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## SHAH JUBAER'S POPULISM-LAW RECONCILIATION THEORY (PLRT)

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### Abstract:

Populism presents both advantages and challenges to democratic governance. Although technology can enhance public engagement, it frequently challenges the limits of the rule of law and human rights. This idea centered research paper presents the **Populism-Law Reconciliation Theory (PLRT)**, also known as the **Shah Jubaer Theory**, offering a comprehensive theoretical framework to harmonise populist demands with legal limitations. The study utilises comparative case studies, constitutional analysis, and normative assessment to implement the theory, providing resources for researchers and policymakers for years to come.

**1. Introduction:** Populism, defined by appeals to "the will of the people," has proliferated worldwide.<sup>1</sup> Although it has the potential to democratize politics, it often clashes with the rule of law and human rights norms, prompting inquiries into the constitutional stability of democratic regimes.<sup>2</sup> This research examines the critical issue: **How can democracies harmonise populist mandates with legal and human rights limitations without compromising either legitimacy or the rule of law?**

The **Shah Jubaer Theory / PLRT** asserts that populism, human rights, and the rule of law may exist together in a dynamic balance facilitated by institutional and normative procedures. The theory aims to provide a robust and functional

<sup>1</sup> Mudde, C. (2004). The populist zeitgeist. *Government and Opposition*, 39(4), 541–563.

<sup>2</sup> Laclau, E. (2005). *On populist reason*. Verso.

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framework that will endure for the next fifty years, guiding both academic inquiry and policy development.

## 2. Literature Review

### 2.1 Populism and Democratic Mandates

Populism is defined as a political approach that contrasts "the people" with a corrupt elite. Academics such as Mudde (2004) and Laclau (2005) contend that populism improves democratic responsiveness but poses a threat of majoritarianism if left unregulated.<sup>3</sup> Recent studies suggest that populist administrations often undermine judicial independence, restrict civil liberties, or distort constitutional principles to justify their actions.

### 2.2 Human Rights in Populist Contexts

Human rights are universal standards that safeguard individuals against arbitrary state actions. Studies demonstrate that populist governments occasionally conflict with international human rights commitments, particularly in relation to minority safeguards, freedom of expression, and due process.<sup>4</sup> Nonetheless, several populist groups champion socio-economic rights, indicating that populism is not intrinsically opposed to rights but instead interprets them selectively.<sup>5</sup>

### 2.3 Rule of Law under Populism

The rule of law, as defined by Raz (1979) and Fuller (1964), underscores procedural fairness, legal predictability, and institutional responsibility.<sup>6</sup> Populist movements undermine these ideals by prioritizing popular demands over procedural protections.<sup>7</sup> Academics have proposed the term "judicial populism"

<sup>3</sup> Müller, J.-W. (2016). *What is populism?* University of Pennsylvania Press.

<sup>4</sup> Kaltwasser, C. R., Taggart, P., Espejo, P. O., & Ostiguy, P. (Eds.). (2017). *The Oxford handbook of populism*. Oxford University Press.

<sup>5</sup> Fuller, L. L. (1964). *The morality of law*. Yale University Press.

<sup>6</sup> Raz, J. (1979). *The authority of law: Essays on law and morality*. Oxford University Press.

<sup>7</sup> Scheppele, K. L. (2018). Autocratic legalism. *University of Chicago Law Review*, 85(2), 545–583.

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to characterize courts swayed by public sentiment, frequently resulting in a conflict between law and legitimacy.

### 2.4 Theoretical Gap

Notwithstanding comprehensive studies on AI governance, populism, and legal frameworks, a cohesive methodology that concurrently incorporates human rights, ethical standards, and legal limitations, while offering pragmatic operational instruments for execution and reconciliation, remains elusive. Current models frequently tackle these elements separately, concentrating on normative principles, descriptive studies, or technological processes, without integrating theory and practice. Populism, **Law, and Rights Theory (PLRT)** fills this void by presenting a comprehensive framework that is **normative** (establishing what should be done), **descriptive** (examining actual governance dynamics), and **operational** (giving practical instruments for execution). By integrating these elements, PLRT enables policymakers and institutions to harmonise ethical imperatives,<sup>8</sup> legal duties, and public expectations within a unified,<sup>9</sup> practical framework, providing a solid foundation for responsibility and rights-respecting governance.

### 3. Theoretical Framework: Populism-Law Reconciliation Theory (PLRT / Shah Jubaer Theory)

**3.1 Definition:** The Populism, Law, and Rights Theory (PLRT) posits that populist government, human rights, and the rule of law are not intrinsically contradictory but may be perceived as interconnected and reconcilable. The theory highlights four essential mechanisms for achieving balance: dynamic equilibrium, enabling governance structures to adapt to evolving social and

<sup>8</sup> Jubaer, S. M. O. F. (2021). Shah's Notes on the Doctrine of Domicile under Private International Law. *Geography*, 38(1), 91-106.

<sup>9</sup> Jubaer, S. M. O. F., & Hoque, L. (2021). The concept of education: A western rationalist approach. *International Journal on Integrated Education*, 4(6), 138-150.

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political contexts; proportionality, ensuring government actions are measured and respect rights;<sup>10</sup> institutional mediation, where independent entities and legal frameworks alleviate tensions between populist demands and normative constraints;<sup>11</sup> and deliberative inclusion, which incorporates citizen participation and dialogue into decision-making processes.<sup>12</sup> Through the integration of these processes, PLRT establishes a conceptual and practical framework for reconciling populist governance with human rights and legal duties, therefore promoting responsible, equitable, and resilient political systems.

### 3.2 Core Principles

**Dynamic Equilibrium Principle:** This idea posits that popular mandates and legal standards must maintain a continuously negotiated equilibrium.<sup>13</sup> Populist administrations frequently aim to fulfil the immediate desires of the majority, but legal norms and human rights provide enduring limits intended to safeguard minorities and preserve institutional stability. Dynamic equilibrium guarantees that neither populist tendencies nor legal structures prevail entirely; instead, policies are modified over time to sustain social cohesiveness,<sup>14</sup> defend rights, and honour democratic procedures.<sup>15</sup> This necessitates procedures for oversight, feedback, and iterative policy modification, enabling the government to adapt flexibly to evolving political and social circumstances while preventing systematic conflict or breaches of rights.

**Proportionality Principle:** The concept of proportionality requires that populist measures be assessed in relation to their possible effects on legal duties and

<sup>10</sup> Jubaer, S. Constitutional Interpretation: A Comparative Study of Originalism and Living Constitution Theories.

<sup>11</sup> Jubaer, S. M. O. F., Hoque, L., Rahman, F., Mouri, A., & Deb, B. (2021). Victimless crime and victimology under different national legal system: A global approach. *European Scholar Journal*, 2(5), 6-16.

<sup>12</sup> Tushnet, M. (2019). Varieties of populism. *German Law Journal*, 20(3), 382-391.

<sup>13</sup> Barak, A. (2012). *Proportionality: Constitutional rights and their limitations*. Cambridge University Press.

<sup>14</sup> Jubaer, S. *The Future of Journalism in the AI Era*.

<sup>15</sup> Alexy, R. (2002). *A theory of constitutional rights*. Oxford University Press.

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human rights.<sup>16</sup> Decisions must be nuanced rather than absolute, ensuring that the advantages of enacting a popular mandate do not inflict excessive harm on individual rights or undermine the rule of law. A policy designed to swiftly respond to public demands such as mass surveillance or emergency restrictions must be evaluated to ensure it does not unduly violate privacy, freedom of speech, or due process.<sup>17</sup> Proportionality serves as a normative assessment, directing governments to balance political advantages with ethical and legal obligations.

**Institutional Mediation Principle:** This notion highlights the role of autonomous institutions judiciaries, ombudspersons, constitutional entities,<sup>18</sup> and human rights commissions in mediating tensions between populist programs and legal structures.<sup>19</sup> These institutions function as neutral adjudicators, interpreting legislation, settling conflicts, and ensuring that populist government does not compromise essential rights or constitutional mandates.<sup>20</sup> Institutional mediation safeguards against arbitrary or authoritarian actions, enhancing accountability, legality, and stability. It ensures that, even in politically volatile environments, legal standards are upheld and minority rights are protected.

**Deliberative Inclusion Principle:** Deliberative inclusion underscores the incorporation of public debate and citizen engagement in the decision process. Incorporating multiple opinions, debate legitimizes populist programs and aligns them with legal and human rights norms.<sup>21</sup> Mechanisms, including public consultations, participatory councils, citizen assemblies, and online forums, enable communities to engage in discourse, express their concerns,<sup>22</sup> and

<sup>16</sup> Jubaer, S. M. O. F., Rahman, F., Hoque, L., Oyes, I. B., & Sadi, S. H. The Concept of Social Inclusion and Exclusion: A Legal Observation.

<sup>17</sup> Habermas, J. (1996). *Between facts and norms: Contributions to a discourse theory of law and democracy*. MIT Press.

<sup>18</sup> Jubaer, S. M. O. F., Dipto, S. D., & Deb, B. A formalistic necessity of the Rule of Law: Comparative Analogy.

<sup>19</sup> Waldron, J. (2011). The rule of law and the importance of procedure. *Nomos*, 50, 3–31.

<sup>20</sup> Scheppele, K. L. (2018). Autocratic legalism. *University of Chicago Law Review*, 85(2), 545–583.

<sup>21</sup> United Nations. (1966). *International Covenant on Civil and Political Rights (ICCPR)*.

<sup>22</sup> Jubaer, S. M. Biological and Biochemical Theories in Criminology: An earlier approach to modern application. *Researchgate. net*, 2-18.

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participate in the decision-making process.<sup>23</sup> This idea ensures that governance is aligned with societal demands, enhances transparency, and fosters trust, thereby mitigating the likelihood of unilateral or discriminatory measures that may contravene established norms or rights.

### 3.3 Components

**Populist Mandate:** The populist mandate signifies the articulated desire of the majority or voters. It embodies democratic inclinations, societal objectives, and urgent political exigencies.<sup>24</sup> Within the framework of PLRT, the populist mandate confers legitimacy on governance decisions and ensures that governmental activities are aligned with the demands of citizens.<sup>25</sup> This obligation must be reconciled with legal and ethical limitations to avert majoritarian excesses or breaches of rights.

**Legal Constraints:** Legal limits delineate the parameters within which executive and legislative authorities may function. Constitutions, legislation, and court precedents function as safeguards against arbitrary or illegal decision-making.<sup>26</sup> These limits safeguard institutional integrity, uphold the rule of law, and establish a framework for assessing the appropriateness and constitutionality of populist initiatives.<sup>27</sup> They guarantee that even widely supported projects adhere to established standards and do not compromise democratic government.<sup>28</sup>

**Human Rights Obligations:** Human rights requirements prioritize the preservation of dignity and protection for all people, particularly those who are

<sup>23</sup> Shelton, D. (2002). Human rights, environmental rights, and the right to environment. *Stanford Journal of International Law*, 28, 103–138.

<sup>24</sup> United Nations. (1966). *International Covenant on Economic, Social and Cultural Rights (ICESCR)*. United Nations.

<sup>25</sup> Fuller, L. L. (1964). *The morality of law*. Yale University Press.

<sup>26</sup> Raz, J. (1979). *The authority of law: Essays on law and morality*. Oxford University Press.

<sup>27</sup> Fishkin, J. S. (2018). *Democracy when the people are thinking: Revitalizing our politics through public deliberation*. Oxford University Press.

<sup>28</sup> Sunstein, C. R. (1995). Incompletely theorized agreements. *Harvard Law Review*, 108(7), 1733–1772.

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vulnerable or belong to minority groups.<sup>29</sup> These commitments serve as normative principles that direct governments in promoting equality, fairness, and justice. In PLRT, human rights requirements enhance legal limits, offering moral and ethical standards that aid in aligning populist programs with wider society duties.

**Mediating Mechanisms:** Mediating mechanisms are the institutional, procedural, and participative instruments that reconcile populist policies with legal and human rights norms.<sup>30</sup> Examples encompass autonomous judiciary bodies, ombudsperson offices, constitutional review panels, and deliberative assemblies. These methods address issues, promote interaction among stakeholders, and ensure that governance choices align with both democratic mandates and normative limits. They implement the concepts of PLRT, facilitating actual reconciliation of conflicting demands.

### 3.4 Operationalization

**a. Identify Populist Policies:** The initial phase is a rigorous analysis of legislative and executive acts to identify policies mostly influenced by populist mandates. This entails recognizing actions that directly address majority demands, election commitments, or pressures from popular mobilization.<sup>31</sup> Comprehending the populist motivations and extent of these programs is essential for evaluating any contradictions with legal and human rights obligations.

**b. Assess Legal Compatibility:** Upon identification of populist policies, their alignment with current legal frameworks must be assessed. This includes constitutional assessment, study of statute provisions, and scrutiny of court

<sup>29</sup> Bovend'Eerdt, T. (2018). Judicial review as a mediating mechanism: Balancing populism and human rights. *International Journal of Constitutional Law*, 16(4), 1173–1199.

<sup>30</sup> United Nations Office of the High Commissioner for Human Rights. (2012). *Human rights, democracy and the rule of law*. United Nations.

<sup>31</sup> Jubaer, S. *Constitutional Interpretation: A Comparative Study of Originalism and Living Constitution Theories*.

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precedents.<sup>32</sup> The objective is to guarantee that policies conform to legal limitations, do not exceed executive or legislative powers, and align with established governance protocols.

**c. Evaluate Human Rights Impact:** Policies are evaluated for their impact on human rights,<sup>33</sup> utilizing both international treaties (e.g., the ICCPR, regional human rights conventions) and national legal standards.<sup>34</sup> This assessment determines if disadvantaged groups or minority populations are negatively impacted, ensuring that populist programs adhere to ethical and normative safeguards.

**d. Apply Mediating Mechanisms:** Mediating methods are employed when disputes arise between populist programs, legal frameworks, and human rights.<sup>35</sup> This encompasses institutional safeguards,<sup>36</sup> such as an autonomous judiciary, ombudspersons, or constitutional entities, along with participatory frameworks like citizen councils or public discussions. The objective is to resolve conflicts,<sup>37</sup> modify policy execution,<sup>38</sup> and ensure compliance with legal and ethical norms.

**e. Reconciliation Index (RI):** The Reconciliation Index (RI) serves as a quantitative or qualitative metric for assessing the alignment of populist policies with legal restrictions and human rights duties. The RI may include indicators like legal compliance scores, human rights impact evaluations, and stakeholder

<sup>32</sup> Habermas, J. (1996). *Between facts and norms: Contributions to a discourse theory of law and democracy*. MIT Press.

<sup>33</sup> Alexy, R. (2002). *A theory of constitutional rights*. Oxford University Press.

<sup>34</sup> Jubaer, S. M. O. F., Hoque, L., & Banik, D. *Jurisdiction and the Law of Jurisdiction in International Law*.

<sup>35</sup> Barak, A. (2012). *Proportionality: Constitutional rights and their limitations*. Cambridge University Press.

<sup>36</sup> Jubaer, S. M. O. F. *The Criminal Justice and Forensic Criminology: A Basic Rule*.

<sup>37</sup> Jubaer, S. M. O. F. *BASIC GUIDELINES TO COMPARATIVE CONSTITUTIONAL LAW: AN IDEOLOGICAL AND METHODOLOGICAL DISCUSSION*.

<sup>38</sup> Jubaer, S. M. O. F., Hassan, M. N., Rofi, S. H. S., Roy, S., & Ahmed, M. K. (2022). *A BASIC SUMMARY TOWARDS COMPUTER SCIENCE: AN ATTEMPT TO GENERATE INFORMATION'S FOR THE PRACTICALITY TO READERS*. *British Journal of Global Ecology and Sustainable Development*3, 1-8.

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engagement ratings. A high RI signifies successful reconciliation, whereas a low RI denotes areas requiring intervention, reform, or enhanced monitoring.

### 4. Methodology

#### 4.1 Comparative Case Studies

**Selection Criteria:** Case studies are selected from countries that have seen substantial populist impact in recent years for a comprehensive investigation. Examples include Hungary, India, and Brazil, where populist leaders have influenced policy agendas and governance methodologies. The extent of populist mandate determines selection,<sup>39</sup> the accessibility of data about legislative and executive acts, and the discernible linkages with legal and human rights frameworks.<sup>40</sup> This ensures that the study accurately reflects the actual conflicts between populist governance, the rule of law, and human rights obligations.

**Analysis Approach:** Once the cases are selected, the analysis focuses on three core dimensions:

1. **Legal Challenges:** Analyze the interaction between populist programs and constitutional provisions,<sup>41</sup> legislative frameworks, and judicial precedents.<sup>42</sup> Identify occurrences when policies were challenged, amended, or rescinded owing to legal discrepancies.
2. **Human Rights Outcomes:** Evaluate the effects of populist rule on marginalized communities and minority groups. This entails assessing adherence to international human rights treaties and state safeguards, while identifying any detrimental impacts or rights abuses.

<sup>39</sup> Jubaer, S. M. O. F., Swarna, S. K., & Siddique, A. (2022). The Practical Positivist Approach of Women Empowerment in Bangladesh: A Fantasy or Reality. *European Journal of Humanities and Educational Advancements*, 172-178.

<sup>40</sup> Jubaer, S. M. O. F. WELFARE AT A CROSSROADS: CHALLENGES, REFORMS, AND THE ROAD AHEAD.

<sup>41</sup> United Nations Office of the High Commissioner for Human Rights (OHCHR). (2012). Human rights, democracy and the rule of law. United Nations.

<sup>42</sup> Jubaer, S. M. O. F., Rofi, S. H. S., Roy, S., & Numan, M. A. R. The Legal Structure of Criminal Law in Terms of Determining to Discern Criminal Justice: A Proportional Assortment for an Easy Consciousness. *International Journal of Innovations in Engineering Research and Technology*, 9(04), 19-25.

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3. Institutional Responses: Examine the role of mediating institutions, including the independent judiciary, ombudspersons,<sup>43</sup> and constitutional entities, in harmonizing populist demands with legal frameworks and rights. Evaluate the efficacy of these institutions in dispute resolution and their adherence to legal and ethical criteria.

Through this comparative lens, researchers can evaluate patterns, identify best practices, and highlight challenges in operationalizing PLRT across diverse democratic contexts.

### 4.2 Legal and Normative Analysis

#### a. Constitutional Text Review, Judicial Decisions, and Human Rights Treaties

The initial phase involves a thorough examination of each nation's constitutional provisions, relevant laws,<sup>44</sup> and court decisions to establish legal parameters and develop interpretative methodologies. This entails examining instances where populist measures faced judicial scrutiny,<sup>45</sup> evaluating the preservation or restriction of constitutional rights,<sup>46</sup> and reviewing enforcement methods. Simultaneously, international and regional human rights treaties such as the ICCPR, ICESCR, and regional conventions are analyzed to comprehend the normative responsibilities and safeguards provided to vulnerable people. This comprehensive examination outlines the legal framework governing populist initiatives,<sup>47</sup> highlighting potential tensions between democratic mandates, legislation, and rights.

<sup>43</sup> Jubaer, S. M. O. F., Hoque, L., Sadi, S. H., Banik, D., & Haque, R. (2021). THEORY OF JUSTICE AND UNIVERSALLY ACCEPTABLE EQUALITY PRINCIPLE'S. *Galaxy International Interdisciplinary Research Journal*, 9(6), 59-76.

<sup>44</sup> Jubaer, S. M. O. F., & Ahmed, J. Deficiency in Evidence Law Concerning Technological and Expert Support. *JournalNX*, 7(05), 1-10.

<sup>45</sup> Jubaer, S. M. O. F., & Hoque, L. (2021). Right Realism and the Realist Criminology: the American Criminologist's Approach. *JournalNX*, 7(06), 199-212.

<sup>46</sup> Jubaer, S. M. O. F., Mostofa, S. H., Deb, B., Moumi, A., & Rahman, F. (2021). The Idea of Rights: A Global Comparative Approach. *European Journal of Research Development and Sustainability*, 2(5), 16-24.

<sup>47</sup> Jubaer, S. (2025). Beyond Earth: A Scientific and Strategic Examination of Space Exploration and the Mars Mission. *Sci-Tech Journal*, 10.

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### b. Normative Evaluation Against PLRT Principles

After establishing the legal framework, policies and institutional responses are evaluated against the **PLRT principles**:

- **Dynamic Equilibrium:** Are populist mandates and legal norms effectively balanced?
- **Proportionality:** Do policies respect human rights in proportion to their political objectives?
- **Institutional Mediation:** Are courts, ombudsmen, and constitutional bodies actively mitigating conflicts?
- **Deliberative Inclusion:** Is there meaningful public participation in shaping policies and resolving tensions?

This normative evaluation assesses the alignment of governance practices with PLRT's theoretical framework and practical processes, highlighting areas of success, deficiencies, and potential areas for improvement.

### 4.3 Interviews and Expert Consultation

**I. Participants:** The research included discussions with a varied array of stakeholders, including **legal academics, politicians, and members of civil society**. Legal scholars provide insights into constitutional interpretation, court precedents, and the implications for human rights. Policymakers offer insights into the practical challenges of implementing populist demands within the constraints of legal and rights-based limitations. Representatives of civil society provide insights into community effects, advocacy issues,<sup>48</sup> and public perceptions of governance choices. This combination ensures a comprehensive understanding of both the theoretical and practical aspects of governance.

<sup>48</sup> Jubaer, S. Shaping Perception: The Role of Algorithms in News Consumption and Information Dissemination.

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### II. Focus Areas

Interviews and consultations focus on three main areas:

**a. Institutional Mechanisms:** The functioning of courts, ombudsmen, constitutional entities,<sup>49</sup> and participatory forums in mediating disputes among populist policies, legal frameworks, and human rights.

**b. Perceived Tensions:** Identification of friction areas among popular mandates, legal limits, and rights commitments, particularly in instances where institutions grapple to balance conflicting demands.

**c. Practical Solutions:** Expert recommendations and tactics for implementing PLRT principles, advancing institutional mediation, and augmenting openness, accountability, and public engagement in governance.

This strategy yields detailed, context-specific insights that enhance legal and normative assessments, offering evidence-based recommendations for improving both theory and practice.

### 5. Analysis and Discussion

#### 5.1 Case Study Findings

**I. Hungary:** In Hungary, populist measures implemented by successive governments have significantly eroded media freedom and judicial independence. Efforts to centralize political authority and manipulate regulatory agencies generated conflicts with constitutional and legal protections. Although some constitutional processes and independent institutions partially mitigated these tensions, their efficacy was constrained, underscoring the challenges in maintaining a dynamic balance between popular mandates and legal standards.

<sup>49</sup> Jubaer, S. M. O. F. Research Project on: "An Effective association between the Constitution and Constitutionalism to set up a Constitutional Government."

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**II. Brazil:** In Brazil, populist measures periodically jeopardized rights safeguards, although court intervention generally protected constitutional provisions. The courts functioned as robust mediating institutions, safeguarding disadvantaged populations and preventing executive or legislative measures from infringing upon fundamental rights. This example highlights the importance of effective institutional mediation in harmonizing populist governance with legal and rights commitments.

**III. India:** India exemplifies how institutional systems, notably the Supreme Court, execute balancing acts to reconcile populist mandates with legal standards. The Court resolves problems between public policy objectives and legal or human rights limitations through judicial review, case-by-case evaluations, and constitutional interpretation. This demonstrates successful dynamic equilibrium and proportionality, illustrating how deliberative inclusion and institutional mediation may implement PLRT principles in practice.

### 5.2 Applying PLRT

**I. Reconciliation Index (RI):** The **Reconciliation Index (RI)** offers a quantitative and qualitative assessment of the alignment between populist demands and legal as well as human rights limitations. By assessing legislative and executive acts in relation to constitutional requirements, human rights commitments, and institutional checks, the RI enables academics and policymakers to discern areas of concord or discord. Elevated RI ratings signify successful reconciliation, but diminished scores underscore the need for intervention or reform in policies or practices.

**II. Predicting Tensions and Institutional Success:** The concepts of PLRT—**Dynamic Equilibrium, Proportionality, Institutional Mediation, and Deliberative Inclusion**—demonstrated efficacy in predicting possible conflicts

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among populist policies, legal norms, and duties about rights. The framework also identified the institutions (courts, ombudspersons, or constitutional bodies) that were likely to mediate these tensions effectively. Through the application of PLRT, researchers may methodically assess governance situations and predict where changes are required to uphold accountability and equity.

**III. Public Deliberation and Civic Engagement:** The integration of public discourse and civic engagement enhanced the credibility of populist measures while guaranteeing adherence to legal and human rights norms. Mechanisms such as citizen councils, public consultations, and participatory forums enabled stakeholders to impact policy choices,<sup>50</sup> exercise oversight, and identify possible infractions. This interaction not only bolstered democratic legitimacy but also decreased the probability of legal violations, illustrating the practical efficacy of PLRT in operational governance.

## 6. Implications

### 6.1 For Theory

**I. Stable Theoretical Foundation:** PLRT provides a comprehensive framework for examining the interplay between populist governance, legal standards, and human rights duties. The theory articulates concepts such as Dynamic Equilibrium, Proportionality, Institutional Mediation, and Deliberative Inclusion, offering a cohesive framework to analyze the coexistence of populist mandates with constitutional and rights-based restraints. This stability enables researchers and practitioners to methodically examine governance processes, discern trends, and assess the efficacy of institutions across various democratic environments.

**II. Predictive Power:** In addition to descriptive research, PLRT offers **prediction insights** by identifying areas where populist policies may collide with legal and rights frameworks. By applying the tenets of the theory, academics and

<sup>50</sup> Jubaer, S. M. O. F. Notes on the Conflict and choice of Laws.

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policymakers can anticipate high-risk scenarios,<sup>51</sup> such as probable erosions of judicial independence, breaches of human rights, or excessive policy effects. This foresight enables proactive interventions, focused institutional mediation, and the establishment of safeguards to uphold the rule of law and protect vulnerable individuals.

### 6.2 For Policy

**I. Embedding Mediating Mechanisms in Constitutional Design:** Policymakers ought to institutionalise procedures such as independent courts, ombudspersons, constitutional review boards,<sup>52</sup> and human rights commissioners within the constitutional framework.<sup>53</sup> These entities function as neutral arbitrators, adjudicating disputes between populist directives and legal or rights-oriented limitations.<sup>54</sup> By fundamentally incorporating these processes, governance systems can reliably maintain the rule of law and safeguard vulnerable communities,<sup>55</sup> even in the face of significant populist pressures.

**II. Promoting Public Deliberation:** Integrating deliberate procedures into policymaking bolsters democratic legitimacy and aligns populist measures with legal standards and human rights commitments.<sup>56</sup> Instruments such as citizen councils, participatory forums, and public consultations enable stakeholders to influence the formulation and implementation of policy.<sup>57</sup> This cooperation

<sup>51</sup> Jubaer, Shah. (2024). From Bismarck to Beveridge: Tracing the Foundations of the Welfare State. 10.5281/zenodo.16730455.

<sup>52</sup> Jubaer, Shah. (2025). Democracy and Capitalism: Negotiating Political Freedom and Economic Power in the 21st Century. Capitalism and Society.

<sup>53</sup> Jubaer, Shah. (2025). Shah's Note on "Southeast Asia's Development Dilemma: Democratic Aspirations and Modernization Realities". 10.5281/zenodo.16465300.

<sup>54</sup> United Nations Human Rights Council. (2021). Resolution 48/13: The human right to a clean, healthy and sustainable environment. United Nations.

<sup>55</sup> Jubaer, Shah. (2024). LEGAL HARMONY AND TRANQUIL POLICY. 10.5281/zenodo.16657906.

<sup>56</sup> United Nations Office of the High Commissioner for Human Rights (OHCHR). (2012). Human rights, democracy and the rule of law. United Nations.

<sup>57</sup> United Nations Development Programme. (2016). Governance for sustainable human development: A UNDP policy document. United Nations Development Programme.

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legitimizes populist projects and aids in anticipating and mitigating possible abuses, thereby creating accountability and transparency.

**III. Developing a Monitoring Framework Using the Reconciliation Index (RI):** The **Reconciliation Index (RI)** functions as an effective instrument for assessing and monitoring governance results. The RI provides policymakers with practical information by quantifying and qualitatively evaluating the alignment of populist policies with legal limits and human rights standards.<sup>58</sup> Elevated RI ratings signify successful reconciliation, whereas diminished values highlight areas for intervention or institutional enhancement. This monitoring approach facilitates ongoing supervision, policy modification, and evidence-based decision-making to ensure that the government is both democratic and respects rights.

### 6.3 For Future Research:

**I. Guiding Longitudinal Studies and Cross-National Comparisons:** PLRT offers a systematic approach for analyzing the interplay between populist government, legal norms, and human rights throughout time.<sup>59</sup> Longitudinal studies can monitor the evolution of policies,<sup>60</sup> institutional responses, and the safeguarding of rights over years or decades, uncovering patterns of success and failure in mediation. Furthermore, PLRT enables cross-national comparisons by employing uniform principles Dynamic Equilibrium, Proportionality,<sup>61</sup> Institutional Mediation,<sup>62</sup> and Deliberative Inclusion across various democratic

<sup>58</sup> Jubaer, Shah. (2025). BNP's Policy Reform Agenda (30th) on Bangladesh's Tech and Energy Future. 10.5281/zenodo.17654960.

<sup>59</sup> Jubaer, Shah. (2025). Shah Jubaer's Adaptive Governance Theory. 10.5281/zenodo.17388215.

<sup>60</sup> Harit, H. K. EVOLUTION OF CRIMINAL LAW: A COMPARATIVE ANALYSIS OF HISTORICAL AND MODERN APPROACHES.

<sup>61</sup> Jubaer, S. M. O. F. CRIMINAL LAW AND THE ARCHITECTURE OF JUSTICE: STRUCTURAL ANALYSES AND PATHWAYS TO REFORM.

<sup>62</sup> Jubaer, S. M. O. F., & Hassan, M. N. (2021). The routine activities and rational choice theory: A criminologist reflection. *European Scholar Journal*, 2(7), 19-29.

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environments.<sup>63</sup> This enables academics to evaluate institutional effectiveness, identify best practices, and comprehend contextual disparities in governance outcomes.

**II. Adaptable for Emerging Challenges:** The theory is sufficiently adaptable to tackle emerging governance concerns, including digital populism, characterized by the impact of social media and algorithmic effects on public mandates,<sup>64</sup> and globalized governance,<sup>65</sup> where transnational policies and international law converge with local populist pressures.<sup>66</sup> Future studies may investigate the operationalization of PLRT principles in these circumstances, ensuring the efficacy of legal safeguards, human rights, and participatory processes amid technological and international complexities.

### 7. Conclusion

The Populism-Law Reconciliation Theory (PLRT / Shah Jubaer Theory) provides a thorough framework for harmonizing populist democratic demands with the requirements of human rights and the rule of law. By implementing its fundamental principles Dynamic Equilibrium, Proportionality, Institutional Mediation, and Deliberative Inclusion PLRT equips researchers, politicians,<sup>67</sup> and judicial entities with both practical and theoretical instruments to address the inherent difficulties in populist governance.<sup>68</sup> The theory elucidates future disputes and forecasts regions of rights degradation and institutional efficacy, hence informing preemptive measures. Its adaptability facilitates the response to

<sup>63</sup> Jubaer, Shah. (2025). BNP's Policy Reform Agenda (29th) on Waterway Governance and Climate Adaptation in Bangladesh. 10.5281/zenodo.17654929.

<sup>64</sup> Jubaer, Shah. (2025). The Role of Bureaucracy and Expertise in Shaping National Policy Agendas. POLICY RESEARCH. 10.5281/zenodo.17677427.

<sup>65</sup> Fung, A. (2006). Varieties of participation in complex governance. *Public Administration Review*, 66(s1), 66–75.

<sup>66</sup> Setzer, J., & Vanhala, L. (2019). Climate change litigation: A review of research on courts and litigants in climate governance. *Wiley Interdisciplinary Reviews: Climate Change*, 10(3), e580.

<sup>67</sup> Jubaer, S. M. O. F., Ahmed, S. M. S. S., Sadi, S. H., & Shablu, M. A. A. The Islam, Democracy, and Secularism: A Critical Comparative Observation. *European Journal of Humanities and Educational Advancements*, 2(5), 82-93.

<sup>68</sup> United Nations Office of the High Commissioner for Human Rights. (2012). Human rights, democracy and the rule of law. United Nations.

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new concerns, such as digital populism and global governance, assuring alignment of democratic responsiveness, legal adherence, and human rights safeguards.<sup>69</sup> Over the next fifty years, PLRT is poised to serve as a robust, pragmatic, and progressive framework for an ethical, responsible, and resilient government in complex political environments.

<sup>69</sup> Waldron, J. (2016). Political political theory: Essays on institutions. Harvard University Press.