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## **DEMOCRATIC EROSION, POPULISM, AND INSTITUTIONAL RESILIENCE IN MODERN LATIN AMERICA: A COMPARATIVE CONSTITUTIONAL AND POLITICAL ANALYSIS**

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### **ABSTRACT**

Over the past two decades, Latin American democracies have witnessed a structural shift in the nature of regime instability. Rather than succumbing to traditional military coups d'état, democratic systems across the region are increasingly experiencing subtle, incremental processes of executive-led democratic erosion. Elected leaders utilizing populist rhetoric frequently deploy constitutional amendments, judicial packing, and regulatory pressure to weaken horizontal accountability while retaining formal competitive electoral procedures. This paper critically investigates the mechanics of democratic backsliding, populist governance, and institutional resilience across contemporary Latin America, focusing on comparative case dynamics within Mexico, Venezuela, El Salvador, and Brazil. Utilizing a comparative political economy and constitutional framework, this study evaluates how hyper-presidential mandates interact with electoral systems, autonomous oversight bodies, and civil society resistance. The research reveals that formal institutional design alone is insufficient to stem backsliding; rather, systemic resilience depends on the interactive density of autonomous judiciaries, sub-national institutional checks, and independent election management bodies. The paper formulates a normative legal and political framework aimed at fortifying democratic institutions against executive overreach without triggering systemic governance paralysis.

**Keywords:** Democratic Backsliding, Executive Aggrandizement, Populism, Institutional Resilience, Latin American Politics, Executive-Legislative Relations, UNAM.

## **1. INTRODUCTION AND THEORETICAL CONTEXT**

### **1.1 The Changing Character of Democratic Instability in Latin America**

For much of the twentieth century, democratic breakdown in Latin America was characterized by sudden, overt, and violent interruptions of the constitutional order. Military juntas, military-led coups d'état, and direct armed intervention served as the primary mechanisms through which democratic governance was suspended. However, in the post-Cold War era—and particularly over the last two decades—the structural nature of regime breakdown across Latin America has undergone a fundamental transformation. Democratic decay is no longer predominantly executed through armed soldiers seizing presidential palaces; rather, it occurs incrementally from within through legal, constitutional, and electoral mechanisms orchestrated by democratically elected chief executives.

This phenomenon, described in contemporary political science literature as democratic erosion, backsliding, or executive aggrandizement, presents a profound challenge to democratic theory and comparative institutional analysis. Under executive aggrandizement, incumbents utilize their electoral legitimacy and parliamentary majorities to systematically dismantle checks and balances, capture independent regulatory institutions, weaponize anti-corruption rhetoric against political opponents, and alter electoral laws to favor the ruling party. Crucially, this process occurs under a facade of legality. Changes are implemented via formal constitutional amendments, legislative statutes, executive decrees, and judicial appointments, rendering the precise moment of democratic breakdown difficult to isolate.

In Latin America, this dynamic is intimately tied to the resurgence of populist political movements on both the left and right of the political spectrum. Populism, understood as a thin-centered ideology that considers society to be ultimately separated into two homogeneous and antagonistic camps—the pure people versus the corrupt elite—provides the ideological justification for dismantling institutional boundaries. When populist leaders frame their electoral mandate as the unmediated expression of the popular will, counter-majoritarian institutions such as constitutional courts, electoral commissions, press freedom guarantees, and human rights bodies are framed as illegitimate obstacles engineered by corrupt elites to suppress the majority.

## **1.2 Problem Statement and Research Objectives**

Despite the proliferation of scholarly literature on global democratic backsliding, significant theoretical gaps remain regarding why certain Latin American political systems display remarkable resilience against executive overreach while others succumb to authoritarian consolidation. Standard theories of democratic consolidation, which emphasize per capita gross domestic product, economic development, and historical democratic duration, fail to fully account for divergent institutional trajectories within sub-regions exhibiting comparable socio-economic profiles.

The primary research problem investigated in this study is how populist executive strategies interact with varied institutional architectures across Latin America, and which specific structural and socio-political factors generate institutional resilience against democratic backsliding. To address this core inquiry, this paper pursues three primary objectives: First, it conceptualizes the operational mechanisms of modern executive aggrandizement and populist governance within the framework of Latin American hyper-presidentialism. Second, it executes a comparative analysis of institutional responses in Mexico, Venezuela, El Salvador, and Brazil, highlighting the interaction between executive ambition and institutional constraints. Third, it develops an actionable normative model for institutional architecture designed to enhance regime resilience while maintaining executive capacity to govern.

## **2. METHODOLOGY AND ANALYTICAL FRAMEWORK**

### **2.1 Research Methodology**

This study adopts a comparative political and socio-legal methodology, drawing upon historical institutionalism, constitutional law, and qualitative regime analysis. The inquiry utilizes a comparative case study design examining four key Latin American polities: Mexico, Venezuela, El Salvador, and Brazil. These cases were intentionally selected to reflect structural variance across geopolitical sub-regions, ideological orientations (left-wing versus right-wing populism), and democratic outcomes (ranging from authoritarian regime consolidation to successful institutional defense and recovery).

The empirical foundation of this study relies on qualitative analysis of constitutional texts, legislative enactments, judicial decisions from national supreme and constitutional courts, official reports from inter-American human rights bodies (such as the Inter-American Commission on Human Rights), and longitudinal institutional datasets including the Varieties of Democracy (V-Dem) indices. By applying process-tracing within each case study, the research isolates the causal sequences connecting populist electoral victories, institutional restructuring attempts, and counter-institutional responses by autonomous bodies and civil society.

### **2.2 Theoretical Framework: Hyper-Presidentialism and Institutional Density**

The analytical framework of this paper rests upon two theoretical pillars: Guillermo O'Donnell's concept of Delegative Democracy combined with Giovanni Sartori's and Juan Linz's classical analyses of presidentialism, complemented by modern theories of institutional density and horizontal accountability.

Latin American constitutionalism has historically been characterized by hyper-presidentialism—a system in which the executive branch is endowed with expansive constitutional and decree powers, leaving legislative and judicial branches structurally disadvantaged. In a delegative democracy, the chief executive is viewed as the personification of the nation, entitled to govern as they see fit without formal institutional oversight for the duration of their mandate.

However, modern institutional theory demonstrates that democratic survival depends on horizontal accountability—the capacity of state agencies and counter-majoritarian institutions to prevent illegal executive action. Institutional density refers to the structural autonomy, administrative capacity, and public legitimacy of these oversight bodies (including electoral tribunals, supreme courts, transparency institutes, and state auditors). When institutional density is high, the financial, political, and social costs imposed on an overreaching executive become prohibitive, insulating the democratic system against authoritarian drift.

## **3. POPULIST GOVERNANCE AND EXECUTIVE AGGRANDIZEMENT**

### **3.1 Ideological Spectrum and the Populist Logic**

Populism in Latin America is not tied to a single political ideology; rather, it operates across the entire political spectrum. Whether manifesting as radical left-wing populism (as observed in Venezuela under Hugo Chávez and Nicolás Maduro) or right-wing security-centric populism (as seen in El Salvador under Nayib Bukele or Brazil under Jair Bolsonaro), the core operational logic remains consistent. Populist leaders leverage severe societal polarization, public dissatisfaction with systemic corruption, inequality, or rampant criminal violence to justify concentration of power.

The populist strategy relies on establishing an unmediated, direct relationship between the charismatic leader and the electorate. Institutional intermediaries—such as political parties, legislative committees, autonomous regulators, and professionalized civil service corps—are portrayed as self-serving mechanisms designed to dilute the will of the voters.

Consequently, when executive actions collide with constitutional limits, populist leaders explicitly invoke majoritarian electoral mandates to delegitimize institutional oversight, asserting that the political legitimacy derived from the ballot box supersedes statutory or constitutional rules.

### **3.2 Mechanisms of Executive Aggrandizement**

Executive aggrandizement in contemporary Latin America proceeds through a identifiable sequence of institutional maneuvers:

First, constitutional court packing and judicial restructuring. Because supreme courts and constitutional tribunals possess the authority to invalidate executive acts, capturing or neutralizing the judiciary represents an immediate priority for backsliding executives. This is achieved by expanding the number of judicial seats, lowering retirement ages to force critical resignations, bypassing constitutional appointment protocols, or creating extraordinary judicial discipline boards directly controlled by the executive.

Second, the erosion of Electoral Management Bodies (EMBs). Autonomous electoral institutions, such as Mexico's National Electoral Institute (INE) or traditional electoral courts, are central to preserving level playing fields. Executive aggrandizement targets EMBs through budgetary starvation, structural reorganization, personal intimidation of electoral commissioners, and public campaigns aimed at undermining public trust in electoral integrity.

Third, the curtailment of information ecology and civil society space. Executive authorities weaponize tax audits, state advertising allocations, regulatory licensing, and restrictive non-governmental organization (NGO) registration laws to stifle independent journalism, private media, and civil society oversight. Public discourse is systematically polarized, framing critical media outlets as opposition actors or foreign agents.

## **4. COMPARATIVE CASE STUDIES: TRAJECTORIES OF EROSION AND RESILIENCE**

### **4.1 Venezuela: Complete Authoritarian Consolidation**

The trajectory of Venezuela under the United Socialist Party of Venezuela (PSUV) serves as the primary regional example of complete democratic breakdown via executive aggrandizement. Following the 1998 election of Hugo Chávez, the executive initiated a process of constitutional replacement via a Constituent Assembly, bypassing established constitutional amendment procedures. The resulting 1999 Constitution initially retained democratic terminology while concentrating unprecedented authority in the executive branch.

Over the subsequent decade, the regime executed systematic court packing, expanding the Supreme Tribunal of Justice (TSJ) from 20 to 32 justices in 2004 and appointing party loyalists. When opposition parties won a legislative majority in the 2015 National Assembly elections, the captured Supreme Tribunal repeatedly ruled the legislature in contempt, stripping it of its constitutional lawmaking powers and effectively transferring legislative authority to the executive-controlled judicial branch. Combined with the takeover of the National Electoral Council (CNE) and military integration into public administration, horizontal accountability collapsed entirely, culminating in full authoritarian consolidation under Nicolás Maduro.

### **4.2 El Salvador: Security Exceptionalism and Rapid Executive Capture**

In El Salvador, the election of Nayib Bukele in 2019 accelerated executive aggrandizement under the banner of combating gang violence and political corruption. Utilizing high approval ratings, the executive deployed security forces into the Legislative Assembly in February 2020 to coerce lawmakers into approving security loans—a direct violation of constitutional separation of powers.

Following the May 2021 legislative elections in which Bukele's party secured a supermajority, the newly installed legislature immediately removed all judges of the Constitutional Chamber of the Supreme Court of Justice and the Attorney General in a single session without due process. The newly appointed Constitutional Chamber subsequently reinterpreted the constitutional prohibition on consecutive presidential reelection, allowing Bukele to run for and secure a second term in 2024. El Salvador demonstrates how rapid executive capture can occur when institutional density is low and public demand for personal security overrides concerns regarding procedural constitutionalism.

### **4.3 Brazil: Institutional Resilience Against Right-Wing Populism**

Brazil offers a contrasting case of high institutional resilience during the presidency of Jair Bolsonaro (2019–2022). Operating from a radical right-wing populist platform, Bolsonaro repeatedly attacked democratic institutions, challenged the reliability of the electronic voting system, and called for military intervention against the judiciary.

However, Brazil's constitutional architecture demonstrated remarkable structural defense mechanisms. The Federal Supreme Court (STF) and the Superior Electoral Court (TSE), exercising aggressive constitutional oversight, launched investigations into anti-democratic disinformation networks, restricted executive decrees that violated civil rights during the COVID-19 pandemic, and protected the integrity of the electoral process. Furthermore, Brazil's decentralized federal structure, highly autonomous Federal Public Prosecutor's Office (MPF), and professionalized institutional civil service prevented the executive from capturing critical state agencies. Consequently, the 2022 general elections proceeded under robust oversight, resulting in a peaceful, albeit tense, transfer of power.

### **4.4 Mexico: Institutional Friction and the Battle over Autonomous Bodies**

Mexico presents a complex, ongoing case of institutional friction under the administration of Andrés Manuel López Obrador (2018–2024) and his successor. Winning power on a platform targeting neoliberal corruption and inequality, the administration implemented broad state restructuring initiatives.

A central point of constitutional contention involved independent autonomous bodies (*órganos autónomos*) established during Mexico's democratic transition, including the National Electoral Institute (INE), the National Institute for Transparency, Access to Information and Personal Data Protection (INAI), and the judicial branch itself. Executive efforts to pass sweeping legislative reforms to reduce the INE's budget and operational capacity ("Plan B") were repeatedly struck down by the Supreme Court of Justice of the Nation (SCJN) for procedural and constitutional violations. In response, the executive proposed radical constitutional reforms to elect all judges and supreme court justices by direct popular vote. Mexico represents a dynamic environment where formal institutional resilience remains high, yet subject to persistent structural pressure from majoritarian political coalitions.

## **5. EVALUATING REGIME DYNAMICS: INSTITUTIONAL RESILIENCE MATRIX**

To systematically analyze variations across these political systems, executive strategies and institutional responses can be evaluated across key operational dimensions. Systemic outcomes are determined by the interaction between the intensity of executive pressure and the strength of institutional defense mechanisms.

In systems characterized by low institutional density and unified legislative alignment, executive pressure rapidly leads to regime transformation, as observed in Venezuela and El Salvador. Conversely, where constitutional courts maintain structural independence, federal structures distribute power across sub-national units, and civil society retains mobilization capacity, democratic regimes successfully absorb executive pressure, as demonstrated in Brazil and Mexico.

The comparative evidence indicates that institutional resilience is not static; it requires continuous reinforcement across four critical pillars: judicial independence, electoral administration autonomy, sub-national political competition, and civil society density.

## **6. NORMATIVE PROPOSALS FOR DEMOCRATIC RESILIENCE**

### **6.1 Strengthening Judicial Autonomy and Appointment Protocols**

To shield supreme courts and constitutional tribunals from executive capture, Latin American constitutional frameworks must reform judicial selection and tenure mechanisms. Constitutional provisions should mandate supermajority legislative confirmation thresholds (such as a two-thirds majority) for judicial appointments, ensuring that appointees command cross-party consensus rather than majoritarian loyalty.

Furthermore, judicial terms should be staggered and non-coincident with presidential mandates to prevent a single presidential administration from altering the ideological composition of the bench. Constitutional protections must also institute rigid, non-discretionary procedural rules regarding judicial removal, reserving impeachment strictly for demonstrated criminal misconduct subject to independent judicial review rather than political expediency.

### **6.2 Elevating Electoral Management Bodies to Constitutional Status**

Given that democratic backsliding directly targets the electoral arena, Electoral Management Bodies (EMBs) must receive explicit, unalterable constitutional status equivalent to traditional state branches. EMBs should possess complete financial autonomy, funded through a fixed percentage of the national budget protected from discretionary legislative or executive line-item vetoes.

The appointment of electoral commissioners should follow multi-stakeholder nomination processes involving professional legal associations, autonomous universities, and civil society coalitions, reducing the influence of political parties. Furthermore, inter-American legal standards should treat executive attacks on autonomous electoral institutions as *prima facie* evidence of a violation of the Inter-American Democratic Charter.

### **6.3 Decentralization and Sub-National Institutional Buffers**

Federalism and administrative decentralization function as crucial structural buffers against executive centralization. Sub-national governments—including state governorships and municipal administrations—provide opposition political forces with electoral platforms, administrative resources, and institutional legitimacy during periods when the national government is controlled by populist majorities.

Constitutional architectures should fortify fiscal federalism, guaranteeing sub-national units non-discretionary statutory revenue allocations. Protecting sub-national fiscal and operational autonomy prevents the national executive from utilizing state resources to coerce regional political actors into supporting centralized backsliding agendas.

### **6.4 International and Regional Constitutional Oversight**

National institutional resilience can be significantly reinforced through international democratic defense frameworks. The Organization of American States (OAS) and the Inter-American System of Human Rights (comprising the Inter-American Commission and the Inter-American Court of Human Rights) possess valuable legal instruments, notably the Inter-American Democratic Charter.

However, the application of the Democratic Charter has historically suffered from political selective enforcement and respect for executive sovereignty. The inter-American system should establish an objective, early-warning mechanism that automatically triggers diplomatic review and potential suspension when a member state violates key structural indicators of democratic governance—such as unilateral executive restructuring of the judiciary or the illegal dismantling of autonomous oversight agencies.

## **CONCLUSION**

The modern challenge to Latin American democracy no longer stems primarily from external military threats, but from internal, executive-led constitutional erosion. Elective autocrats utilize populist majorities, anti-system rhetoric, and legal reform procedures to incrementally dismantle the foundational architecture of constitutional democracy.

As demonstrated by the comparative analysis of Venezuela, El Salvador, Brazil, and Mexico, institutional outcomes depend fundamentally on the structural density, autonomy, and legitimacy of counter-majoritarian bodies. Where judicial tribunals, electoral commissions, federal structures, and civil society maintain institutional autonomy, executive overreach can be successfully contained. Where these oversight mechanisms are weak, captured, or fragmented, democratic systems rapidly decline into competitive authoritarianism.

Preserving democratic governance in Latin America requires moving beyond majoritarian assumptions to champion a robust, counter-majoritarian constitutionalism. By fortifying judicial selection protocols, guaranteeing the constitutional independence of electoral bodies, strengthening sub-national governance, and activating regional democratic defenses, Latin American polities can build resilient constitutional orders capable of surviving the pressures of modern populist governance.

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