



Good Governance as Primary Program for the Neo-Liberalism Agenda

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ABSTRACT

This paper aims to enrich the study of good governance as a formula for the government of Indonesia, which in the author's observation, is a proponent that supports and serves the neo-liberalism agenda. In this paper, the author presents the bad reality of good governance which has logical coherence with policy deregulation, privatization, hegemony and capitalization which experiences its internal contradictions with the ideas and motives of democratization as the main proposal of good governance. In addition, literally and figuratively, the author provides a theoretical critique of the logic of neo-liberalism and describes its deception in the public policy process.

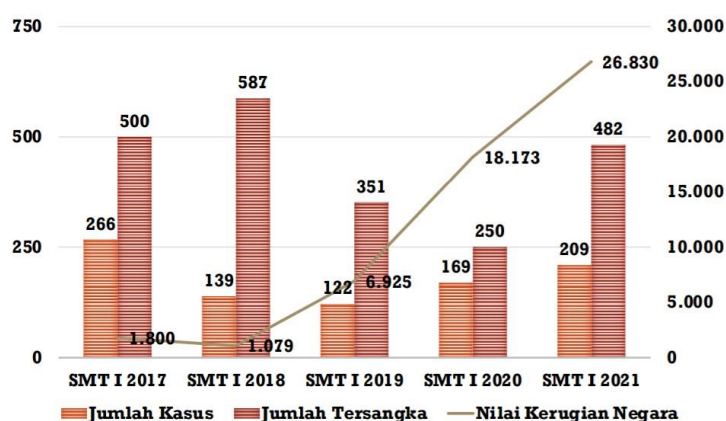
Introduction

Good governance, as the paradigm of the governance and development in Indonesia after the fall of the authoritarian regime, presupposes institutional democratization as the primary instrument for upholding the rule of law, public participation, transparency, effectiveness and efficiency, and equal access of citizens to public policies and services. Constitutionally, good governance aims to prevent acts of corruption, collusion and nepotism; encourage bureaucratic productivity; develop the nature of administration and policies based on openness to the public; as well as produce the type of excellent service to the community.

However, the fact says vice versa. After 23 years of the post-reformation era, Indonesia's corruption perception index always increases from year to year. Indonesia Corruption Watch (ICW) reports that the number of prosecutions for

corruption cases during the first six months of 2021 alone reaches at least 209 cases¹. Semiotically, if the corruption perception index is large in quantity, then this is parallel to the increasing quantity of collusion and nepotism in Indonesia. In addition, in 2019, Mafud MD, the Minister for Political, Legal, and Security Affairs, said that the Indonesian bureaucracy was lazy and unproductive². He stated that the sense of justice is often hit by legal formalities and certain authorities.

Monitoring Trends in the Action of Corruption Cases in the First Semester of 2017 - 2021:



Source: *Indonesia Corruption Watch*

In addition, if good governance encourages people's participation in democratic development, then Indonesia will experience a significant decline in the quality of democracy from 2019, 2020, and 2021. According to reports from the Economist Intelligence Unit³, Democracy Report⁴, and the Indonesian Democracy Index⁵, the decline in the democracy index in Indonesia is caused by a decrease in the quality of civil liberties and in the freedom of expression and public speech. We can see this factually based on the accumulation of arbitrary arrests and repression of the participants in the wave of protests against the revised version of Commission

¹ The results of Monitoring Trends in the Action of Corruption Cases in the First Semester of 2021, Indonesia Corruption Watch, 2021.

² Fitria Chusna Farisa, Mahfud MD: *Birokrasi Kita Masih Koruptif, Malas, dan Tak Produktif* (published on Kompas, 19 December 2019)

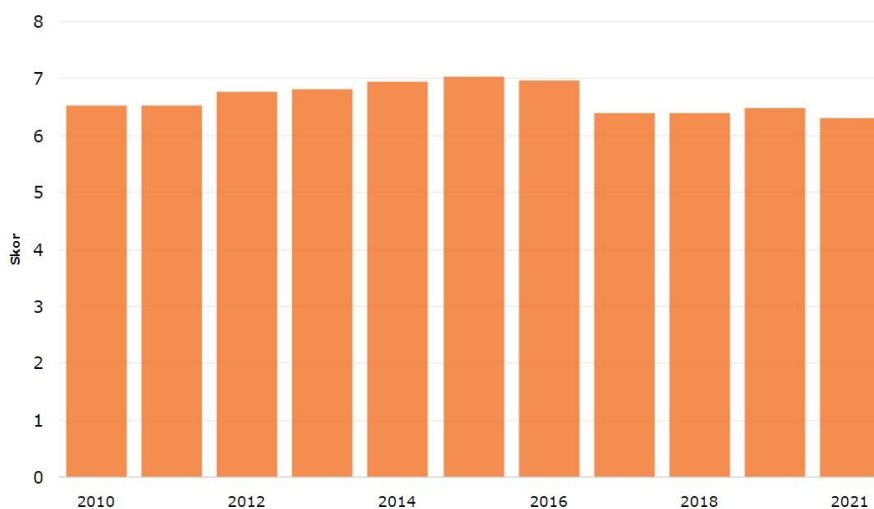
³ Democracy Index 2020: In sickness and in health, Economist Intelligence Unit, 2020.

⁴ Autocratization Turns Viral: Democracy Report 2021, V-Dem Institute, 2021.

⁵ Indeks Demokrasi Indonesia/Indonesian Democracy Index (IDI) 2019, Badan Pusat Statistik, 2019.

(KPK) Law and Omnibus Law, the criminalization of critics of the economic crisis, and the poor health management due to the pandemic, to the arrest warrant for the street mural makers by the government regime.

Indonesian Democracy Index 2010 - 2020



Source: Economist Intelligence Unit

Meanwhile, the effectiveness and efficiency of the bureaucracy are carried out only to support the neo-liberalism agenda through policy deregulation. Within Indonesia's context, deregulation and the design of neo-liberal public policies are very clearly seen when there is no legal reform efforts placed for a system that is more just for the people, but rather follows the interests or tastes of the market in creating a business climate (Wiratraman, 2008).

The system of neoliberalism has four basic characteristics: stable economic growth, free markets, economic globalization, and the privatization of economic assets. A stable economy as it bases its economic growth on the accumulation of surplus value system. Free market since it submits all public affairs to the control of the market mechanism. Economic globalization since it presupposes international involvement to freely intervene in the domestic economy. Economic assets

privatization for it encourages private ownership of the state resources. These four distinctive dimensions become the creed applied to every country that adheres to the ideology of neo-liberalism. Good governance in many studies is indeed considered as a manifestation of the dominant ideology that requires the realization of market liberalization (Wiratraman 2007; Prianto 2011; Kurniawan 2011; Kharisma 2014).

Research Methodology

The research approach used in this paper is a qualitative approach, with data collection as the technique in the form of literature review. The author assumes that the study of good governance as the governance for a post-reformation bureaucracy is important to measure descriptively the success and failure of the system. This paper aims to enrich the public discourse on good governance, neo-liberalism, and the contemporary Indonesian democratic system.

Discussion

“Liberal economy gave a false direction to our ideals. It seems to approximate the fulfillment of intrinsically utopian expectation. No society is possible in which power and compulsion are absent, nor a world in which force has no function. It was an illusion to assume a society shaped by man’s will and wish alone.” – Karl Polanyi

As long as the public policy is produced through the corrupt nature of power, then it will never be truly wise. Therefore, the primary meaning of policy which is the basic constitutional order to organize and distribute welfare and justice is impossible to be achieved. In the era of neo-liberalism, the logic of public policy becomes a separate dichotomy between the role of state involvement which is via a vis, and the aggressive domination of the market (non-state-actor) which, for example, narrows the space for social democracy with the competition of capital; no money, no policy (Triguswinri, 2019)

The existence of market logic promoted by neo-liberalism is seen through government policies in producing public policies. When the power of capital becomes the material basis for all considerations in making a policy, it is assumed that the policy will be profit-oriented. The relation between market and the public policy are determined by the economic logic, that the demand moves quickly like a geometric progression and the supply moves like an arithmetic progression.

The trick of neo-liberalism through the rush of capital to assist the development of socio-economic policies of developing countries is false. In the end,

the citizens of the countries become victims afterward. The Market logic shows its success in having an affair with the state and the bureaucratization of capital will be a contradiction in the government's dilemma to determine the authoritative attitude between serving the interests of society across classes or simply on the interests of capital. Any material transactions from the opportunism of policymakers also have an impact on limiting democratization. Furthermore, the government's lack of autonomy in making policy decisions has an impact on the decline of social welfare. Thus, the market logic is the only unethical guideline for the nation and state.

Good Governance and Neo-liberalism

V.R. Hadiz and R. Robison (2006), as well as A. Rosser (2002) indicate that neoliberalism has been included in policy since the New Order regime and in the regimes that come after it. The mining industry is the best example of how neo-liberal ideas have been introduced since the beginning of the new order era. Law No.1/1967 on Foreign Investment is the entry point for foreign investment in this sector. Article 8 of Law no. 1/1967 states "Foreign investment in the mining sector is based on a collaboration with the government in accordance to a contract of work or other forms that is in line with the applicable laws and regulations" (Sangadji, 2009).

Historically, the World Bank, the International Monetary Fund (IMF), and the World Trade Organization (WTO) have been the institutions that encourage the realization of good governance in third world countries. Through their political economy agendas and programs, these institutions want to reduce state intervention in public and private affairs, so that all things must be oriented and submitted to the market mechanism. The World Bank defines good governance as the implementation of solid and responsible development management which is in line with the principles of democracy, efficient markets, avoidance of misallocation of investment funds, and prevention of corruption both politically and administratively (World Bank, 1992).

Herlambang's study mentions that this motive is carried out in the context of privatization, free trade, export-oriented growth, financial capital mobility, deregulated labor markets, and macro-economic austerity policies (Wiratraman, 2007). Therefore, the potential to produce policy justice, openness and excellent service (responsive and accountable) become difficult to be achieved if the actualization of the bureaucracy experiences ambiguity - as if it were democratic, but it is actually corruptive, lazy, and only serving the interests and services for the neo-liberal agenda.

On the other hand, good governance, in the perspective of the World Bank, must begin with the role of government that is limited (less government) because it is alleged that big government will be a source of bad governance. This bad governance is characterized by an unrepresentative government and an inefficient non-market system. Hence, good governance also encourages democratization by forcing the state to share power with actors outside the state. Robi Cahyadi's study describes this as oppression by the advanced industrialized countries and international agents (including institutions and donor countries) in shaping market governance (Kharisma, 2014).

Therefore, Herlambang and Robi Cahyadi's studies on neo-liberalism are relevant to the history of the development of the system. For neo-liberalism is genealogically a redefinition of classical liberalism that rejects state inhibition in the domestic economy. This inhibition is rejected because it leads to the creation of distortions, then it leads to corrupt actions. This ideology, popularly, focuses its activities on the free market which is oriented towards increasing the living standard of the people in a country and modernization through increasing the efficiency of trade and investment.

International institutions that have an interest in good governance being built in third world countries are actively amplifying the rationality of the good governance through collaboration between state and non-state actors by normalizing democracy, human rights, poverty eradication, anti-corruption. The normalization of those things, in Herlambang's study, is considered as a supporter of the neo-liberal agenda (Wiratraman, 2007). However, the opposite is shown by Filho and Johnston (2005) that under neo-liberalism, economic growth has decreased, unemployment is widespread, poverty is increasing, inequality between countries is getting worse, and marginalized people will be massively oppressed from economic instability.

The privatization projects, and commercialization, are not on the agenda for neo-liberal proponents. In this context, discourse mystification and institutional machinery are the rational technologies that systematically produce the concept of "truth and knowledge" of good governance as a way of smoothing neo-liberal oppression (Wiratrama, 2008). In this case, according to Giddens, neo-liberalism is right when it criticizes the state, but it is wrong to assume that the public good can be actualized by the market (Giddens, 2000). Hegemonic power only shifts from state control to private (capital) control. The implications of private hegemony for the general public are no less bad than the implications of state hegemony. Although there are poverty eradication programs, the number of people below the poverty line

has not experienced a significant reduction, and it is even worsened in some countries. The disease of malnutrition is still easily found when government practices have begun to apply the characteristics of good governance (Prianto, 2011).

Neo-liberalism, in the history of the world economy, often opens foreign markets in many ways. It is not only through diplomacy but also by the use of force and military intervention. For example, in 1977, it was reported that Freeport suffered a loss of around USD 11 million because the Free Papua Movement (OPM) sabotaged the company's installations. In response to this case, ABRI/TNI (Indonesian National Armed Forces) launched an operation named *Tumpas* in mountainous areas using aircraft made by USA Bronco and helicopters equipped with weapons with targets on the ground. The attacks were carried out by bombing large areas, airstrikes with its low-flying maneuver, and dropping napalm bombs around villages in the mountainous areas (Leith, 2000).

The Development of Proverty in Indonesia, March 2011 – March 2020.⁶



Source: *Badan Pusat Statistik*

Therefore, the inclusive and rational program campaigned by good governance is nothing more than a false consciousness that has succeeded in hegemonizing the originality of Indonesian democracy. Neo-liberalism is only one part of the hegemonic projects that concentrate power and prosperity on a group of elites, especially those who take advantage and financial interests in every country (Wiratraman, 2007). This is proven by the most basic characteristics of neo-liberalism

⁶ According to the report of *Badan Pusat Statistik Indonesia* in 2019, the total number of people who live in poverty in March 2020 is 26,42 million people. There are additional numbers of 1,63 million people compared to September 2019 and 1,28 million people compared to March 2019. The percentage of proverty in March 2020 is 9,78%. It increases by 0,56% poin compared to September 2019 and 0,37% compared to March 2019.

which is the system that uses state power to enforce market and financial policies in a domestic process (Wiratraman, 2008).

Neo-liberalism's Deception in Policy Deregulation

In addition, the fundamental problem of the neo-liberalism system is its alignment with corporations and capital, so it is not surprising that the logical consequence produced by neo-liberalism is the exclusion of basic workers' rights and the absence of policies that provide protection against them. We can observe this in the Omnibus Law policy package and all of its derivative laws that discuss labor, investment and, environmental issues.

Omnibus Law becomes *cause celebre*⁷ and public debate discourse. For it emerges in a critical political condition: the unfinished RKUHP (Indonesian Criminal Code bills) controversy, impunity for the maximum function of the KPK, simplification of the function of Environmental Impact Analysis (AMDAL) to accelerate the rate of investment, and the stagnation of national economic growth. Many people are concerned that the Omnibus Law threatens the economic and political sustainability of the worker class, democracy, human rights, ecology, and gender. There is no significant perspective to comprehensively explain the structural consequences of implementing the Omnibus Law on the affected communities. There is a conceptual similarity between the stakeholders to produce overgeneralizations which, for example, imposing the Omnibus Law to lighten public commotion.

In the philosophical aspect of the Omnibus Law, there are two primary points; Protecting workers and investment interests. However, there is a bias in this philosophical aspect. Historically, we recognize that human history is the history of exploitation of the owners of capital against the worker class (Marx, 1848). Therefore, the government can not protect the worker class or intervene in the companies in resolving conflicts with their workers if the Omnibus Law principle is based on an internal conflict resolution process at the company level (bipartite). In addition, the exploitative and oppressive nature of corporations for capital accumulation can not be cancelled by the Omnibus Law.

There is a tendency coming from neo-liberalism supporters to reconstruct the advantageous value of the Omnibus Law in a theoretical framework which they call

⁷ An issue or incident that has developed into controversy and heated up public debate (Wikipedia)

"conscience utilitarianism". In the concept of utilitarianism that emerged in the 18th century when Jeremy Bentham promoted the idea that governments have a responsibility to produce what Bentham calls, "the greatest happiness (welfare) of the greatest number of their citizens", he uses the term "utility" to describe the concept of happiness or well-being. Based on his utilitarian principles, Bentham argues that something that causes extra happiness is good, and something that causes pain is bad.

According to Bentham, government actions should always be directed at increasing the happiness of as many people as possible. Hence, if the Omnibus Law accommodates the massive number of foreign workers entering Indonesia even though they are qualified and pass the standardized qualification, it will be easy to hire workers. However, it is also easy to fire them, due to the emergence of automation machines for production efficiency and effectiveness. Furthermore, the logical consequence of this action is the increasing wave of racism and crime due to the struggle for seeking work because of limited job opportunities. In short, universal happiness (utilitarianism) for the worker class can't be produced.

In the Omnibus Law, the law of unlimited investment development, among limited natural resources, will have fatal consequences for environmental and humanitarian crises. In other words, more forests and people's land will be seized by the state and corporations. There will be a greater number of disruptions to civil liberties rights and eliminate the involvement of women in environmental management. There will also be a wider number of people who are sick under the banner of development. It will present the sociological reality of extreme economic disparities and structural injustice. It means commodification and means proletariat. Ethically, it is against the agenda of the welfare state and the 1945 Constitution of the Republic of Indonesia.

Neil Brenner and Theodore in the book entitled *Spaces Of Neoliberalism Urban Restructuring In North America Dan Western Europe* (2002) give an example of the creative destruction process in the neoliberalism era: concerning the wage for workers, the destructive moment (The destruction) occurs in the form of (1) organizational destruction workers and their collective bargaining power nationally in determining wages; (2) the destruction of family wages and the spread of general economic insecurity; and (3) the abolition of national regulations that guarantee equal employment opportunities, workplace safety, and labor rights. The creative moments (The creation) are: (1) The deregulation of the competitive economic climate through renegotiation of lower wage rates and working conditions combined

with tightening managerial expansion; (2) the creation of new forms of social wages and the gender division of labor; and (3) the promotion of new forms of “flexibility” of work.

Therefore, the Omnibus Law is a complete package of neo-liberalism. Neo-liberalism has been proven to destroy the social structure, a country's domestic economy, ecological damage, and economic deregulation that is not in the people's interest. Developing countries whose economic and political institutions are not yet inclusive have been depleted because of being unprotected from the rush of trade and capital. Neo-liberalism also has been proven to bring an ecological crisis, a decline in democracy, and relentless human rights violations. The United Nations (UN) have warned that Indonesia can be a catastrophe. It can happen in the next ten years, if we fail to stop the aggressive domination of the industries due to political and economic interests of the business which are the main sources of the ecological crisis. The catastrophe may take place earlier in Indonesia due to a policy error.

Anas Saidi, in his study of Good Governance in the Configuration of the Welfare State Version of Indonesia's 1945 Constitution, gives a similar confirmation on good governance being the “biological child” of neo-liberalism in which its main goal is not in line with the spirit of the welfare state based on Indonesia's 1945 Constitution. Therefore, if good governance has been taken as a choice of improvement paths from various bureaucratic pathologies and efforts to provide opportunities for optimizing public services and policies, then there is a "post" of good governance that needs to be proposed as a normative imperative (Saidi, 2011):

First, in "post" good governance, there must be an understanding (change of mindset) among the elite of state administrators that efforts to pioneer good governance do not only stop at simplifying institutions, service efficiency, financial management transparency, and accountability in public policy mechanisms. However, the most important thing is to establish a new awareness that good governance is only an instrument to fulfil people's welfare as an obligation to guarantee the basic rights of the people based on the 1945 Constitution of the Republic of Indonesia.

Second, in "post" good governance, the realization of the full human development paradigm and poverty eradication efforts are not only understood as efforts to liberate the poor from the indicators (fulfilment of clothing, food, and housing) that are all too general but also are the attempts to position the poor to have self-esteem, dignity, independence, recognition, and freedom.

Critics

Within the intellectual tradition, neo-liberalism has experienced various long and unresolved debates. Adam Smith, in his book entitled “The Wealth of Nation”, pioneers the idea of economic liberalism which becomes the transformative basis for the development of neo-liberalism. In the book, Adam Smith implicitly propagates deregulation and advocates for the market mechanism to work in its way without tutoring the formal logic of the state (Skusen, 2015). In addition, another popular neo-liberalist figure, Hayek (1944) rejects all forms of state intervention because he considers it as a danger to the market and political freedom. On the contrary, the critics of neo-liberalism consider that the absence of state intervention in the market will actually have an impact on injustice and inequality (Rawls, 1971; Jomo, 2006; Shefner, 2007; Harvey; 2009).

When the good global financial capitalists glorify Adam Smith's theorization of economic freedom and the minimal role of the state in the control structure, people like Keynes reveals that the government and the state are important in their involvement to regulate the economic system in stabilizing the economic situation at an unemployment level that should not be higher or lower (to avoid inflation). Keynes also believes that the government could secure employment and low inflation simultaneously by using their authority in carrying out fiscal policy, monetary policy, and other instruments used to adjust the price level, restructure the tax system, market and government spending, regulate industrial relations as well as to regulate the price and interest rates (Jomo, 2006).

Like Keynes, David Harvey and Jon Shefner also share a relatively similar conception of neo-liberalism. For David Harvey, if there is an important reason why neoliberalism needs to be considered as a pattern in the global political economy system like the dynamics of neoliberalism which prioritizes the market to be the main actor in the country's economic activities, then it needs special attention since the market can not and does not have any authority. It does not have authority even at the level of the state when it runs an economic system (Harvey, 2009). Harvey's opinion is supported by Jon Shefner saying the neoliberalism system makes unequal growth that causes stratified class lines and the polarization of economic power on certain parties. With that being said, neo-liberalism harms people who come from lower-middle-income (Shefner, 2007).

Furthermore, neo-liberalism is a utopian ideology as there is no historical evidence to show that the market can operate without government intervention. It is only from the hands of a concrete government where the market can work through

various regulations. In other words, the so-called 'free market' and 'free trade' are not something 'free fall' from the sky, but are made by the government through meetings in parliament, in ministerial offices, or hotels. It does not matter what kind of government it is, whether it's elected through bourgeois democracy or a bloody coup. In fact, for the sake of the market, all forms of government can spread terror in various ways. (Arianto Sangadji, 2009).

In line with Filho and Johnston's arguments, Danial argues that the world economy does not experience rapid growth under the neoliberalism policy. Instead, it is more unstable and more speculative. We also witness an increase in foreign debt and unequal exchange/trade. Likewise, there is a tendency for bigger financial crises to be more frequent, while poverty, injustice, and the gap between the Northern (prosperous) countries and the Southern (poor) countries are even wider (Indrakusuma, 2020). Meanwhile, Pierrer Bourdieu (1998) criticizes this utopia merely as a mathematical fiction which instead of basing its claims on an objective reading of the real conditions of society, this utopia is actually built on abstract grounds.

Conclusions

Like most of the economic spectrums and bureaucratic paradigms that have ever existed, neo-liberalism has failed. This has been going on since the Great Depression caused by the Wall Street crash. However, soon after that, an international monetary and financial conference convened by the United Nations (UN) at Bretton Woods in 1944 was held to overcome the crisis and anticipate a repeat of the economic depression in the future.

In classical liberalism, humans are economic creatures (*homo economicus*) only (again 'only') in economic activities. However, in the neoliberalism agenda, humans are treated as economic creatures in the fields of economy, politics, law, culture, and so on (Priyono, 2009). Hence, according to the author, neo-liberalism is more similar to religious fundamentalism. Why? For it governs every aspect of human life and its relationships in the end.

Although neo-liberalism is considered capable of producing democracy, there are still criticisms that follow it. The criticism of neo-liberalism comes from the idea that neoliberalism is the highest stage of the development of capitalism. According to this group, the main causes of underdevelopment, poverty, repression of the rights of the poor, and environmental damage are the result of the domination of the social

production system of capitalism which is now in the form of neo-liberal capitalism (Pontoh, 2010).

Therefore, instead of encouraging democratization, good governance as the “biological child” of neo-liberalism is actually trapped in a policy paradox which is considered by some experts to produce public policies that are undemocratic and insensitive to social problems, such as cutting social budgets, control of labor unions, widespread investment, environmental degradation and reducing government intervention in the economy (Crotty & Dimsky, 1998; Hart-Landsberg, 2002). In conclusion, good governance along with the dominant ideology of neo-liberalism, which elevates the role of investors and global corporations, has killed democracy (Manurung, 2006).

Good governance, conceptually, has become a public discourse that is still highly discussed today. The central and regional governments periodically and diligently carry out monitoring and evaluation to measure the concept and its level of success in bureaucratic activities. The social activists and university academics take turns in conducting research and organizing seminars to produce theoretical structures and empirical reports to the governments and donor agencies. The absence of alternative paradigms and the poor social imagination of stakeholders, as well as civil society activists, make good governance the only concept that is considered capable of solving the complexities of contemporary problems in Indonesia. Therefore, good governance as a paradigm, which at any time can experience fallibilism and insignificance, must always be examined critically and in reverse. So that it does not experience over-glorification, idealization, and crystallization.

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