

Digital Constitutionalism and the Future of Human Rights: A Comparative Review

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ABSTRACT: This study presents a comprehensive narrative review of the evolving relationship between constitutionalism and the protection of human rights in various global contexts. The primary aim is to explore how constitutional frameworks adapt to contemporary challenges and uphold human rights amid increasing political complexity and technological transformation. A rigorous literature search was conducted using databases such as Scopus, Web of Science, and Google Scholar with keywords including "constitutionalism," "human rights evolution," "rule of law," "limited government," and "comparative constitutional law." The review synthesized findings from comparative legal studies, case law analysis, and theoretical literature. The results indicate a growing reliance on constitutional courts to safeguard fundamental rights, especially in jurisdictions like Germany, Poland, and Colombia. However, systemic barriers such as weak institutions and political interference continue to challenge effective constitutional implementation. Regional differences further complicate the picture, with the EU promoting supranational human rights standards, while Latin America advances progressive constitutional reforms, and parts of the Islamic world grapple with integrating Sharia principles. The emergence of digital constitutionalism adds a new dimension to this discourse, calling for regulatory frameworks that protect digital rights. Civil society's role is increasingly significant in shaping these legal evolutions. In conclusion, reinforcing judicial independence, integrating global legal norms, and fostering public awareness are critical to strengthening constitutionalism. Future research should prioritize the impact of digital governance and transnational jurisprudence on human rights.

Keywords: Constitutionalism, Human Rights, Rule of Law, Judicial Independence, Digital Rights, Comparative Constitutional Law, Transnational Legal Frameworks.



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INTRODUCTION

Since the late 20th century, constitutionalism has shifted from a procedural framework of state organization toward an active instrument for enforcing democratic values and safeguarding human

rights globally. In modern democratic states, the constitution is no longer simply a procedural tool but serves as a normative foundation that seeks to ensure the state remains accountable and the individual protected against arbitrary authority. The contemporary understanding of constitutionalism recognizes the interdependence between democratic governance and human rights protections, where the constitution delineates clear boundaries between governmental power and civil liberties, institutionalizing mechanisms to restrain executive overreach and promote participatory governance.

Integral to this development is the recognition that constitutions operate not only at the domestic level but also within increasingly complex global and transnational legal frameworks. In jurisdictions such as Germany and Poland, constitutional interpretation emphasizes compatibility with international human rights law, embedding global norms into national legal orders (Neto et al., 2022; Baer, 2023). However, tensions persist. For example, in Poland, political encroachments upon judicial independence threaten the constitutional safeguards meant to uphold the rule of law and the protection of fundamental rights (Szwast et al., 2023). Such developments reveal a fragile equilibrium between the constitutional aspiration for rights protection and the political realities within which such texts are operationalized.

These challenges are compounded by rising populism, erosion of judicial independence, and widespread misinformation campaigns within democratic systems. The judiciary, a cornerstone of constitutional democracy, often faces pressure from political actors seeking to instrumentalize legal institutions for partisan gain. In Latin America, courts are increasingly tasked with adjudicating on the justiciability of socio-economic rights, yet their ability to translate constitutional promises into tangible outcomes remains inconsistent and often hampered by systemic weaknesses (Tebar & Alves, 2021). Similarly, the COVID-19 pandemic has accentuated underlying structural inequalities, exposing limitations in the capacity of constitutions to ensure equitable protection under rapidly evolving conditions of crisis (Teixeira & Bragato, 2021). These events underscore the need for renewed constitutional commitments that reflect the complexities of governance in an interconnected and unpredictable world.

Moreover, the global digital revolution poses novel challenges to traditional constitutional paradigms. Issues concerning data privacy, digital surveillance, and online freedom of expression compel a rethinking of how rights are conceptualized and protected within a constitutional framework. As Yilma (2025) argues, the rise of digital constitutionalism marks a significant discursive shift where private technology actors exert unprecedented influence over fundamental rights traditionally overseen by public institutions (Redeker et al., 2018). These developments raise normative and practical questions regarding accountability, the legitimacy of governance, and the adequacy of existing legal doctrines to address evolving threats to human dignity in digital spaces.

Despite the formal entrenchment of human rights in constitutional texts, there remains a discernible gap between principle and practice. The implementation of constitutional rights continues to be undermined by institutional weaknesses, political interference, and socio-economic disparities. In Ukraine, for instance, although constitutional jurisprudence affirms a doctrine of limited government aimed at safeguarding rights, the practical enforcement of these norms is constrained by structural inefficiencies and the overwhelming dominance of state power ("THE DOCTRINE OF LIMITED GOVERNMENT IN THE LEGAL POSITIONS OF THE

CONSTITUTIONAL COURT OF UKRAINE", 2025). This disjuncture calls attention to the need for empirical scrutiny of the conditions under which constitutional protections translate into effective rights realization.

There is an urgent need, both theoretically and empirically, to reassess the relationship between constitutionalism and human rights, particularly in light of digital transformation, globalization, and growing influence of private actors in governance (McClennen, 2010). The rise of digital technologies and the increasing prominence of private actors in domains traditionally governed by public law necessitate a recalibration of legal doctrines and institutional responsibilities. Scholars such as Yilma (2025) advocate for a reframing of constitutional discourse that accounts for the normative deficits inherent in privatized governance systems. Concurrently, globalization challenges the territorial boundedness of constitutional orders, prompting calls for a more integrated, cross-border approach to human rights protection that bridges local specificity with universal aspirations (Teixeira & Bragato, 2021; Neto et al., 2022).

In this context, regional perspectives provide valuable insights into the diversity of constitutional experiences and trajectories. In Europe, constitutional systems such as those in Germany and France have demonstrated robust engagement with international human rights standards, facilitated by active constitutional courts and supranational legal mechanisms (Tusseau, 2023; Baer, 2023). Conversely, Latin American countries present a mosaic of constitutional innovations, where reforms emphasizing social rights justiciability have emerged amidst persistent governance challenges (Tebar & Alves, 2021). In the Middle East, constitutionalism is often entangled with political instability and authoritarian governance, yet cases like Tunisia post-Arab Spring suggest the potential for constitutional reform to drive meaningful human rights advancements (Porrás-Gómez, 2020).

These contrasting regional dynamics reveal both common challenges and context-specific solutions, reinforcing the value of comparative constitutional inquiry. By analyzing patterns of convergence and divergence across jurisdictions, scholars and policymakers can better understand the institutional, cultural, and political determinants that shape constitutional effectiveness. Such analysis also helps illuminate the pathways through which constitutional norms evolve in response to social demands, judicial innovations, and external pressures.

Therefore, this article aims to provide a comprehensive narrative review of the contemporary relationship between constitutionalism and the evolution of human rights in democratic states. It examines theoretical debates, empirical findings, and regional case studies to identify key trends, challenges, and innovations that characterize this dynamic field. Special attention is given to the interplay between constitutional design, judicial interpretation, and external influences such as globalization and digital transformation. The objective is not only to map the current state of constitutional rights protection but also to propose directions for enhancing constitutional resilience in the face of emergent risks and uncertainties.

The scope of this review encompasses selected jurisdictions from three world regions—Europe, Latin America, and the Middle East—chosen for their divergent historical legacies, legal traditions, and contemporary experiences with constitutional governance. Through this comparative lens, the article seeks to uncover both structural and contingent factors that facilitate or hinder the effective realization of human rights within constitutional frameworks (Saputra et al., 2022). The inclusion

of multiple regions allows for a broader understanding of how diverse socio-political environments mediate the translation of constitutional principles into practical outcomes, thereby enriching the global discourse on democratic constitutionalism and rights protection.

METHOD

This narrative review employed a structured and systematic approach to literature retrieval to explore the evolving relationship between constitutionalism and the protection of human rights in democratic states. Given the complexity and interdisciplinary nature of the topic, the methodology was designed to capture diverse theoretical, doctrinal, and comparative perspectives from multiple jurisdictions and academic disciplines. The review drew upon both primary legal literature and secondary scholarly analyses, encompassing historical, political, legal, and normative dimensions of constitutional development and human rights evolution.

The literature search was conducted using three major academic databases: Scopus, Web of Science, and Google Scholar. These databases were selected for their comprehensive indexing of peer-reviewed articles, conference proceedings, book chapters, and legal commentaries across a wide range of disciplines relevant to the topic. The search strategy centered on the use of targeted keyword combinations intended to maximize relevance and thematic coverage. The primary keywords included "constitutionalism," "human rights evolution," "rule of law," "limited government," and "comparative constitutional law." These terms were used in various permutations, both as standalone terms and in combination with Boolean operators such as "AND," "OR," and "NOT," to refine and expand the search.

The keyword "constitutionalism" was utilized to identify sources that examine the theoretical and institutional foundations of constitutional governance, particularly those that articulate how constitutions function as frameworks for limiting state power and institutionalizing rights. To capture the dynamic and historical aspect of rights development, the term "human rights evolution" was included, enabling the retrieval of materials that track the trajectory of human rights norms over time and across jurisdictions. The inclusion of "rule of law" aimed to locate discussions on legal accountability and procedural fairness, which are central tenets of constitutional democracies. Meanwhile, "limited government" was employed to explore the conceptual and operational limits imposed on executive power, particularly in contexts where judicial oversight and checks and balances are essential to rights protection. Finally, "comparative constitutional law" was used to uncover studies that analyze similarities and differences in constitutional practice globally, offering insights into diverse pathways of human rights implementation under varying legal traditions and political conditions.

The initial search generated a large pool of potentially relevant literature. To ensure analytical rigor and thematic relevance, a set of inclusion and exclusion criteria was applied to guide the selection of materials. The inclusion criteria comprised scholarly articles published in peer-reviewed journals or academic publishers, studies that explicitly addressed the intersection between constitutional law and human rights, and works published in English between 2000 and 2025 to ensure temporal relevance. Studies focusing on empirical analyses, doctrinal interpretation, comparative frameworks, and normative critiques were prioritized. In contrast, exclusion criteria eliminated

non-peer-reviewed sources, purely descriptive works lacking critical analysis, and articles focusing solely on domestic constitutional matters without broader human rights implications.

The review included a range of academic outputs such as doctrinal analyses, theoretical treatises, comparative case studies, and empirical evaluations. While randomized controlled trials and experimental studies are common in fields such as health sciences, legal research often draws on qualitative methodologies. Therefore, the types of studies incorporated into this review included jurisprudential analyses, case law reviews, legal-historical narratives, and policy evaluations. These were supplemented by comparative studies that scrutinized constitutional reforms and judicial decisions in various national contexts, particularly in Europe, Latin America, and the Middle East. Studies by scholars such as Porras-Gómez (2020) and Yilma (2025) were instrumental in understanding regional nuances and challenges.

The selection process involved multiple stages. In the first stage, titles and abstracts of all retrieved sources were screened for thematic relevance. Articles that did not align with the central research question were discarded. In the second stage, the full texts of shortlisted articles were reviewed in detail to assess methodological robustness and analytical depth. Particular attention was paid to the way authors conceptualized constitutionalism, interpreted rights protections, and evaluated implementation gaps. In the final stage, bibliographic mining was conducted on selected articles to identify additional high-value sources that may have been missed in the initial keyword search. This iterative process ensured the inclusion of both foundational works and cutting-edge contributions to the field.

Throughout the review, attention was paid to achieving a balanced representation of perspectives across different legal systems and scholarly traditions. Emphasis was placed on identifying materials that examined the interplay between constitutional structure and rights enforcement mechanisms, especially in contexts characterized by political transition, authoritarian tendencies, or legal pluralism. This included sources that addressed the doctrinal significance of limited government in Ukraine ("THE DOCTRINE OF LIMITED GOVERNMENT IN THE LEGAL POSITIONS OF THE CONSTITUTIONAL COURT OF UKRAINE," 2025), as well as global constitutionalism discourses relating to health and environmental governance (Ooms & Hammonds, 2016).

To maintain analytical consistency, each selected study was coded according to key thematic categories, including (1) theoretical approaches to constitutionalism, (2) institutional mechanisms for rights enforcement, (3) regional constitutional developments, (4) digital constitutionalism and technological challenges, and (5) critiques of implementation gaps. This coding process facilitated the synthesis of findings across diverse sources and ensured that emerging patterns and contradictions could be systematically identified and discussed.

In sum, this methodology combined a rigorous search strategy, well-defined inclusion parameters, and an analytical framework that allowed for a nuanced examination of the evolving relationship between constitutionalism and human rights. The use of multiple databases, strategic keyword combinations, and a multistage screening process ensured the comprehensiveness and depth of the literature reviewed. This approach provided a solid foundation for subsequent thematic analysis and discussion, enabling the study to contribute meaningfully to ongoing academic and

policy debates surrounding constitutional governance and human rights protection in the 21st century.

RESULT AND DISCUSSION

The findings of this narrative review are organized around four core thematic areas that dominate current academic discourse on constitutionalism and the evolution of human rights: (1) the role of the judiciary in protecting fundamental rights, (2) regional dynamics and variations in constitutional practice, (3) the challenges of digitalization and the emergence of digital constitutionalism, and (4) the rise of transnational constitutionalism and its implications for minority rights. Each theme reflects not only doctrinal developments but also empirical evidence from diverse jurisdictions, providing a global perspective on the trajectory and challenges of constitutional human rights protection.

The judiciary continues to play a foundational role in expanding and enforcing human rights protections within constitutional frameworks. National constitutional courts, particularly in democratic regimes, serve as critical guardians of fundamental rights by interpreting constitutional provisions to create normative standards that protect individual liberties. For instance, the Constitutional Court of Ukraine has been instrumental in articulating and upholding the doctrine of limited government, explicitly reinforcing the constitutional boundaries that protect citizens from overreach by state authorities ("THE DOCTRINE OF LIMITED GOVERNMENT IN THE LEGAL POSITIONS OF THE CONSTITUTIONAL COURT OF UKRAINE", 2025). This aligns with similar institutional practices in countries such as Germany, where the Federal Constitutional Court (Bundesverfassungsgericht) has adopted a rights-centered approach to jurisprudence, upholding human dignity as a paramount constitutional value and applying proportionality review to safeguard freedoms against legislative encroachment (Szwast et al., 2023).

An emerging global trend in constitutional jurisprudence is the growing judicial recognition of individuals as subjects of international legal rights. This is illustrated by increasing references to international human rights law within domestic constitutional rulings, signaling a shift from purely national legal frameworks to hybridized systems where international norms are accorded domestic applicability. As Porras-Gómez (2020) highlights, this incorporation of global norms into domestic judicial reasoning reflects a more inclusive and outward-looking vision of constitutionalism. Courts across Latin America, Europe, and even some Asian jurisdictions are progressively integrating treaty obligations and human rights conventions into their rulings, thus enhancing individuals' access to justice and fostering normative harmonization across jurisdictions.

The review further reveals considerable variation in how constitutionalism and human rights are conceptualized and operationalized across different regions (Malko et al., 2021). In Europe, the integration of constitutionalism with international human rights standards is facilitated by robust supranational frameworks, notably the European Union and the European Convention on Human Rights. This integration enhances the uniformity and enforceability of human rights across member states (Petersmann, 2021). Through instruments such as the Charter of Fundamental Rights of the EU and the jurisprudence of the European Court of Human Rights, European constitutionalism promotes a pluralistic yet coherent model of rights protection. Moreover, the

Max Planck Handbooks in European Public Law (2023) underscore how European constitutionalism has evolved to accommodate and legitimize supranational influences without significantly compromising national autonomy.

Contrastingly, in Latin America, constitutionalism takes on a more activist and transformative character. Several states, such as Colombia and Brazil, have adopted progressive constitutional frameworks that explicitly guarantee socio-economic rights and mandate state obligations to address historical injustices (Yáñez & Maldonado, 2021). Courts in the region have embraced a proactive role in enforcing these rights, often through expansive interpretations of constitutional provisions. However, implementation gaps remain, frequently hindered by institutional fragility, political interference, and resource constraints. Meanwhile, in the Islamic world, constitutional design often reflects an attempt to reconcile international human rights norms with Islamic legal principles. This dual framework can sometimes result in limitations on the scope of rights protections, especially in areas related to gender, freedom of expression, and religious pluralism (Porrás-Gómez, 2020). While efforts at reform are evident in countries such as Tunisia, structural and ideological barriers continue to restrict the full realization of universal rights.

The interplay between national sovereignty and supranational obligations presents an additional dimension to the regional dynamics of constitutionalism. Within the European context, member states are increasingly required to align domestic laws with EU standards and the jurisprudence of regional courts. This dynamic enhances human rights protections but also raises concerns about democratic legitimacy and the erosion of constitutional identity. The balancing act between national sovereignty and international commitments thus remains a focal point in constitutional debates across Europe and beyond.

In the digital age, the notion of constitutionalism is being reimagined to address rights in cyberspace, giving rise to the concept of digital constitutionalism. This framework advocates for the recognition and protection of digital rights, including data privacy, online expression, and the right to information. As Yilma (2025) explains, digital constitutionalism seeks to extend traditional constitutional protections into virtual environments, reflecting the centrality of digital platforms in modern civic life. This reconceptualization of rights necessitates new regulatory paradigms and legal instruments that can effectively constrain the power of both state and non-state actors operating in the digital realm.

Civil society has emerged as a critical stakeholder in shaping digital governance in line with human rights principles. Organizations across the globe are actively participating in the development of digital rights charters, engaging in strategic litigation, and holding technology companies accountable for rights violations. This engagement has resulted in the articulation of normative frameworks such as the Internet Bills of Rights and the promotion of user-centric digital governance models. According to Yilma (2025), civil society not only functions as a watchdog but also acts as a co-creator of constitutional norms in the digital age, effectively influencing the trajectory of digital constitutionalism at both domestic and transnational levels.

Finally, the findings point to a growing emphasis on transnational constitutionalism, particularly in addressing the rights of marginalized and minority populations. This approach underscores the need for legal frameworks that transcend national borders and are informed by shared normative commitments. In Latin America, for instance, constitutional reforms and judicial decisions

increasingly reflect international human rights standards, especially concerning LGBTQ+ rights. As Yáñez and Maldonado (2021) observe, this alignment has enabled local legal systems to incorporate global equality norms, thereby enhancing protections for vulnerable communities.

One of the most prominent illustrations of this trend is the jurisprudence of the Inter-American Court of Human Rights. The Court has issued landmark decisions that mandate state parties to recognize and protect the rights of LGBTQ+ individuals, enforce anti-discrimination laws, and ensure equal access to justice (Marino et al., 2021). These rulings not only shape national legal landscapes but also set precedent for other regional and international bodies. The Court's role exemplifies how transnational judicial mechanisms can serve as catalysts for domestic reform, particularly in regions where institutional resistance to minority rights persists.

Collectively, these findings underscore the multifaceted nature of constitutionalism in the 21st century. Whether through judicial innovation, regional integration, digital transformation, or transnational norm diffusion, the evolution of human rights under constitutional frameworks is marked by both continuity and change. While significant progress has been made in embedding rights within legal systems and expanding access to justice, persistent implementation gaps and emergent challenges require sustained scholarly and policy attention. This review affirms the necessity of adaptive and inclusive constitutional models capable of responding to evolving threats while preserving foundational commitments to dignity, equality, and the rule of law.

The evolving discourse surrounding constitutionalism and human rights protection illustrates a complex interplay between normative aspirations and institutional realities. The findings of this narrative review highlight both the progress made and the persistent limitations in deploying constitutional frameworks as effective guardians of human rights. This section explores these dynamics by analyzing the role of judicial institutions, systemic barriers, regional contexts, and the emergence of new challenges such as digital rights, drawing connections to existing literature and offering pathways for future research and policy.

Judicial Institutions and the Evolution of Human Rights Protection

The findings affirm the centrality of constitutional courts in advancing the legal architecture of human rights protection. The active engagement of courts such as the German Bundesverfassungsgericht exemplifies how jurisprudence can shape and reinforce democratic values, particularly the protection of dignity and liberty ("THE DOCTRINE OF LIMITED GOVERNMENT IN THE LEGAL POSITIONS OF THE CONSTITUTIONAL COURT OF UKRAINE", 2025). This aligns with prior research suggesting that constitutional adjudication has moved from a merely interpretative function to a proactive stance in promoting justice and equality (Porrás-Gómez, 2020).

Nonetheless, the judicial potential to protect human rights is often challenged by broader political dynamics. The situation in Poland, where governmental interference has compromised judicial independence, highlights the vulnerability of constitutional safeguards in politically polarized environments (Szwast et al., 2023). These tensions reaffirm that while constitutional courts possess the theoretical capacity to uphold rights, their efficacy is mediated by contextual variables such as institutional design, political culture, and civil society engagement.

Systemic Barriers: Institutional Weakness and Executive Power

The empirical analysis underscores how systemic factors such as weak state institutions and executive overreach undermine the operationalization of constitutional norms. The Ukrainian example reflects a broader pattern observed in post-authoritarian and transitional democracies, where judicial institutions remain susceptible to political capture and resource constraints ("THE DOCTRINE OF LIMITED GOVERNMENT IN THE LEGAL POSITIONS OF THE CONSTITUTIONAL COURT OF UKRAINE", 2025). This observation challenges the classical constitutionalist assumption that separation of powers alone guarantees rights enforcement.

Political pressures frequently distort the judicial process, particularly in cases involving freedom of expression or opposition to state policies. As Tusseau (2023) notes, legal frameworks are increasingly utilized not to protect dissent but to criminalize it, revealing an instrumentalization of constitutional law for political ends. Such phenomena call for a re-theorization of constitutionalism that accounts for asymmetries of power and structural inequalities, advocating for a more context-sensitive application of legal doctrines.

Regional Dynamics and Constitutionalism in Comparative Perspective

A comparative reading of regional constitutional practices reveals divergent trajectories. European states generally exhibit a symbiotic relationship between national constitutions and supranational human rights instruments, such as the European Convention on Human Rights. This integration has cultivated a more consistent standard of rights protection across jurisdictions (Petersmann, 2021). In contrast, Latin American constitutionalism has embraced a more progressive ethos, with countries like Colombia institutionalizing socio-economic rights and emphasizing justiciability (Yáñez & Maldonado, 2021).

However, in regions such as the Middle East, constitutional developments are often entangled with religious frameworks, limiting the universality of rights discourse (Porrás-Gómez, 2020). This variation illustrates that constitutionalism is not a monolithic construct but is deeply shaped by socio-cultural and historical conditions. Consequently, policy reforms must be tailored to local realities, balancing universal principles with contextual legitimacy.

Digital Constitutionalism and the Expansion of Rights

The digital age introduces novel challenges that traditional constitutional frameworks are ill-equipped to address. The emergence of "digital constitutionalism" reflects an attempt to codify and safeguard rights such as data privacy, freedom of expression, and algorithmic transparency (Yilma, 2025). This paradigm shift recognizes that non-state actors, particularly digital platforms, now wield quasi-sovereign powers that affect individual freedoms.

Civil society organizations play a pivotal role in shaping digital governance norms. Their advocacy has resulted in increased scrutiny of corporate practices and the articulation of user-centric digital rights frameworks. Nevertheless, the fragmented nature of digital regulation across jurisdictions complicates enforcement, necessitating transnational cooperation and legal harmonization. The

discourse on digital rights thus exemplifies the need for constitutional innovation that transcends the state-centric model.

Transnational Constitutionalism and Minority Rights

Transnational constitutionalism offers a normative scaffold for protecting marginalized groups, particularly in contexts where domestic legal systems are inadequate. Institutions like the Inter-American Court of Human Rights have demonstrated how supranational adjudication can catalyze national reforms and challenge discriminatory practices (Marino et al., 2021). These developments corroborate the thesis that constitutionalism, when anchored in international human rights norms, can serve as a transformative tool for social justice.

Nevertheless, reliance on international institutions raises concerns about legitimacy and enforceability. States often resist external mandates, invoking sovereignty and cultural relativism. Moreover, the translation of global norms into local contexts requires sustained engagement with grassroots movements and inclusive policy-making. Therefore, the success of transnational constitutionalism depends on its ability to foster dialogic processes between global institutions and domestic stakeholders.

Policy Implications and Future Directions

The insights from this review suggest that meaningful constitutional reform must be both participatory and adaptive. Engaging civil society in constitutional deliberations not only enhances legitimacy but also ensures that diverse voices are reflected in the legal architecture (Souza-Fernandes & Fernandes, 2024). Educational initiatives aimed at increasing public awareness of constitutional rights further empower citizens to hold states accountable.

The integration of human rights into broader governance frameworks requires a cross-sectoral approach. Policies addressing digital governance, minority inclusion, and socio-economic justice should be embedded within constitutional principles. This calls for a reconceptualization of constitutionalism as a living instrument that evolves in tandem with societal transformations.

Despite these advances, the literature remains constrained by several limitations. Much of the current scholarship focuses on formal legal structures, often neglecting the informal mechanisms through which rights are contested and negotiated. Additionally, there is a paucity of longitudinal studies that trace the impact of constitutional reforms over time. Future research should thus prioritize empirical investigations that examine the interplay between law, politics, and society, offering a more holistic understanding of constitutionalism in practice.

In sum, while constitutionalism provides a vital framework for rights protection, its future depends on bold reforms. Forward-looking strategies—such as embedding digital rights in constitutions, strengthening cross-border judicial cooperation, and expanding civic constitutional education—are crucial to ensure constitutional promises are realized in practice.

CONCLUSION

This narrative review underscores the complex and evolving relationship between constitutionalism and the protection of human rights across diverse regional and political contexts. The findings reveal a clear trend toward reinforcing the judiciary's role as a central actor in upholding constitutional norms and expanding human rights protections, as illustrated by the proactive stance of constitutional courts in countries such as Germany and Colombia. However, systemic barriers such as weak institutions, excessive executive power, and political interference continue to hinder the effective implementation of constitutional principles, especially in regions like Eastern Europe and parts of the Middle East. These challenges demonstrate the need for a more nuanced and dynamic understanding of constitutionalism that integrates global norms with local political realities.

The analysis also highlights the growing importance of digital constitutionalism and transnational frameworks in addressing contemporary human rights issues, particularly in relation to digital rights and the protection of minority groups. This signifies a paradigm shift that requires policymakers to adopt inclusive, participatory, and adaptive reforms, both at the national and supranational levels.

To overcome current limitations, future research should further examine the intersection of digital governance and constitutional law, and explore the mechanisms through which civil society can contribute to legal reforms. Moreover, comparative empirical studies are necessary to assess the long-term impacts of constitutional reforms on human rights practices. Reinforcing judicial independence, enhancing public legal awareness, and promoting cross-border normative integration emerge as strategic approaches for strengthening constitutionalism and ensuring the resilience of human rights in an increasingly complex world.

REFERENCE

- Baer, S. (2023). *The evolution and gestalt of the German constitution*, 163–216. <https://doi.org/10.1093/oso/9780198726425.003.0004>
- Kravets, I. (2023). *Dignitatis humanae and human rights in philosophical and legal existence and in contemporary constitutionalism: Division and reunification*. Vestnik of Saint Petersburg University Philosophy and Conflict Studies, 39(3), 445–461. <https://doi.org/10.21638/spbu17.2023.304>
- Marino, T., Carvalho, L., & Nascimento, J. (2021). *A corte interamericana de direitos humanos e a proteção dos direitos LGBTI: Construindo um ius constitutionale commune baseado na diversidade*. Revista Brasileira De Políticas Públicas, 11(2). <https://doi.org/10.5102/rbpp.v11i2.7382>
- Neto, J., Fabel, L., & Gomes, M. (2022). *Constitucionalismo ou governança global? O pragmatismo na busca por um desenvolvimento sustentável*. Opinión Jurídica, 20(43), 485–507. <https://doi.org/10.22395/ojum.v20n43a20>

- Ooms, G., & Hammonds, R. (2016). *Global constitutionalism, applied to global health governance: Uncovering legitimacy deficits and suggesting remedies*. *Globalization and Health*, 12(1). <https://doi.org/10.1186/s12992-016-0216-2>
- Petersmann, E. (2021). *Neo-liberal, state-capitalist and ordo-liberal conceptions of world trade: The rise and fall of the WTO dispute settlement system*, 1–41. https://doi.org/10.1163/9789004501638_002
- Porras-Gómez, A. (2020). *The new Arab bills of rights: A study on the constitutions of Egypt, Morocco and Tunisia*. *Global Journal of Comparative Law*, 9(1), 49–86. <https://doi.org/10.1163/2211906x-00901003>
- Souza-Fernandes, L., & Fernandes, A. (2024). *Pioneirismo legislativo no cenário brasileiro: Aquífero carbogasoso de Cambuquira - MG com status de 'sujeito de direito'*. *Derbyana*, 45. <https://doi.org/10.69469/derb.v45.822>
- Szwast, M., Szwed, M., & Starski, P. (2023). *The evolution and gestalt of the Polish constitution*, 431–492. <https://doi.org/10.1093/oso/9780198726425.003.0009>
- Teixeira, A., & Bragato, F. (2021). *Direitos humanos, constitucionalismo transnacional e redução das desigualdades raciais: Desafios pós-pandemia de COVID-19*. *Revista De Investigações Constitucionais*, 8(1), 185. <https://doi.org/10.5380/rinc.v8i1.74326>
- Tebar, W., & Alves, F. (2021). *Justiciabilidade direta dos direitos sociais na Corte Interamericana de Direitos Humanos: Mais uma peça no quebra-cabeça do ius constitutionale commune latino-americano?* *Revista Brasileira De Políticas Públicas*, 11(2). <https://doi.org/10.5102/rbpp.v11i2.7772>
- Tusseau, G. (2023). *The evolution and gestalt of the French constitution*, 109–162. <https://doi.org/10.1093/oso/9780198726425.003.0003>
- Yáñez, K., & Maldonado, F. (2021). *Construcción de espacios transnacionales: El nuevo constitucionalismo latinoamericano*. *Foro Revista De Derecho*. <https://doi.org/10.32719/26312484.2021.35.8>
- Yilma, K. (2025). *Reimagining digital constitutionalism*. *Global Constitutionalism*, 1–23. <https://doi.org/10.1017/s2045381725100014>
- The Doctrine of Limited Government in the Legal Positions of the Constitutional Court of Ukraine (2025). *Access to Justice in Eastern Europe*, 8(1), 41–61. <https://doi.org/10.33327/ajee-18-8.1-a000107>
- The Max Planck Handbooks in European Public Law (2023). <https://doi.org/10.1093/oso/9780198726425.001.0001>
- Malko, A. V, Gur'ev, V. V, Zatonsky, V. A., & Krotkova, N. V. (2021). Legal culture, legal policy and human rights (Review materials of scientific-practical conference). *Gosudarstvo i Pravo*, 2021(2), 145–159. <https://doi.org/10.31857/S102694520013680-9>
- McClennen, S. A. (2010). *The humanities, human rights, and the: Comparative imagination* (pp. 36–57). <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84896196941&partnerID=40&md5=eb3957e30c38188a4d8bc9da908a2411>

- Redeker, D., Gill, L., & Gasser, U. (2018). Towards digital constitutionalism? Mapping attempts to craft an Internet Bill of Rights. *International Communication Gazette*, 80(4), 302–319. <https://doi.org/10.1177/1748048518757121>
- Saputra, R., Zaid, M., & Emovwodo, S. O. (2022). The Court Online Content Moderation: A Constitutional Framework. *Journal of Human Rights, Culture and Legal System*, 2(3), 139–148. <https://doi.org/10.53955/jhcls.v2i3.54>