction or dissatisfaction with the process are noted either among experts, activists, and the public at large. The existence or absence of this evidence corroborates or refutes the assertion that both the public can be aware of legislative procedures and that the public is registering its opinions on legislative procedures.

After evaluating for the presence or absence of these legislative procedures, as well as indicators of satisfaction or a lack thereof in media, I identify public opinion data on satisfaction with the legislatures, and compare satisfaction with the indicators of openness. When identifying perceptions of legitimacy, satisfaction is the best proxy; one cannot be satisfied with a branch or institution one perceives to be illegitimate, so

satisfaction must flow from a perception both of legitimacy and other positive associations with the institution.

I use the World Values Survey to generate this dependent variable (Haerpfer et al., 2022). The World Values Survey has surveyed Indonesians and Filipinos three times each since Indonesia's democratization. The World Values Survey uses the same question to test satisfaction with the legislative branch in both countries and over each survey, providing excellent comparability across cases. It is also a widely used and respected source of survey data, enhancing both future replicability and potential expansion and comparability to other similarly situated democracies in the future.

I hypothesize that, as the number of observed procedural justice indicators in legislative rule and practice increases, the public perception of legitimacy, as demonstrated by the approval data collected by the World Values Survey, will increase. I hypothesize that, as the number of observed procedural justice indicators in legislative rule and practice decreases, the public perception of legitimacy will decrease accordingly. If this positive relationship between procedural justice indicators and perception of legitimacy of the legislature is established, this will provide significant evidence in support of my theory that procedural justice is the key factor in the legitimacy of legislatures. If, however, there is no observable relationship between indicators of procedural justice and the perceived legitimacy of the legislature, or if the relationship is negative, my theory is not correct.

Indonesia is a Southeast Asian nation of approximately 273 million people (Population, Total – Indonesia 2021). It is identified as “partly free” by Freedom House (Freedom in the World 2021 – Indonesia 2021), which notes that it has made “impressive democratic gains” since its transition to democracy in 1998. Freedom House’s primary critique of the Indonesian government is its corruption. It also scores very poorly on rule of law matters. Additionally, Freedom House notes that the region of Yogyakarta has a hereditary sultan as its unelected governor; the military remains influential; and women, certain ethnicities, religious minorities, and LGBTQ citizens are underrepresented in politics. Most importantly for my analysis, Freedom House notes the Indonesian government’s lack of transparency. Among the questions asked by Freedom House when evaluating a government’s transparency, or lack thereof, are whether citizens can obtain information about state operations, whether governments publish information online, whether civil society, interest groups, journalists and citizens may comment on and meaningfully influence pending legislation, and whether elected representatives are accessible to their constituents (Freedom in the World 2021 Methodology, 2021). Indonesia receives two points out of an available four for transparency, according to Freedom House.

Indonesia’s transition to democracy began quickly, if late in the third wave of democratization. As late as 1997, political scientists opined that “the third wave has obviously failed to have any profound impact on Indonesia’s democratic development” (Bunte and Ufen, 2009, p. 3). Almost immediately thereafter, under pressure from the

1997 Asian economic crisis, Suharto's autocratic regime began its transition to democracy

(Bunte and Ufen, 2009). Suharto's successor pledged to hold free elections in 1999, as well as decentralizing political power, permitting political parties to operate freely, and reforming press laws. A new president and parliament were elected as promised in 1999. However, while Indonesia technically was an electoral democracy at this point, some contend that Indonesian democratization has been far more complex than the mere occurrence of free elections (Bunte and Ufen, 2009).

Indonesia is typical of Asian democracies in that it prioritizes majoritarian outcomes in its institutional design (Gilley, 2014). For example, its electoral rules require parties competing in national elections to maintain party offices in each district, and requires that any party must win 3.5% of the national vote to take a legislative seat; both rules effectively limit the potential of regional or sectarian parties to develop and empower large-tent legislative majorities (Gilley, 2014, p. 123).

The modern Indonesian government is presidentialist, with executive and legislative branches drawing authority from separate elections and each, at least nominally, checking the power of the other. The legislative branch, or People's Consultative Assembly, is comprised of a bicameral parliament elected in general elections every five years. The Regional Representative Council (in Indonesian, Dewan Perwakilan Daerah, abbreviated as DPD), is a chamber of limited authority: per the Indonesian Constitution, it may propose bills relating to regional autonomy, relationships between the central and regional governments, configuration of regions, and financial arrangements between the center and the regions, and provides consultation to the

lower house on matters of taxation, religion, education, and the national budget (Constitution of the State of the Republic of Indonesia 1945, 2015, Art 22D). The People's Representative Council (Dewan Perwakilan Rakyat, abbreviated as DPR), is granted general legislative functions, as well as the responsibilities of budgeting and oversight (Constitution of the State of the Republic of Indonesia 1945, 2015, Art 21A). The legislature as a whole retains the right to question the government, generating horizontal accountability between itself and the executive branch. The legislature may carry out investigations, and may also direct questions to government ministers.

The principles of deliberation and consensus exert strong influence on Indonesian legislative procedure. "The decision-making rule of unanimous consent through deliberation is still used, even after democratization, in the legislative process in the national parliament (Kawamura, 2011, p. 6). Generally speaking, prior negotiation of legislation is key. The rules of the legislature direct factions to deliberate to reach consensus, and say a majority vote should not be used unless attempts to generate consensus have failed. Therefore, "Both in committee and on the floor of the legislature, formal votes are rarely taken and decisions are almost always unanimous" (Schneier, 2008, p. 202). Kawamura (2011) also notes that even if legislation is determined by a majority vote on the floor, such majority votes "hardly ever" occur at the committee stage (p. 7). Generally, plenary sessions do not overrule decisions made by committees; the committee stage is where disputes are negotiated to resolution (Schneier 2008). Committee structure is fairly stable, covering set subjects that roughly track with executive departments with between 35 and 55 representatives assigned to each

committee (Schneier 2008). However, the committee sessions are generally poorly attended, with less than a dozen members present at each meeting. Committees do hold hearings, well covered by the media, where government ministers are questioned by legislators; however, those testifying are almost always representatives of the government, and lobbyists and interest groups are virtually unrepresented.

Many of the scholars writing on Indonesia's legislature note the impact of the Indonesian tradition of *musyawarah dan mufakat*, or deliberation and consensus, on the legislative procedures of Indonesia. Schneier (2008) notes that traditional deliberation and consensus "makes it extraordinarily hard to trace the locus of decision-making (p. 202). He also describes the challenges for researchers in studying the Indonesian legislature, noting "Students of the legislative process depend on interviews, hearsay, and echoes from the back rooms rather than written records, and even these can be difficult to come by" (Schneier 2008 p. 202). Lobbying groups do not participate in these negotiations, and the lack of interest group development may be in some ways a result of a lack of formalized opportunity to participate in the legislative process. Horowitz (2013) also describes Indonesian democracy as lacking transparency, noting "restricted access of citizens to the political process [...] and generally 'weak popular participation'" (p. 208) among other ills. Ziegenhain (2009) goes further, describing the principles of deliberation and consensus as "contrary to democratic accountability" because they render it nearly impossible for the public to attribute particular views to a legislator or faction (p. 46).

Not all scholars agree that deliberation and consensus is harmful to Indonesian democracy. In a discussion paper for Japan's Institute of Developing Economies, Kawamura (2011) reviews the impact of political culture, specifically deliberation and consensus, on the modern Indonesian government. Kawamura (2011) describes deliberation and consensus as "an indigenous decision-making rule," as opposed to majority voting practices, and notes that the tradition grows out of village-level decision making that ensures the minority will never have a decision imposed upon it with which it wholly disagrees. Kawamura (2011) cites Koentjaraningrat, who observes that while it appears the village head may be making all decisions unilaterally, there is in fact intense behind-the-scenes lobbying to develop consensus. Kawamura also posits that the lobbying occurs behind the scenes due to a Javanese social norm to avoid controversy in public. Kawamura (2011) describes the incorporation of deliberation in legislative procedure by Soehkarno and Soeharto, and adds that the deliberation and consensus is still used as the decision-making rule of the national legislature. Kawamura (2011) describes the confluence of Indonesian political culture and its legislative procedure to advance an argument that deliberation and consensus have made Indonesian democracy more stable, contradicting others who describe the lack of transparency in its legislative procedure as a failing. Deliberation and consensus add veto points in the national legislature as they do in the villages, ensuring that no minority is fully subjugated to the majority will; while this generates a trade off in the form of decreased legislative efficiency, Kawamura (2011) argues that the trade-off disincentivizes minorities from

pursuing extra-democratic means to ensure their rights are recognized and thus enhances the stability of Indonesian democracy.

Kawamura is not alone in arguing the benefits of deliberation and consensus; Megawati and Absori (2019) write with the goal of demonstrating that Indonesian procedures are in fact democratic. They write from a normative and descriptive perspective on Indonesian democracy. Similar to Kawamura, they trace the deliberation and consensus model to its roots in Indonesian community life. They propose that Indonesian procedures are merely another way to institutionalize popular sovereignty when plebiscites are impractical, no less so than majoritarian voting traditions.

Research on Indonesian legislative procedure has teased out facts relevant to the impact of procedure on legitimacy, but without connecting those two components. For example, in Sherlock's 2012 article on the legislature's parties and committee structure, he identifies that policy decisions are made in committee, with very little influence from legislators who do not serve on that particular committee, but does not relate that to public ability to influence committees. As Sherlock describes it, the negotiation over policy positions is primarily left to party leaders, who may commit members of their party to support legislation they negotiate. Sherlock (2010) specifies that the consensus development process continues until all parties cease expressing dissent with the consensus solution, and that because dissent, or lack thereof, is communicated by party leaders, it is nearly impossible for any one legislator to either express dissent or for the public to identify which members did or did not express dissent. Sherlock (2010) also notes that on the rare occasion a plenary session will engage in substantive debate, that

debate is almost never on the merits of a particular piece of legislation. Functionally, therefore, Sherlock describes a legislative system impervious to public scrutiny. Despite a focus on the impact of these legislative practices on parties in the legislature, and the impact of the parties on legislative practices, Sherlock does identify legislative practices that may be extended into a study of their correlation with public satisfaction.

Research also describes the Indonesian legislature as un- or under-professionalized. Mietzner and Aspinall (2010) note that poor quality of legislative output draws media, and subsequently popular, criticism. Ziegenhain (2009) describes an occasion on which a plenary session descended into fisticuffs, and draws a connection between that display and its impact on public confidence in the legislature. Ziegenhain (2009) also notes that the facilities and resources available to the legislature are relatively sparse and are not necessarily put to good use when available. While the legislators have each had appropriated to them funds to hire one personal staff member, many have hired on the basis of nepotism rather than qualifications. He notes that legislative performance is dependent on technical skills of legislative drafting and legal research, which require professional staff to accomplish. While it is not the main thrust of his work, Schneier (2008) also notes that the legislature appears to lack professionalism. This indicates two potential counter-explanation for relative dissatisfaction with the legislature: either the demonstrated lack of professionalism, or relatively poor legislative outputs, could generate a lack of satisfaction with the Indonesian legislature among the public.

The Philippines is a Southeast Asian nation of 109 million people (Population, Total – Philippines, 2021). Freedom House also scores the Philippines as “partly free” (Freedom in the World 2021 – Philippines, 2021). Freedom House’s primary critiques of the Philippines stem from President Duterte’s conduct across a wide range of issues, particularly his war on drugs (Freedom in the World 2021 – Philippines, 2021). Additionally, Freedom House identified that the government of the Philippines lacks effective safeguards against corruption and is insufficiently transparent. As noted above, when Freedom House evaluates a government’s transparency, or lack thereof, it inquires whether citizens can obtain information about state operations, whether governments publish information online, whether civil society, interest groups, journalists and citizens may comment on and meaningfully influence pending legislation, and whether elected representatives are accessible to their constituents (Freedom in the World Methodology, 2021). While the Philippines has developed new laws around information freedom, its government has simultaneously begun withholding asset disclosures for elected officials, claiming they have been “weaponized.” Furthermore, the United Nations Office for the High Commissioner for Human Rights has noted that information on the security services’ prosecution of the drug war has not been forthcoming (Freedom in the World 2021 – Philippines, 2021).

The democratization of the Philippines has been characterized as “People Powered” both by Filipinos and by non-Filipino scholars (Rood, 2019). Unlike his contemporary authoritarian rulers, dictator Ferdinand Marcos did not initiate an elite-led

“regime extraction,” but rather refused to engage in a negotiated settlement with his opposition (Thompson, 1996). As described by Thompson, Marcos’ continued hold on power was somewhat fueled by the personalized nature of his regime, and the lack of institutions any insider could seek to preserve outside of his personal rule. When Marcos did step down, the transition was a revolt, leaving little of the old regime in place, though with some characters still in play.

The present government of the Philippines is also a presidentialist one, with strict separation of powers between the executive and the legislature (Thompson, 2018). Like Indonesia, the legislature of the Philippines is also bicameral (Croissant 2003), with an upper Senate, having six-year terms concurrent with presidential election, and a lower House of Representatives elected every two years. Each chamber retains general legislative authority and must approve of legislation before it is referred to the President. The President may approve or veto that legislation.

Presidential powers are strong in the Philippines and are accompanied by norms reinforcing the President’s authority. The President has “package” veto authority, and partial veto authority for appropriations. While the President may draft notes on bills to congress, and has exclusive power to submit the national budget, the president otherwise requires cooperation from legislators to achieve her agenda (Croissant 2003). As noted by the by researchers, the presidential authority over finance has a significant impact on legislative behavior, particularly in the absence of party cohesion. Furthermore, the political norm is that it is the responsibility of the legislature to help the president to enact her agenda.

Political parties are very weak in the Philippines (Thompson 2018). There are few negative consequences for party switching, and parties tend to have few non-negotiable policy prescriptions. Representatives and Senators alike build their power from personal bases of support; Senators, who are elected nationally, generate their support from national notoriety (see, e.g. professional boxer Manny Pacquiao), while Representatives, who are elected in single-member districts, are prominent local figures. There is no straight ticket voting between positions on the same ballot (Cruz et al. 2017). Parties have limited power within the legislature.

The Philippines legislature has several institutional mechanisms to facilitate transparency and public participation in the legislative process. Members of the public have the right to present written comments to the legislature for its consideration. Additionally, committee hearings are broadcast on television (Roxas et al., 2011). The Senate's Committee on Accountability of Public Officers and Investigations sponsored the test of several applications to determine how the legislature could better use technology to facilitate transparency and participation (Roxas et al. 2011). The legislative process in the Philippines is described as "unpredictable" (Rood 2019 p. 175); however, the activities of the legislature are widely reported on in popular media.

When analyzing the political culture of the Philippines, some scholars have emphasized the continued role of People Power in political behavior. People Power has been referenced not only in the revolution ousting Ferdinand Marcos and bringing Corazon Aquino to power, but also in Gloria Macapagal Arroyo's challenge to Joseph Estrada (Thompson, 2013). The continued use of popular uprisings to achieve political

ends has led to protracted instability in the political system of the Philippines (Thompson, 2013). Upon her re-election, Arroyo expressed hope that the instability caused by repeated popular uprisings might be coming to an end; her hope was unfounded, as her opponents continued to express their belief in popular uprising as an option (Gatmaytan, 2006). Coronel (2007) described “people power fatigue” after the failed attempts to remove Arroyo from power in 2006, as the public came to realize that, 20 years on from the fall of Marcos, they had neither a more accountable government or enhanced economic prosperity. Additionally, people power led to an institutional vacuum at the top and a return to the status quo at lower levels of government, with many of the same lower-level leaders returning to power. Not all elites retained that power indefinitely; as Thompson (2013) notes, successful electoral challenges to the old elites were not uncommon, especially as the party system fragmented. Reid (2006) argues that the same general blocs continue to exist within the Philippines, with cycles of contention between the old guard and the new elites, leading to “widespread dissatisfaction with electoral politics” but to a similar skepticism with people powered tactics that have failed to produce meaningful or consistent change. The Philippines appears locked in an alternating cycle of populist and reformist leaders (Curato, 2021). Furthermore, debate continues about how Philippine democracy should be reformed. Federalism, unicameralism, and a transition to a parliamentary system have been proposed (Coronel, 2007).

Acknowledging that there has been some research done as demonstrated above, on the legislature on the Philippines, it remains relatively under-explored by scholars of

political science; possibly owing to tendencies, noted by Ziegenhain (2008) in his work on Indonesia, to focus on executive politics when studying developing democracies. Acknowledging the tendency to focus on executives, some scholarship provides useful perspective on the legislature despite that focus. Croissant (2003) reviews the presidentialist democracies of the Philippines and South Korea, to trace factors that may influence the development of a delegative democracy in which the full delegation of political representation is made to the president. Croissant describes the relationship between the formal powers of the president vis-à-vis the legislature and the tendency to develop a delegative democracy. Continuing Croissant's work, Thompson explores the relationship between the legislative and executive branches, examining the separation of power in the Philippines for signs of either perilous gridlock leading to a Linz-ian breakdown between the executive and legislature, or to a delegative democracy. Thompson finds that the norms and structures of the Philippines make it much more likely that a delegative democracy will develop, due to weak legislative parties and presidential influence in the creation of legislative coalitions.

Additional research explores legislative behavior in the Philippines incidental to other phenomena. Shin (2018) explores the relationship between the Philippine president and congress, identifying that weak parties and presidential control over "pork-barrel" appropriations mean that most legislation passes unanimously or near unanimously, as legislators hope to preserve their access to appropriations to use for clientelist purposes in their districts. Shin (2018) additionally notes that, even if a legislator were to want to vote against a bill for programmatic reasons, it is difficult for the legislator to do so,

because “it is a norm in the Philippines Congress that legislators should help pass the president’s bills” (p. 348-9).

When engaging with the legislature, research has tended to focus on factors influencing the election of its members, or the behavior of legislators after election. The implications of single-member districts in the Philippines have been explored by several authors. Research has shown the relative importance of personal networks for election to the House of Representatives, with candidates at the center of social networks meeting with more electoral success (Cruz et al. 2017). The candidates’ centrality, paired with weak party systems and the availability of appropriations funding, may itself have implications for legislative behavior. House members are generally produced by local dynasties, while Senators are elected by virtue of their national fame. As a result, research shows that all members are empowered to behave individualistically while serving in the legislature. Legislative institutions are underexplored relative to this work.

Legislative Approval Data

Indonesians have been sampled for the World Values Survey three times since Indonesia's transition to democracy, in 2001, 2006, and 2018. According to the World Values Survey, Indonesians in 2018 showed tempered support for their legislature. In a sample of 3,200 Indonesians, drawn from all major regions and islands, the World Values Survey found that 15 percent of Indonesians had "a great deal" of confidence in their parliament, 35.8 percent of Indonesians had "quite a lot" of confidence in their parliament, 36.7 percent of Indonesians had "not very much" confidence in their parliament, and 11.3 percent of Indonesians reported they had no confidence at all in their parliament. Aggregating the positive and negative responses, 50.8 percent of Indonesians gave a positive response to the question, and 48 percent of Indonesians gave a negative response.

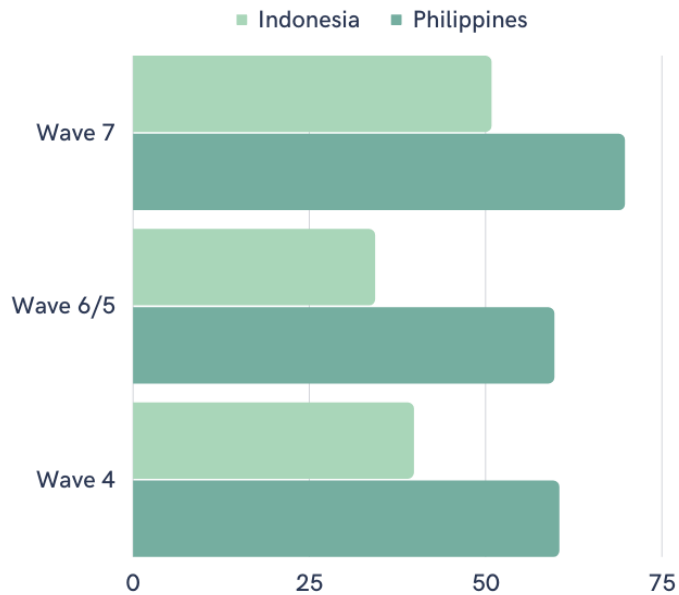
This moderate support represents a significant change from the previous survey in 2006, when approximately 34 percent of Indonesians reported they had either a great deal or quite a lot of confidence in the legislature, and 59 percent reported they had not very much or no confidence in the legislature.

Filipinos have been sampled for the World Values Survey three times over the same time period, in 2001, 2012, and 2019. According to the World Values survey, Filipinos in 2019 showed significant support for their legislature. Filipinos attesting to having "a great deal" of confidence in their parliament accounted for 19.6 percent of the 1,200 Filipinos surveyed; an additional 50.1 percent stated they had "quite a lot" of

confidence in their parliament. Meanwhile, 26.7 percent of Filipinos had “not very much” confidence in parliament, and 3.6 percent had none at all. In the aggregate, 69.7 percent of Filipinos have a positive view of their parliament, and 30.3 percent have a negative view of their parliament.

Filipinos have generally shown positive sentiments toward their legislature during the time period in question, according to the World Values Survey. Over the course of these three surveys conducted over eighteen years, more than half of the population has held a positive view of the legislature. In 2001, 60.4 percent of Filipinos reported they had “a great deal” or “quite a lot” of confidence in the legislature; in 2012, that percentage was 59.7.

Figure 1: Percentage of respondents reporting “a great deal” or quite a lot” of confidence in their legislatures



Despite the fact that the Indonesian legislature is ostensibly comprised of two chambers, the DPR is the chamber with the sole legislative burden on most pieces of legislation, with assistance from the DPD on legislation specifically related to matters of regional government or distribution of benefits across the country. The legislative rules of the DPR are extensive, and include provisions for the management of the legislative process in addition to requirements and procedures for selecting leadership, defining ethical obligations, and establishing symbols and regalia of the chamber. The rules of the DPR are publicly available, but only in Indonesian. I have therefore used Google Translate to machine translate the document, using the program to verify the translation of individual words as necessary.

The DPR's legislative rules outline in significant detail the composition of several committees. Among those committees are multiple subject-matter specific committees and a Legislative Committee. This general legislative committee appears to take on the role held by a Rules committee in other legislative systems, as well as additional agenda setting responsibilities. Additionally, the standing rules specify a two-step process for the consideration of legislation. While in Phase I, the committee with subject-matter jurisdiction over the bill deliberates on the bill, focusing on a pre-set list of issues to be resolved within the proposed legislation. Once a consensus has been reached on these issues, or, unusually, a final version has been voted on by the committee, the bill proceeds to Phase II, or consideration by the plenary session of all members of the DPR. Sherlock (2010) notes, however, that in practice a bill does not pass out of committee to the

plenary unless all party caucuses have agreed to the version of the bill that will be concurred to in committee. The two-phase process is, therefore, somewhat illusory.

Committee Hearings on Bills

The first indicator of openness is the presence of committee hearings on legislation. In Article 58, the DPR establishes that its subject-matter committees *may* hold committee hearings, at the request of the committee or the request of another entity. Article 128 also specifies that committees may hold public hearings, but it does not require that public hearings be held. Additionally, the legislative process requires “discussion” at the committee level, which is not necessarily synonymous with an open debate on legislation observable by the public. As Sherlock (2010) notes, the lack of open discussion in committee limits inclusion in debate even among legislators, and limits the transparency of the legislative committees. Furthermore, he notes that the positions articulated during phase I deliberation are articulated by parties, not by individual legislatures, further limiting transparency. Under these circumstances, with both optional hearings by rule and with negotiation on legislation occurring outside of hearings by practice, the DPR cannot be said to hold hearings in a meaningful way giving rise to voice, transparency, interpersonal respect or trust.

Public Testimony at Committee Hearings

While the legislative rules of the DPR may give rise to the inference the public may give testimony on legislation, provisions limiting participation significantly curtail the opportunity for public testimony. The public is entitled, pursuant to Article 215 of the

standing rules of the DPR, to provide input on legislation under consideration at the discussion phase. They may provide that input orally or in writing. However, that entitlement is subject to limitations and constraints imposed by legislative leaders. Article 217 provides that committee chairs determine the number of people invited to give testimony, and issue invitations to members of the public to testify. This forum is not an open opportunity for public input; the control exerted by the committee, by rule, is such that the committee would not be required to invite any or all interested individuals to testify. Furthermore, the fact that committees are not required to hold hearings, but may merely discuss legislation without a hearing, means that the right to provide input via a public hearing is even more curtailed than suggested by these provisions. Considering the totality of circumstances, the openness indicator of the opportunity to testify at committee hearings cannot be said to be present in the Indonesian DPR.

Floor Amendments

By virtue of rule and practice, floor amendments are, if not prohibited, extremely unusual in the Indonesian DPR. All draft laws, per Article 125, must be assigned to a committee if they are to progress through the legislative process. This committee assignment is necessary to facilitate the first stage of the two-step procedure established by the legislative rules, in which a bill is first deliberated on by a committee, before moving to the plenary for its consideration. The DPR further establishes by standing rule that the decisions of the committees, if they have been reached, will be respected by the chamber as a whole. Article 60 states that decisions reached by committees are “binding” on the DPR and the Government. This largely comports with what scholars have reported

on the impact of the *tatib* on legislative procedure. Sherlock highlights the deference the plenary pays to the committee, noting that the committee's consensus, when reached, is almost always respected. Given the deference granted to committee-based deliberation, despite the lack of a positive rule prohibiting floor amendments, floor amendments are not the norm in the Indonesia legislature. Therefore, this indicator of openness is present in the Indonesian legislature.

Single Subject Rule

While the rules of the DPR do not prohibit the joint consideration in one bill of provisions on different subject areas, due to other procedural requirements legislation likely is single-subject in practice. The legislative committee is responsible for management of many facets of legislative business; among those responsibilities, the Legislative Committee receives draft bill proposals, and may consolidate related proposals for ease of consideration. While the rationale for this procedure is absent from the standing rules, it appears to be established for the efficient consideration of proposals. Due to the role of the legislative committee in consolidating draft bills, it seems unlikely that unrelated proposals would be considered simultaneously. Despite the lack of any specific rule restricting the content of draft law, the involvement of the Legislative Committee may have the effect of narrowing bills to single or closely related subjects, so this indicator of openness is determined to be present in the Indonesian legislature.

The Indonesian legislature produces agendas in much longer increments than individual committee hearings, and the rules do not appear to require individual agendas for committees be posted in periods shorter than one year. The legislative prioritization program, or Prolegnas, is determined in 5-year increments, the same as the length of a term of service in the DPR, with sub-agendas created in one-year increments (Article 109). The Legislative Committee creates this agenda, harmonizes and compiles similar concepts into consolidated agenda items, and adds additional concepts to the agenda as they are submitted. It also provides the rationale for introduction of draft legislation and sets the priority of legislation to be considered (Article 109). Bills are discussed, or deliberated, by a committee no more than two at a time, pursuant to Article 136. When one bill is passed out of the committee, the committee is assigned an additional bill for its consideration, pursuant to the annual Prolegnas. Draft laws that are not part of the agenda may also be submitted if exigent circumstances exist. These circumstances include ratification of an international treaty, to respond to the action of the Supreme Court, or to address extraordinary circumstances, natural disasters, international or domestic conflicts, or other similar urgent circumstances.

The Prolegnas do facilitate transparency and participation to a certain extent. The agenda is submitted to the public and reported on in the media (Pangestika, 1/23/2020), so they may be aware what legislative priorities will be considered in the coming year; however, the agenda does not include all legislation that will be under consideration. In a system that does not necessarily have mandatory committee hearings, the

development of these agendas may facilitate transparency. However, a citizen concerned with an item on the agenda would need to review it and guess, based on public reporting, the date at which the legislature would be considering that particular issue, to provide timely feedback on an issue of concern. Under those circumstances, the Prolegnas cannot reasonably be considered a rule on agenda posting for the purpose of facilitating openness.

Table 1: Indonesia Indicators

Indicator	Yes/No
Hearings	No
Public Hearings	No
Floor Amendments	Yes
Single Subject Rule	Yes
Agenda Posting Requirements	No

Legislative Rules in the Philippines

The legislative procedure of the Philippines will be more familiar to observers of the US Congress. Bills are introduced and referred to a committee with subject matter jurisdiction over the contents of the bill. Bills are then referred out of committee to the plenary session of the chamber, where they are voted on by the whole membership of the chamber. They are then referred to the other chamber of Congress, at which point

the process is repeated. This legislative procedure is outlined extensively in the legislative rules of both chambers, publicly available on the legislature's web site.

Committee Hearings on Bills

The rules of the chambers of the Philippines Congress diverge on the necessity of committee hearings for the purpose of evaluating legislation. The Senate of the Philippines is required, pursuant to Section 24 of its standing rules, to hold hearings to "discuss, decide, and submit a report on all matters transmitted to them." Meanwhile, Section 26 of the Rules of the House of Representatives states, "Committees shall study, deliberate on and act upon all measures referred to them inclusive of bills, resolutions and petitions, and shall recommend for approval or adoption by the House those that, in their judgment, advance the interests and promote the welfare of the people." This provision, by its text, does not require committees to hold hearings on legislation. The rules of chambers within one legislature may diverge on matters of procedure; however, if one chamber gives the public the opportunity for voice, transparency, respect and trustworthiness through the presence of an indicator, that indicator is present in the legislature as a whole. Therefore, this indicator is judged to be present in the Philippines legislature.

Public Testimony at Committee Hearings

Neither chamber's rules obligate the chambers to hold hearings in which public testimony is received on legislation. The rules of the House of Representatives specify that "committees shall establish appropriate systems and procedures to ensure that

constituencies, sectors and groups whose interests are affected by any pending measure are given sufficient opportunities to be heard. Committees shall pursue dialogues and consultations with affected sectors and constituencies, conduct researches [sic], and engage the services and assistance of experts and professionals from the public or private sectors as may be needed in the performance of their functions” (Section 26). This provision does not obligate a committee to consistently hold open hearings at which the public can register their opinions on legislation under consideration, though it does establish the importance of public involvement and may result in public hearings. Public hearings, as referenced in the Senate rules, refer to hearings that may be observed by the public, but not necessarily hearings in which the public may give testimony. Furthermore, closed hearings, or “executive session,” are provided for in the Senate rules; there is a procedure required to invoke those sessions, leading to a reasonable inference that public hearings are the assumption, not the exception, in Filipino legislative procedure. Under these circumstances, neither chamber of the Philippines legislature can truly be said to require public testimony be received by the legislature.

Floor Amendments

Floor amendments, or amendments to legislation after the opportunity for public comment at the committee level has passed, are allowed in both chambers of the Philippines legislature. Floor amendments are expressly permitted by the Senate rules, in Section 71. The permissibility of floor amendments is also established explicitly in the House rules, in Section 56. This demonstrates a straightforward absence of the indicator of openness prohibiting amendments be made at a legislative stage when the public will

not have the opportunity to offer their perspective on those amendments and indicates an absence of transparency and fairness in the legislative process.

Single Subject Rule

The rules of the Philippines legislature explicitly require that legislation address only one subject. Section 83 of the Rules of the Philippines Senate provides that “No amendment which seeks the inclusion of a legislative provision foreign to the subject matter of a bill” is permitted. Section 99 of the House rules provides similarly for legislation under consideration in that chamber. The rules of the legislature are therefore very clear in embracing this particular indicator of openness, lending predictability to the legislation under consideration at any given time.

Agenda Posting

There is an identifiable requirement that agendas be posted in advance of a committee meeting in one chamber of the Philippines legislature, but not the other. The Senate rules require committees to establish a regular committee meeting schedule. The rules also permit Senate committees to hold special, off schedule committee meetings, but the date, time, and agenda for the off-schedule meeting must be circulated three days in advance. The rules are otherwise silent on agenda posting, but given the specific direction for special hearings, it would seem to be a reasonable extrapolation that the rules do not require agendas be posted. In the House, however, Section 35 requires that the date, time, location, and agenda of a committee hearing be established three days in advance of a hearing. Additionally, members must be notified five days in advance of a

bill initially being taken up by a committee. When public hearings are held by the House, notice must be given to the public, as far as is practical, three days in advance of the hearing (Section 38). Because at least one chamber of the legislature mandates advanced agenda posting, facilitating voice, neutrality, respect, and trustworthiness, this indicator is present in the Philippines legislature.

Table 2: Philippines Indicators

Indicator	Yes/No
Hearings	Yes
Public Hearings	No
Floor Amendments	No
Single Subject Rule	Yes
Agenda Posting Requirements	Yes

Content Analysis Indonesia

Public reporting in the Jakarta Post, the premier English language news source in Indonesia¹, demonstrates both the public availability of information on how legislative processes affect legislative outcomes, and that members of the Indonesian public, as represented by experts and activists outside of government, have registered

¹ Despite being an English-language media source, the Jakarta Post is representative of information available to “ordinary” Indonesians. While published in English, the Jakarta Post estimates that approximately half of its daily readers are middle-class Indonesians, with the remainder being upper class Indonesians or expatriates.

dissatisfaction with the legislative process. Over a two-and-a-half-year span, the news outlet reported on seven major legislative initiatives where information on the legislative process was considered relevant to the outcome by the journalist and included in the reporting. In five of those legislative initiatives, the Jakarta Post noted concerns of activists, experts of the public with the legislative process used to develop those bills.

The availability of highly specific information about legislative procedure, in the context of impact on particular legislative change, is demonstrated in the Jakarta Post's reporting on the consideration of the Sexual Violence bill (Janti, 2/19/2022; Nurbaiti and Sutrisno, 7/2/2020; Suhenda, 9/8/2021). The prevalence of sexual violence and need for a new approach were heavily reported on prior to consideration of the legislation. Once the Legislative Committee had assembled a draft bill, along with the list of issues to be addressed, activists and experts were able to review these materials and register their concerns before the bill was referred to the subject matter committee. These activists and experts were publicly critical of the legislation. However, deliberation at the committee level was delayed, according to the DPR, because the President had failed to send a letter necessary for deliberation to begin. The specificity of reporting shows that sophisticated information on legislative procedure is available to the Indonesian public. Furthermore, reporting on committee hearings also exists when hearings are held, despite notes by scholars of Indonesia's legislature that deliberation may be hard to observe.

The Jakarta Post noted concerns regarding legislative procedure when the DPR considered employment legislation, mining regulation, ethics legislation, and reform to

the powers of the anti-corruption body. Controversy over the Jobs law was explicitly connected by legal experts and the press to a legislative process that was “reckless, rushed [...] excluded public participation and lacked transparency” (Syakriah, 11/3/2020). The nature of the controversy was that drafting errors left the law impossible to implement. The “swift and closed deliberative process,” according to experts and activists, meant that mistakes were not caught, while lengthier deliberation before more sets of eyes would have likely resulted in errors being identified, as is the case with other pieces of legislation considered more slowly and openly (Syakriah, 11/3/2020). According to the Jakarta Post, meetings where this piece of legislation was deliberated were closed. The Jakarta Post reported that the Mining law was approved by the plenary in its second state of deliberation on a Wednesday, with the final text to be deliberated being released on the Monday prior (Harsono, 5/13/2020). Opponents, including environmental lobbyists and legal scholars, claimed the deliberation discussion had been conducted in secret and they had not been able to participate (Harsono, 5/13/2020). The Jakarta Post noted that deliberation had been underway since 2015, but discussion of the most recent draft had begun in 2019 (Harsono, 5/13/2020). In this case, activists and the media deliberately noted the procedure that had led to some perspectives being shut out of the legislative process and generating the specific outcome realized (Harsono, 5/13/2020). Reporting on the Ethics bill noted both the “hasty deliberation” of the bill and the potential impact on future elements of legislative procedure: “Article 229 for instance, will allow lawmakers to have a closed-door meeting without any disclosure to the public. Such a stipulation would further enable the House to ignore input from the public on the

deliberation of contentious regulations” (Aritonang, 7/14/2014). Finally, activists and experts also pushed back against legislation amending the powers of the anti-corruption body (Ghaliya, 9/17/19). The bill was deliberated quite quickly, in contrast, the reporting noted, to lengthy deliberation of other bills.

Content Analysis the Philippines

Filipino reporting on legislation rarely includes information on the legislative process beyond the identity of sponsors and the subject matter committee that reviewed the legislation. The stark exception to this general rule appears in reporting on appropriation or budget matters. In reviewing more than 600 articles from the Manila Times, the oldest English language daily newspaper in the Philippines, numerous articles may be identified describing the substance of legislation, across many subjects, with only occasional reporting on the legislative process and next to no criticism of it.

The Manila Times provides significant coverage of the work of Congress. Examples of standard reporting on legislative business include amendments to the Public Service Act and development of a transportation project. In reporting on the Public Service Act, the Manila Times described the changes to the law, going into significant substantive detail, but did not describe the legislative process by which the law had been changed. It engaged in extensive reporting on Congress engaging in its oversight features (Tolentino, 11/15/21). In one example, it reported on investigations into illegal trade in agriculture implicating a member of Congress.

Three exceptions demonstrating the Manila Times’ usual tendency to report on substance rather than process are its reporting on legislation dealing with oil

deregulation, fuel prices, and the budget process. The Manila Times described the committee process while reporting on the Downstream Oil Industry Deregulation Act. The article both illustrated the committee's substantive role in the process and demonstrated the committee's role in advocating for legislation it developed (Cruz, 3/15/22). The Manila Times' reporting on fuel prices described the creation of a special "ad hoc" committee to discuss prices and options to address them, and notes lawmakers recommending Congress be called back for a special session (Gaylican, 3/13/22). Additionally, the Manila Times engaged in significant procedural and substantive reporting on the budget and appropriations process, arguably the most significant work in which Congress engages. These instances demonstrate that, if they find it necessary or valuable, journalists at the Manila Times will report on the legislative process, but it is not generally either necessary or valuable.

The Manila Times does report on legislative procedure when elected officials criticize legislative procedure as a mechanism of advocacy for or opposition to legislation or courting particular constituencies. This appears to take the form of reporting on advocates' calls to pass legislation before the end of a Congress, which is less a critique of procedure than a matter of substantive advocacy. Furthermore, the Manila Times reported that legislators were recommending amendments to the media licensing law be referred back to committee for further deliberation; however, it appears that in this case legislators were concerned some members of congress were rushing through legislation to circumvent other existing law. Under these circumstances, while the article did report on criticism of legislative procedure, that criticism was of a substantive nature.

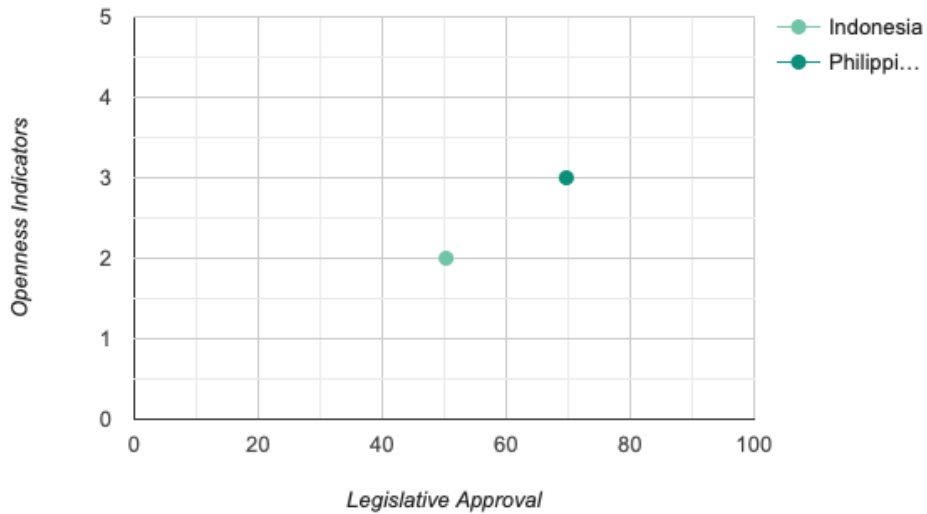
Additionally, the Manila Times reported on candidates calling for greater voice for particular sectors in the policy development process; however, a lack of universality in this demand makes it more likely that this is an electoral strategy than a principled stand (Tolentino and Cruz, 11/30/21).

VIII. Analysis

When the legislative rules in Indonesia and the Philippines are analyzed, I find a positive relationship between the number of indicators of openness and satisfaction with the legislature. Furthermore, qualitative data on publicly available media reporting on legislative procedure in both countries exhibits that the public in both Indonesia and the Philippines has access to information on legislative processes in their respective legislative branches, and that specific concerns with the legislative process for its own sake are raised more frequently in Indonesia than in the Philippines.

The positive relationship between indicators of openness and legislative approval is readily identifiable when the two countries are compared. Indonesia's legislature demonstrates two of the five indicators of openness in a legislature, and has an approval rate of 50.8%. The Philippines legislature, meanwhile, demonstrates three of the five indicators of openness, and has an approval rate of 69.7 percent. The Philippines' higher incidence of openness indicators in the legislature corresponds with a higher approval rating for the legislature, whereas Indonesia's legislature has both a lower incidence of indicators of openness and a lower approval rating for the legislature. In the scatter plot below, with the x axis representing legislative approval and the y axis representing the number of indicators present in each legislature, the data point representing the Philippines, which has both higher legislative approval and a higher number of openness indicators, sits above and to the right of the data point representing Indonesia.

Figure 2: Relationship Between Legislative Approval and Indicators of Openness



Qualitative data from publicly available reporting in Indonesia demonstrate that not only is information about the impact of legislative procedures on legislative outcomes made available to the public, but members of the public, as represented by activists and experts, are able to connect legislative procedures with the outcomes of those processes when they are dissatisfied with those outcomes. Qualitative data from publicly available reporting in the Philippines shows both less concern with legislative procedure but also less frequently available information on that process. On the basis of the public reporting I reviewed, it does not appear that legislative procedure in the passage of bills is a source of public consternation in the Philippines.

The evidence this information provides, when combined with the positive relationship between openness indicators and survey data on satisfaction, enhances the likelihood that the relationship between indicators of openness and perceptions of

legitimacy is not merely correlative. Because citizens of Indonesia have access to information about the process and demonstrably object to the process in some circumstances, and citizens of the Philippines have similar information regarding their legislative procedures and do not object to legislative procedure except as a vehicle for particular substantive critiques on legislation, there is evidence that the relationship between legislative procedures with indicators of openness and perceptions of legitimacy of that procedure is causal.

Not only has a positive relationship between the independent variable, indicators of openness in the legislative process, and the dependent variable, satisfaction with the legislature, emerged, but qualitative data demonstrating the causal connection between the two also exists. These data both confirm the hypothesis and lend weight to my theory that procedural fairness in the legislative process is the primary driver of perceptions of legitimacy in the legislature.

IX. Conclusion

This paper demonstrates both the correlation and causation between procedural fairness as enacted in the procedural rules of the legislature and perceptions of legitimacy as measured by perceptions of satisfaction with the legislature. In these two similar cases, the legislature with more points of public opportunity to realize voice, neutrality, interpersonal respect and trustworthiness in the legislature met with more public approval than the legislature with fewer points at which the public could realize those elements of procedural fairness. At the same time, qualitative data demonstrates the public in both countries was able to be aware of their legislative procedures, and in only the country with a less procedurally fair legislative process was there regular criticism of the legislative procedure in public reporting. Therefore, the existing theory of procedural legitimation is extendable to legislatures via their procedural rules.

This test has provided new information on the generation of legitimacy in an additional sub-division of government. While drivers of legitimacy have previously been interrogated either enterprise-wide or in bureaucratic sub-divisions, this study demonstrates that the legislature's legitimacy may be decoupled from the remainder of the government in which it exists and is based on its own internal procedure. Furthermore, it demonstrates that not any pre-established procedure may be followed to confer legitimacy; it demonstrates that procedures generating perceptions of procedural justice, i.e. those conferring voice, transparency, respect and trust, must be followed to confer that legitimacy. This enhances existing study of legitimacy by lending weight to the observation that procedural legitimation is key, but generates a new avenue of study of

legitimacy. If legislatures in presidentialist systems may be analyzed for their own legitimacy, the same may hold for other governmental entities, particularly those previously dismissed as generating their legitimacy through direct election.

This study has further, practical implications beyond the realm of political science research. Much of the current study of democratic backsliding is to prevent further descent in the world's established democracies. From a practical perspective, this research may inform democratic legislatures on how they might construct a brake. Legislative procedure need not be determinative – indeed, Cox (2000) writes that under most circumstances, endogenously created legislative rules should not be – but legislative procedures enhancing perceptions of legitimacy by giving the public a greater opportunity to realize voice, neutrality, trust, and interpersonal respect may increase public investment in existing legislative procedures and temper public appetite for significant anti-democratic change to their legislative structure.

That being said, without further insight into the practices of the legislature, and the perceptions of the public on the effect of mechanisms, it proves difficult to assign a binary value of presence or absence on the basis of the rules, even with supplemental observations of the implications of the rules. The assessment is subjective, especially when a legislature embraces alternate approaches to legislative process or prioritizes other values, such as Indonesia's prioritization of consensus. A simple binary assessment of presence or absence may oversimplify the legislative process, and therefore may miss how the legislature or the public interpret the rules as granting opportunity to give input, view into the legislative process, feel respect, and trust their legislators. Those seeking to

expand this study would be wise to incorporate additional measures of practical application in legislative procedure, not merely rules, to understand the true nature of procedural provisions on both the business of the legislature and public perception of legislative procedure.

The methodology of this thesis may need to be refined in order to apply to democratic, presidentialist legislatures more broadly. These indicators, while closely connected to procedural justice elements, were developed based on familiarity with legislatures either in the United States or heavily influenced by the United States. In a legislature like Indonesia's, where legislative procedure differs significantly from that of the United States due to Indonesia's political culture, comparing procedures to indicators required subjective decision-making. While the methodological concept is sound, I believe I need to give more consideration to the effectuation of procedural justice through legislative procedure before collecting further data on legislative rules. Additionally, because a most similar systems method with two cases compared against each other, with five data points analyzed in each case, provides limited data, the issue of subjectivity in data points may be exacerbated. Because it is my intention to expand this study to 35 presidentialist democracies, this problem may resolve itself somewhat when the test is applied to a larger sample; however, I will consider additional data points based on rules or norms so as to increase the independent variable data available. Furthermore, expanding this test to 35 presidentialist democracies will allow this theory to be tested in more diverse contexts with regard to public polarization and economic performance, which represent possible confounding variables.

Ultimately, there is a wealth of data to be mined from legislative rules, existing accounts of legislative procedure in practice, and public reporting on knowledge and acceptance of existing legislative procedure. By connecting these sources of data, we might further expand on, and prove the robustness of, this new theory of legislative legitimacy through procedural fairness.

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