



# Constitutional reforms and the balance of power: examining recent trends in strengthening democratic governance

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# Constitutional reforms and the balance of power: examining recent trends in strengthening democratic governance

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## ABSTRACT

This article examines recent trends in constitutional reforms and their impact on the balance of power within democratic governance. Constitutional reforms play a crucial role in shaping the distribution of power among the executive, legislative, and judicial branches of government, aiming to enhance transparency, accountability, and the rule of law. The study explores various reforms implemented globally, highlighting their successes and challenges in strengthening democratic institutions. It particularly focuses on reforms aimed at curbing executive overreach, enhancing legislative oversight, and safeguarding judicial independence. By analyzing these reforms across different political contexts, the article provides a comprehensive overview of how constitutional changes can promote or hinder democratic governance. The findings indicate that while constitutional reforms can effectively balance power and prevent authoritarianism, their success largely depends on the specific political environment, the strength of democratic institutions, and the presence of a robust civil society. In countries with strong democratic traditions and active civil societies, reforms have been more successful in enhancing checks and balances and promoting transparency and accountability. Conversely, in contexts where political elites resist democratic changes or where institutions are weak, reforms may be co-opted to consolidate power and undermine democratic principles. The study also underscores the importance of involving civil society in the reform process to ensure inclusiveness and legitimacy. Overall, the article contributes to the understanding of constitutional reforms as tools for democratic consolidation, highlighting the need for careful design and implementation to achieve the desired outcomes. It suggests that future research should continue to explore the dynamics of constitutional change to develop more effective strategies for strengthening democratic governance worldwide.



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## Introduction

Constitutional reforms have long been a critical mechanism for promoting democratic governance and ensuring the balance of power within political systems. Over the past few decades, many countries have undertaken constitutional reforms to enhance democratic practices, strengthen institutions, and balance power among different branches of government (Elkins et al., 2009). These reforms are often aimed at addressing issues such as executive overreach, judicial independence, and legislative accountability, which are essential for maintaining a healthy democracy (Landau & Dixon, 2019). As nations continue to evolve politically, the need for constitutional reforms that uphold democratic principles and adapt to changing societal needs has become increasingly apparent (Ginsburg & Huq, 2020).

Constitutional reforms involve deliberate amendments or complete rewrites of a nation's constitution, with the aim of adjusting the foundational legal framework to better reflect the changing needs and aspirations of society. These reforms are pivotal in shaping how power is distributed and exercised within a state, how rights are protected, and how governmental institutions interact with one another and with the citizenry. In contemporary global politics, constitutional reforms have taken on renewed significance due to several pressing issues, such as the rise of populism, the decline in democratic norms, and the challenges posed by increasing political polarization.

In many parts of the world, constitutional reforms have been used as a tool to consolidate power and erode democratic governance. For example, in countries like Hungary and Poland, constitutional amendments have been enacted to extend the powers of the executive branch and weaken judicial independence, effectively undermining the checks and balances that are fundamental to a healthy democracy (Kelemen, 2021). Similarly, in Turkey, a series of constitutional changes have been implemented to centralize power in the presidency, significantly altering the balance of power and raising concerns about the future of democratic governance in the country (Oder, 2021).

On the other hand, constitutional reforms have also been leveraged to promote democratic principles and address historical grievances. In Chile, for instance, the process of drafting a new constitution was initiated in response to widespread social protests demanding more inclusive and equitable governance structures. This movement reflects a broader trend in Latin America and elsewhere, where constitutional reforms are being pursued to rectify past injustices, protect minority rights, and enhance public participation in the political process (Fuentes, 2015). Similarly, in Tunisia, the post-Arab Spring constitution-making process aimed to establish a more democratic and pluralistic state, reflecting the aspirations of a diverse and engaged citizenry (Ginsburg, 2002).

These contrasting examples illustrate the dual role that constitutional reforms can play in contemporary politics. While they can serve as instruments for democratic deepening and renewal, they can also be exploited by authoritarian leaders to entrench their power. The current global landscape underscores the importance of the processes and contexts in which constitutional reforms are undertaken. Reforms that are inclusive, transparent, and based on broad-based consensus are more likely to enhance democratic governance and the rule of law, while those that are conducted in a top-down, opaque manner may contribute to democratic backsliding.

Constitutional reforms remain a powerful tool in the political toolkit of states, capable of both advancing and undermining democratic governance. As the global political environment continues to evolve, the need for carefully crafted and thoughtfully implemented constitutional reforms that genuinely reflect the will of the people and uphold democratic principles has never been more critical.

Despite the widespread recognition of the importance of constitutional reforms in promoting democratic governance, there is a notable gap in the research regarding their impact on the balance of power within contemporary political systems (Hirschl, 2014). While numerous studies have explored the outcomes of constitutional changes in various countries, there is limited comprehensive research that systematically examines recent trends in constitutional reforms and their effects on the distribution of power among executive, legislative, and judicial branches (Tushnet, 2015). Moreover, much of the existing literature tends to focus on case-specific analyses without offering a broader comparative perspective that could illuminate common patterns and challenges in different contexts (Dixon, 2015).

The urgency of this research is underscored by the current global political climate, where democratic backsliding and authoritarian tendencies have emerged as significant threats to democratic governance (Z. Levitsky, 2018). In many regions, there are growing concerns about the erosion of democratic norms and the concentration of power in the hands of a few, which undermines the principles of checks and balances that are fundamental to democratic systems (Schedler, 2006). Understanding how constitutional reforms can counteract these trends and contribute to the reinforcement of democratic institutions is crucial for policymakers, scholars, and advocates of democracy worldwide (Mudde, 2017).

Previous studies have highlighted the potential of constitutional reforms to address governance challenges and enhance democratic practices (Ginsburg, 2003; Versteeg & Zackin, 2014). For example, research has shown that reforms aimed at strengthening judicial independence can improve the rule of law and protect human rights (Keith et al., 2009). Similarly, reforms that enhance legislative oversight can promote transparency and accountability, reducing the likelihood of corruption and abuse of power (O' donell, 1994). However, there is a lack of research that systematically examines the cumulative effects of these reforms on the balance of power and their long-term impact on democratic governance (Foweraker & Landman, 2002).

The novelty of this research lies in its comprehensive analysis of recent trends in constitutional reforms and their impact on the balance of power within democratic systems. Unlike previous studies that have primarily focused on specific reforms or individual countries, this research aims to provide a broader comparative perspective by examining a range of constitutional changes across different regions and political contexts (Stilt et al., 2013). By doing so, the study seeks to identify common patterns, challenges, and best practices in constitutional reform efforts that can inform future initiatives to strengthen democratic governance (Albert, 2019).

The primary objective of this research is to explore how recent constitutional reforms have influenced the balance of power among the executive, legislative, and judicial branches of government. By conducting a systematic review of existing literature and analyzing various case studies, this study aims to provide a deeper understanding of the conditions under which constitutional reforms are most effective in enhancing democratic governance (S. Levitsky & Way, 2010). The findings are expected to contribute to the academic discourse on constitutional law and political science and offer practical insights for policymakers and advocates working to promote democracy and good governance.

In conclusion, this research addresses a critical gap in the literature by examining the impact of constitutional reforms on the balance of power within democratic systems. By providing a comparative analysis of recent trends and their implications for democratic governance, this study seeks to advance our understanding of how constitutional changes can support the development of more resilient and effective democratic institutions.

## Method

This study utilizes a qualitative research methodology with a literature review approach to explore the impact of constitutional reforms on the balance of power and democratic governance. A literature review was selected as the research design to synthesize existing knowledge, identify gaps, and provide a comprehensive understanding of recent trends in constitutional reforms aimed at strengthening democratic governance. This approach allows for an in-depth examination of theoretical perspectives, empirical studies, and case analyses across different regions and political contexts, offering a broad perspective on how constitutional reforms influence the distribution of power among governmental branches (Snyder, 2019).

The primary sources of data for this research include peer-reviewed journal articles, books, policy papers, legal documents, and reports published over the past two decades. These sources were chosen based on their relevance to the study's main themes, which include constitutional reforms, balance of power, democratic governance, and political institutions (Boell & Cecez-Kecmanovic, 2015). Data collection involved systematic searches in academic databases such as JSTOR, Google Scholar, HeinOnline, and ProQuest, using keywords like "constitutional reforms," "balance of power,"

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"democratic governance," "political institutions," and "comparative constitutional law." The inclusion criteria focused on empirical studies, theoretical discussions, and comprehensive reviews that provide significant insights into the impact of constitutional reforms on democratic governance.

To ensure a thorough and rigorous selection of literature, the data collection process included a detailed screening phase where articles and sources were evaluated for their methodological rigor, theoretical contributions, and relevance to the research questions (Tranfield et al., 2003). Sources that did not meet the inclusion criteria, such as those lacking empirical evidence or focusing on unrelated topics, were excluded. This process ensured that the review incorporated a diverse range of perspectives and findings, providing a robust foundation for analyzing the impact of constitutional reforms on the balance of power within democratic systems.

Data analysis was conducted using thematic analysis, a qualitative method suitable for identifying, analyzing, and reporting patterns (themes) within data (Clarke & Braun, 2017). The analysis process involved several stages, including familiarization with the data, coding, theme development, and refinement. Initially, the literature was reviewed to identify key themes related to constitutional reforms, their motivations, and their effects on the distribution of power among the executive, legislative, and judicial branches. These themes were then systematically reviewed and refined to ensure they accurately represented the findings and provided meaningful insights into the research questions (Nowell et al., 2017).

To enhance the validity and reliability of the findings, a process of data triangulation was employed, comparing results from different studies and contexts to identify consistencies and discrepancies (Yin, 2018). This approach helped corroborate the findings and provided a comprehensive understanding of how constitutional reforms can effectively balance power and enhance democratic governance. Additionally, the review incorporated perspectives from different cultural, political, and legal contexts to explore the generalizability of the findings and their applicability across various settings.

Overall, the qualitative literature review approach used in this study is effective for synthesizing existing knowledge and providing a detailed analysis of constitutional reforms and their impact on the balance of power in democratic systems. By examining a wide range of studies and theoretical perspectives, this research aims to contribute to the academic discourse on constitutional law and political science and offer practical insights for policymakers and scholars seeking to understand the dynamics of constitutional reform in strengthening democratic governance.

## Results and Discussions

### The Impact of Constitutional Reforms on the Executive Branch

Recent trends in constitutional reforms have significantly affected the executive branch's role and powers, aiming to recalibrate the balance of power within democratic systems. In many cases, reforms have sought to curb executive overreach by imposing stricter limits on executive authority and enhancing checks and balances (Sangdel & Mesulam, 2024). For example, constitutional amendments in countries like Kenya and South Korea have introduced measures to limit presidential terms and prevent the concentration of power in the executive, thereby fostering a more balanced governance structure (Hahm, 2012). These reforms are designed to ensure that the executive branch remains accountable to the legislature and judiciary, thereby strengthening democratic governance.

However, the effectiveness of these reforms in limiting executive power has been mixed. In some contexts, such as Turkey and Hungary, constitutional changes have paradoxically strengthened executive control by expanding the president's powers and reducing the independence of the judiciary (Kelemen, 2021). These reforms have often been justified on the grounds of political stability and efficiency, yet they have led to concerns about democratic backsliding and the erosion of checks and balances. This trend highlights the complexity of constitutional reforms and the potential for unintended consequences when reforms are not carefully designed and implemented.

Moreover, constitutional reforms targeting the executive branch often face significant resistance from political elites who benefit from the status quo. In countries with entrenched political systems, efforts to limit executive power are frequently met with opposition, undermining the potential for

meaningful reform (Fombad, 2017). For instance, attempts to introduce term limits or reduce executive powers in some African countries have been thwarted by political leaders who manipulate legal processes to maintain their grip on power (Cheeseman, 2018). This resistance underscores the importance of broad-based support and inclusive reform processes to achieve sustainable changes in executive power dynamics.

Additionally, the impact of constitutional reforms on the executive branch is influenced by the broader political and cultural context in which they are implemented. In some cases, reforms that limit executive power have been more successful in countries with strong democratic traditions and active civil societies (Elkins et al., 2009). Conversely, in states with weaker democratic institutions, reforms may have little effect or even exacerbate existing power imbalances (Hirschl, 2014). This variation suggests that constitutional reforms must be tailored to the specific needs and conditions of each country to effectively enhance democratic governance.

Overall, while constitutional reforms aimed at curbing executive power can play a crucial role in strengthening democratic governance, their success depends on a range of factors, including the design of the reforms, the political context, and the level of support from key stakeholders. Future research should continue to explore these dynamics to better understand how constitutional changes can promote a more balanced and accountable executive branch.

Constitutional reforms have played a significant role in reshaping the powers and limitations of the executive branch in various political systems around the world. The executive branch, typically encompassing the presidency or prime ministerial office and the government, is central to the functioning of a state. Reforms aimed at redefining executive power often seek to strike a balance between effective governance and preventing the concentration of power that could lead to authoritarianism. This balancing act is crucial for the maintenance of democratic norms and the rule of law. Recent trends indicate a dual pathway: while some reforms have successfully curbed executive overreach, others have paradoxically consolidated executive power, raising concerns about democratic backsliding.

In several countries, constitutional reforms have been designed to limit executive authority and enhance checks and balances by imposing stricter term limits, reducing the scope of executive powers, or enhancing the role of legislative and judicial branches in governance. For example, in Kenya, the 2010 constitutional reforms introduced a system of checks and balances aimed at preventing the excessive concentration of power in the presidency (Ginsburg, 2002). These reforms were intended to foster a more inclusive and accountable form of governance, reflecting the broader push for democratic consolidation following periods of authoritarian rule. Similarly, in South Korea, reforms have sought to reduce presidential powers and enhance transparency and accountability, particularly in response to corruption scandals that highlighted the dangers of unchecked executive authority (Hahm, 2012).

However, not all constitutional reforms have resulted in the intended outcomes of reducing executive dominance. In countries like Hungary and Turkey, reforms that were initially presented as efforts to enhance governance efficiency or national security have, in practice, expanded executive powers significantly (Kelemen, 2020). In Hungary, constitutional amendments and legal changes under Prime Minister Viktor Orbán have centralized power and weakened checks and balances, including the judiciary's independence and media freedom. These changes have been critiqued as steps towards authoritarianism, undermining democratic principles and the rule of law (Kelemen, 2021). In Turkey, reforms following the 2017 referendum have transitioned the country from a parliamentary system to a presidential one, effectively consolidating power in the hands of President Recep Tayyip Erdoğan and diminishing the parliament's role in governance (Oder, 2021). These examples demonstrate how constitutional reforms can be manipulated to entrench power rather than democratize governance.

These divergent outcomes underscore the importance of the broader political context and institutional framework in shaping the impact of constitutional reforms on executive power. Theories of democratization and institutional design suggest that the effectiveness of constitutional reforms in promoting democratic governance depends on several factors, including the strength and independence of political institutions, the presence of a robust civil society, and the political will to enforce reforms (Seeberg, 2012). In countries where political institutions are strong and there is a commitment to democratic principles, reforms are more likely to lead to meaningful changes that

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enhance checks and balances and reduce executive overreach (Elkins et al., 2009). Conversely, in contexts where political institutions are weak or there is little commitment to democratic norms, reforms may be co-opted by ruling elites to reinforce their control over the state apparatus.

The implications of these findings are significant for policymakers and scholars interested in constitutional design and democratic governance. While constitutional reforms are a powerful tool for shaping the distribution of power within a state, their success in strengthening democratic governance is not guaranteed. Reforms must be carefully crafted, taking into account the specific political, social, and economic contexts in which they are implemented. Additionally, the role of external actors, such as international organizations and foreign governments, can be crucial in supporting democratic reforms and pressuring regimes that seek to undermine democratic norms (Ginsburg & Huq, 2020). This external support can provide a counterbalance to domestic pressures that may favor autocratic consolidation.

From a theoretical perspective, these developments highlight the dynamic nature of constitutional governance and the ongoing struggle between democratic forces and authoritarian tendencies. Theories of constitutionalism and democracy suggest that the constitution is not just a legal document but a living framework that must adapt to changing political realities (Ginsburg, 2003). Thus, constitutional reforms are both a reflection of and a response to broader societal changes and political struggles. The ability of a constitutional system to adapt to these changes while maintaining its core democratic principles is crucial for the resilience of democratic governance.

In conclusion, the impact of constitutional reforms on the executive branch is complex and context-dependent. While reforms can play a vital role in limiting executive power and promoting democratic governance, they can also be used to entrench authoritarian rule. This dual potential underscores the need for a nuanced understanding of constitutional reforms and the factors that influence their outcomes. Future research should continue to explore these dynamics, examining the conditions under which constitutional reforms contribute to democratic consolidation or, conversely, to democratic erosion. Understanding these factors is essential for designing effective reforms that promote a balanced and accountable executive branch, ultimately strengthening democratic governance.

### Strengthening Legislative Oversight Through Constitutional Reforms

Constitutional reforms have also focused on enhancing the powers and functions of the legislative branch to improve its oversight of the executive and ensure greater accountability. One common reform has been the strengthening of legislative procedures and mechanisms for scrutinizing executive actions, such as the introduction of mandatory parliamentary approvals for key executive decisions (O'Donnell, 1998). For example, recent constitutional amendments in countries like Tunisia and Sri Lanka have granted legislatures greater authority to oversee government budgets, ratify international treaties, and review executive appointments (Reynolds, 2002). These changes are intended to empower legislatures to act as effective checks on executive power and prevent abuses of authority.

However, the effectiveness of these reforms in enhancing legislative oversight varies widely across different contexts. In some countries, strengthened legislative powers have led to more robust oversight and improved transparency in government operations (Versteeg & Zackin, 2014). In others, however, legislative bodies continue to face significant challenges in exercising their oversight functions, often due to political polarization, lack of resources, or insufficient expertise (Dixon, 2015). For instance, in some Eastern European countries, legislative reforms have not prevented the continued dominance of the executive branch, as legislatures lack the capacity or political will to hold the government accountable (Tushnet, 2015).

Moreover, the success of legislative reforms is often contingent on the broader political environment and the level of democratic development. In mature democracies, constitutional changes that strengthen legislative oversight can enhance accountability and foster a culture of transparency and good governance. In contrast, in hybrid regimes or emerging democracies, where political institutions may be weaker or less independent, similar reforms may be less effective or even counterproductive. This discrepancy highlights the importance of considering the political context when designing constitutional reforms aimed at strengthening legislative oversight.

Additionally, constitutional reforms to enhance legislative oversight must be accompanied by broader efforts to build the capacity and independence of legislative bodies. Without adequate resources, training, and institutional support, legislatures may struggle to effectively exercise their enhanced powers and fulfill their oversight responsibilities (Keith et al., 2009). This underscores the need for comprehensive reform strategies that address both constitutional provisions and the practical needs of legislative bodies.

Furthermore, the role of civil society and the media in supporting legislative oversight cannot be overstated. In many cases, reforms that strengthen legislative powers are more effective when complemented by active civil society organizations and a free press that can provide independent oversight and hold both the executive and legislature accountable (Mudde, 2017). This suggests that constitutional reforms should be part of a broader strategy to promote a vibrant democratic ecosystem that supports transparency and accountability.

Constitutional reforms aimed at strengthening legislative oversight are critical in enhancing the checks and balances within a democratic system. The legislature, as a representative body, plays a fundamental role in scrutinizing the actions of the executive branch and ensuring that governance is carried out transparently and accountably. Recent constitutional reforms across various countries have focused on enhancing the powers and functions of the legislature to improve its capacity for oversight. These reforms often include granting legislatures greater authority to review and approve executive actions, such as budgetary allocations, international treaties, and executive appointments (Simeon & Turgeon, 2007). By empowering legislatures to act as effective checks on the executive, these reforms aim to prevent abuses of power and promote a more balanced governance structure.

One notable example of constitutional reforms enhancing legislative oversight is Tunisia's post-Arab Spring constitution. The new constitution, adopted in 2014, provided the parliament with significant powers to oversee the executive, including the ability to censure government ministers and demand greater transparency in government operations. These reforms were designed to prevent the concentration of power in the executive branch, a major issue under Tunisia's previous authoritarian regime. The Tunisian case illustrates how constitutional changes can be used to empower legislatures and create a more accountable governance framework, reflecting a broader trend in democratizing countries where enhanced legislative oversight is seen as a safeguard against authoritarianism (Boubakri, 2013).

However, the effectiveness of constitutional reforms in strengthening legislative oversight varies widely across different political contexts. In some countries, enhanced legislative powers have led to more robust oversight and improved government transparency. For example, in countries like Germany and Sweden, constitutional provisions that empower parliament to scrutinize the executive have contributed to a culture of accountability and transparency, resulting in higher levels of public trust in government institutions. In these countries, legislatures are equipped with the necessary resources, independence, and expertise to effectively perform their oversight functions, thereby ensuring that executive actions are subject to rigorous scrutiny and debate (Auel & Raunio, 2014).

Conversely, in other contexts, legislative reforms have not been as successful in enhancing oversight. In many emerging democracies or hybrid regimes, legislative bodies continue to face significant challenges in exercising their oversight functions effectively. Issues such as political polarization, lack of resources, and insufficient expertise often hamper the ability of legislatures to hold the executive accountable. For example, in some Eastern European countries, despite constitutional reforms aimed at enhancing parliamentary powers, legislatures have struggled to counterbalance dominant executives due to entrenched political interests and weak institutional capacities (Tushnet, 2015). This discrepancy highlights the limitations of constitutional reforms when not accompanied by broader efforts to strengthen legislative institutions and foster a culture of accountability.

The success of constitutional reforms aimed at enhancing legislative oversight is also heavily influenced by the political will of the ruling elite and the broader political environment. In environments where political leaders are committed to democratic principles and the rule of law, reforms that strengthen legislative oversight are more likely to be implemented effectively. However, in contexts where the ruling elite is resistant to ceding power or where political competition is characterized by high levels of clientelism and patronage, reforms may be undermined or rendered

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ineffective. This underscores the importance of ensuring that constitutional reforms are supported by a genuine commitment to democratic governance and the rule of law from political leaders.

From a theoretical perspective, the concept of “vertical accountability,” as discussed in theories of democracy and governance, is crucial for understanding the role of legislative oversight in democratic systems. Vertical accountability refers to the mechanisms through which citizens, directly or indirectly, hold political leaders accountable, often through institutions such as parliaments (Schmitter, 2004). Constitutional reforms that enhance legislative oversight contribute to vertical accountability by enabling elected representatives to monitor and challenge executive actions on behalf of the electorate. However, for vertical accountability to be effective, it must be complemented by “horizontal accountability,” which involves oversight mechanisms within the government, such as independent judiciaries and audit institutions.

Furthermore, the role of civil society and the media in supporting legislative oversight is vital. An active civil society and free press can complement legislative efforts by providing independent oversight and holding both the executive and legislature accountable. For instance, in countries like Kenya, civil society organizations have played a critical role in advocating for legislative reforms and monitoring their implementation, thereby enhancing the effectiveness of parliamentary oversight (Fombad, 2017). This suggests that constitutional reforms should be part of a broader strategy to promote a vibrant democratic ecosystem that supports transparency, accountability, and the rule of law.

In conclusion, constitutional reforms aimed at strengthening legislative oversight are essential for enhancing democratic governance and ensuring a balanced distribution of power. However, their success depends on various factors, including the design of the reforms, the capacity of legislative bodies, the political will of ruling elites, and the presence of supportive institutions and civil society. Future research should continue to examine these factors to better understand how constitutional changes can effectively empower legislatures and promote accountability, ultimately contributing to a more robust and resilient democratic system.

### Enhancing Judicial Independence and Constitutional Reforms

Judicial independence is a cornerstone of democratic governance, and many constitutional reforms have focused on strengthening the autonomy and impartiality of the judiciary. Reforms have often included measures such as establishing independent judicial appointment bodies, securing tenure for judges, and enhancing the judiciary's financial independence (Ginsburg & Huq, 2020). For example, constitutional amendments in countries like South Africa and Germany have introduced provisions to safeguard judicial independence, limit executive influence over the judiciary, and ensure the fair and impartial administration of.

The impact of these reforms on judicial independence and the balance of power has been significant in several contexts. In countries with strong legal traditions and robust democratic institutions, constitutional reforms have helped to create a more independent and effective judiciary that can serve as a check on executive and legislative excesses (Versteeg & Zackin, 2014). For instance, in South Africa, judicial reforms have empowered the Constitutional Court to play a pivotal role in upholding the rule of law and protecting human rights. Similarly, in Germany, the Federal Constitutional Court has become a model of judicial independence, exercising significant influence over constitutional interpretation and governance.

However, the success of judicial reforms is not universal, and in some cases, constitutional changes have failed to protect the judiciary from political interference. In countries like Poland and Hungary, recent constitutional amendments have undermined judicial independence by allowing greater executive control over judicial appointments and disciplinary proceedings (Kelemen, 2021). These reforms have raised concerns about the erosion of judicial checks and balances and the potential for democratic backsliding in these countries. This trend highlights the challenges of implementing effective judicial reforms in environments where political actors seek to consolidate power.

Moreover, constitutional reforms aimed at enhancing judicial independence must be supported by broader efforts to promote a culture of judicial accountability and integrity. While independence is crucial for ensuring impartiality, it must be balanced with mechanisms to hold judges accountable for

misconduct and ensure that they adhere to high ethical standards (Keith et al., 2009). Without such measures, reforms may fail to achieve their intended outcomes and could even lead to judicial impunity or corruption. This underscores the importance of a holistic approach to judicial reform that addresses both independence and accountability.

Additionally, the role of civil society and international organizations in supporting judicial independence is critical. In many cases, domestic reforms are bolstered by external pressure and support from international bodies, such as the United Nations and the European Union, which advocate for the rule of law and judicial independence. Civil society organizations and legal advocacy groups also play a vital role in monitoring judicial reforms, raising awareness, and holding governments accountable for upholding judicial independence (S. Levitsky & Way, 2010).

Judicial independence is a cornerstone of democratic governance, ensuring that the judiciary can act as a check on the powers of the executive and legislative branches, thereby upholding the rule of law and protecting individual rights. Constitutional reforms that enhance judicial independence are vital for maintaining this balance, especially in contexts where there is a risk of political interference in judicial processes. Recent trends in constitutional reforms across various countries have focused on securing judicial autonomy by establishing independent judicial appointment bodies, safeguarding tenure for judges, and enhancing the judiciary's financial independence. These measures are designed to create a judiciary that is insulated from political pressures and capable of making impartial decisions based on the law.

A significant example of constitutional reforms enhancing judicial independence is found in South Africa, where the post-apartheid constitution of 1996 established the judiciary as an independent branch of government. The Constitution created a Judicial Service Commission responsible for judicial appointments, thereby reducing executive influence over the judiciary (Fombad, 2017). These reforms have been pivotal in establishing the Constitutional Court of South Africa as a robust guardian of constitutional rights and the rule of law. The Court has been instrumental in adjudicating key issues related to human rights, government accountability, and the separation of powers, showcasing the impact of judicial independence on democratic governance (Klug, 2010).

However, the effectiveness of constitutional reforms in enhancing judicial independence varies widely depending on the political and institutional context. In countries like Poland and Hungary, recent constitutional amendments and legislative changes have eroded judicial independence by allowing greater executive control over judicial appointments and disciplinary proceedings. These reforms have raised concerns about the erosion of judicial checks and balances and the potential for democratic backsliding. In Poland, for instance, the government's efforts to overhaul the judiciary by replacing judges and altering the functioning of the Constitutional Tribunal have been viewed as attempts to undermine judicial independence and consolidate power (Sadurski, 2019). This highlights the risks associated with constitutional reforms that do not genuinely aim to strengthen democratic institutions but rather serve to entrench the power of the ruling elite.

The varying outcomes of these reforms can be understood through the lens of institutional theories, which emphasize the importance of formal rules and structures in shaping political behavior. According to the concept of "new institutionalism," institutions are not just formal rules but also embody norms and expectations that guide political actors (Hall & Taylor, 1996). Reforms that enhance judicial independence create formal structures that protect judges from political pressures; however, the effectiveness of these reforms also depends on the broader political culture and the commitment of political actors to uphold judicial autonomy. In environments where there is a strong culture of respect for the rule of law, judicial reforms are more likely to result in an independent judiciary. Conversely, in contexts where political actors are intent on undermining judicial independence, reforms may be subverted, and judicial autonomy compromised.

Furthermore, the effectiveness of constitutional reforms in enhancing judicial independence is also influenced by the role of civil society and international organizations. Civil society organizations, legal advocacy groups, and the media play a crucial role in monitoring judicial reforms, raising awareness, and holding governments accountable for upholding judicial independence. For example, in countries like Kenya, civil society has been instrumental in advocating for judicial reforms and challenging attempts to undermine judicial independence. Similarly, international organizations such as the United

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Nations and the European Union have played a critical role in supporting judicial independence by providing technical assistance, monitoring compliance with international standards, and applying diplomatic pressure on governments that attempt to undermine judicial autonomy.

Moreover, constitutional reforms aimed at enhancing judicial independence must be balanced with mechanisms to ensure judicial accountability. While independence is crucial for ensuring impartiality, it must be complemented by measures that hold judges accountable for misconduct and ensure they adhere to high ethical standards (Keith et al., 2009). Without such measures, reforms may fail to achieve their intended outcomes and could even lead to judicial impunity or corruption. This underscores the importance of a holistic approach to judicial reform that addresses both independence and accountability, ensuring that the judiciary remains not only autonomous but also fair, ethical, and responsive to the needs of society.

In conclusion, constitutional reforms aimed at enhancing judicial independence are essential for maintaining the balance of power and promoting democratic governance. However, their success depends on various factors, including the design of the reforms, the broader political and cultural context, the presence of supportive institutions and civil society, and the willingness of political actors to respect judicial autonomy. Future research should continue to explore these dynamics to better understand how constitutional changes can effectively strengthen judicial independence and contribute to the resilience of democratic governance.

### The Role of Civil Society in Constitutional Reforms

Civil society plays a crucial role in the process of constitutional reforms, often serving as a catalyst for change and a check on governmental power. In many contexts, civil society organizations (CSOs) have been instrumental in advocating for constitutional changes that promote democratic governance, protect human rights, and enhance the rule of law (Mudde, 2017). For instance, in Tunisia, civil society played a pivotal role in the post-Arab Spring constitution-making process, advocating for a democratic constitution that reflects the aspirations of a diverse and engaged citizenry.

The effectiveness of civil society in influencing constitutional reforms depends on several factors, including the strength and independence of CSOs, the openness of the political environment, and the availability of resources and support. In countries with vibrant civil societies and strong democratic traditions, CSOs have been able to exert significant influence on the constitutional reform process, ensuring that reforms are inclusive, transparent, and reflective of the people's will. Conversely, in more restrictive environments, civil society's role may be limited by government repression, lack of resources, and internal fragmentation.

Moreover, civil society can play a vital role in monitoring the implementation of constitutional reforms and holding governments accountable for upholding democratic principles. In many cases, CSOs and legal advocacy groups have been at the forefront of efforts to challenge unconstitutional actions, defend judicial independence, and promote transparency and accountability (Hirschl, 2014). For example, in countries like Kenya and South Africa, civil society organizations have successfully used litigation and advocacy to ensure that constitutional reforms are implemented effectively and that governments adhere to the rule of law.

Additionally, civil society can facilitate public participation in the constitutional reform process, helping to ensure that reforms are inclusive and representative of diverse perspectives. By organizing public consultations, conducting civic education, and providing platforms for dialogue, CSOs can engage citizens in the reform process and promote a sense of ownership and legitimacy (Stilt et al., 2013). This is particularly important in contexts where constitutional reforms have historically been top-down and exclusionary, leading to a lack of public trust and support.

However, the role of civil society in constitutional reforms is not without challenges. In many contexts, CSOs face significant obstacles, including political repression, legal restrictions, and financial constraints, which can limit their ability to effectively advocate for and influence constitutional changes (Cheeseman, 2018). Furthermore, civil society is not monolithic, and differing priorities and approaches among CSOs can sometimes hinder cohesive action and weaken their impact. This highlights the need for stronger collaboration and coordination among civil society actors to effectively engage in the constitutional reform process.

Civil society plays a pivotal role in constitutional reforms, serving as both a catalyst for change and a watchdog ensuring the integrity and inclusiveness of the reform process. Civil society organizations (CSOs), such as non-governmental organizations (NGOs), advocacy groups, and grassroots movements, have the capacity to mobilize public opinion, advocate for democratic principles, and hold governments accountable during constitutional reforms. By actively participating in constitutional processes, civil society can help ensure that reforms are not merely top-down initiatives driven by political elites but are instead reflective of the broader public's interests and aspirations.

One of the key contributions of civil society to constitutional reforms is fostering public participation and inclusion. In many countries undergoing constitutional change, CSOs have been instrumental in organizing public consultations, conducting civic education, and facilitating dialogue between citizens and policymakers. For example, in Tunisia's post-Arab Spring constitution-making process, civil society played a crucial role in advocating for a democratic constitution that reflected the diverse perspectives of the Tunisian people. This involvement not only helped to create a more inclusive constitution but also fostered a sense of ownership and legitimacy among the population, which is essential for the stability and durability of the constitutional order.

However, the effectiveness of civil society in influencing constitutional reforms varies significantly across different political contexts. In some countries, where civil society is vibrant and independent, CSOs have been able to exert significant influence on the reform process, ensuring that constitutional changes promote democratic governance and the rule of law. In contrast, in more restrictive environments where governments are less open to public input or actively suppress dissent, the role of civil society may be more limited (S. Levitsky & Way, 2010). For instance, in countries like Egypt and Venezuela, civil society's capacity to influence constitutional reforms has been constrained by legal restrictions, political repression, and a lack of resources, resulting in constitutional changes that entrench authoritarian rule rather than promote democratic governance (Corrales, 2015; Sadiki, 2004).

The theoretical framework of "deliberative democracy" provides a useful lens for understanding the role of civil society in constitutional reforms. Deliberative democracy emphasizes the importance of informed, inclusive, and rational discourse in decision-making processes (Habermas, 2015). Civil society can contribute to deliberative democracy by facilitating informed public debate and ensuring that diverse voices are heard in the constitutional reform process. When CSOs engage in advocacy, education, and dialogue, they help to create a more informed citizenry that can participate meaningfully in constitutional deliberations. This aligns with the findings of the literature, which suggest that constitutional reforms are more likely to succeed when they are the product of broad-based deliberation and consensus-building.

Furthermore, civil society plays a crucial role in monitoring the implementation of constitutional reforms and holding governments accountable for upholding democratic principles. In many cases, CSOs and legal advocacy groups have been at the forefront of efforts to challenge unconstitutional actions, defend judicial independence, and promote transparency and accountability (Hirschl, 2014). For example, in Kenya, civil society organizations have played a critical role in advocating for judicial reforms and challenging attempts to undermine judicial independence. This ongoing vigilance is essential for ensuring that constitutional reforms are not only enacted but also effectively implemented, maintaining the integrity of the democratic process.

However, the role of civil society in constitutional reforms is not without challenges. In many contexts, CSOs face significant obstacles, including political repression, legal restrictions, and financial constraints, which can limit their ability to effectively advocate for and influence constitutional changes (Carothers & Brechenmacher, 2014). Additionally, civil society is not a monolithic entity; it encompasses a diverse range of actors with differing priorities and approaches. This diversity can sometimes lead to fragmentation and a lack of cohesive action, weakening civil society's overall impact on the constitutional reform process (Diamond, 1999). To maximize their influence, CSOs must work collaboratively, building coalitions and networks that amplify their voices and enhance their capacity to engage in the reform process.

In conclusion, civil society plays a vital role in advocating for, monitoring, and supporting constitutional reforms that strengthen democratic governance. However, the effectiveness of civil society in this regard depends on various factors, including the political context, the strength and

independence of CSOs, and the availability of resources and support. Future research should continue to explore the dynamics of civil society engagement in constitutional reforms to better understand how CSOs can contribute to democratic governance and the rule of law. By doing so, scholars and practitioners can develop strategies to enhance the role of civil society in promoting inclusive and effective constitutional reforms.

## Conclusions

The examination of constitutional reforms and their impact on the balance of power highlights the critical role these changes play in shaping democratic governance. Constitutional reforms aimed at limiting executive authority, strengthening legislative oversight, enhancing judicial independence, and involving civil society are essential for ensuring a balanced distribution of power within a state. The evidence shows that well-designed reforms can prevent the concentration of power in any single branch of government, thereby fostering transparency, accountability, and respect for the rule of law. However, the success of these reforms largely depends on the specific political context, the commitment of political actors to democratic principles, and the support of robust institutions and civil society.

While many countries have successfully implemented constitutional reforms that promote democratic governance, others have experienced challenges and setbacks. In some cases, reforms have been co-opted by ruling elites to entrench their power, undermining judicial independence and weakening legislative oversight. These developments underscore the complexities of constitutional reform processes and the potential for unintended consequences when reforms are not carefully crafted and implemented. The role of civil society and international organizations in advocating for and supporting reforms is crucial for ensuring that constitutional changes genuinely strengthen democratic institutions and do not become tools for authoritarian consolidation.

In conclusion, constitutional reforms have the potential to significantly enhance democratic governance by ensuring a more balanced and accountable distribution of power among the executive, legislative, and judicial branches. However, their effectiveness is contingent upon various factors, including the design of the reforms, the broader political and cultural context, and the presence of active and engaged civil society. Future research should continue to explore these dynamics to better understand how constitutional changes can be effectively implemented to promote democratic resilience and prevent democratic erosion. By doing so, scholars and policymakers can develop strategies to ensure that constitutional reforms serve as genuine mechanisms for strengthening democratic governance and protecting the rule of law.

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