

Constitutional Accountability in Contemporary Government Systems: A Study of Institutional Design and Legal Oversight Instruments

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ARTICLE INFO

Keywords:

constitutional accountability;
governance;
oversight institutions;
checks and balances;
rule of law

Article history:

Received 2025-03-14

Revised 2026-04-17

Accepted 2026-05-22

ABSTRACT

This theoretical research examines constitutional accountability mechanisms within modern governance structures through a systematic literature review. Constitutional accountability operates as an integrated system comprising oversight institutions, legal instruments, and sanction enforcement processes. The effectiveness of these mechanisms depends on functional coordination among parliamentary, judicial, and independent oversight bodies, balanced application of preventive, detective, and repressive legal instruments, and timely, certain, proportional sanction enforcement. No universal model fits all legal systems due to variations between common law and civil law traditions alongside local political cultural factors. Vertical accountability through public participation and elections complements horizontal accountability, yet both face disruption from politicized recruitment procedures for oversight institution leadership and temporal gaps between digital information speed and slow legal processes. Decentralization produces new accountability layers that frequently prove weaker than central mechanisms. International oversight mechanisms supply moral pressure without adequate coercive power. Recommendations include procedural reforms strengthening inter institutional coordination, explicit mapping of jurisdictional boundaries to eliminate overlaps, and adopting phased sanction systems combining reputational, financial, and penal consequences proportionate to constitutional violation severity.

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1. INTRODUCTION

In modern governance systems, constitutional accountability serves as the primary foundation ensuring that every exercise of public authority is accountable in accordance with the highest legal provisions. This concept is rooted in the principle that the power granted to state organizers originates from the people through the constitution; thus, every administrative action and public policy must align with that constitutional mandate (Khalid et al., 2025). The development of contemporary

governance shows a significant shift from traditional hierarchical bureaucratic models toward systems that are more open and responsive to citizen aspirations. Efforts to restructure bureaucracy through dimensions of adaptivity and care in public services have become key elements in this governance transformation (Rojak, 2025). Constitutional accountability does not merely pertain to formal compliance with procedures, but also encompasses the substance of policies that favor the public interest (Sørensen & Torfing, 2021). Furthermore, the manifestation of effective leadership in governance is essential to direct public service orientations to be more accountable (Rojak, 2021) (. Various countries with different legal systems have developed diverse oversight mechanisms to ensure that the executive, legislative, and judicial branches of power are subject to the same constitution (Chahal & Khurana, 2024). However, the main challenge faced is how to design mechanisms that are not only effective in detecting violations but also capable of preventing the abuse of power before it occurs. A weak accountability system will result in governance practices that are either authoritarian or, conversely, too loose, thereby creating legal uncertainty for citizens (Rayamajhee & March, 2025).

In practice, constitutional accountability is realized through a series of oversight instruments involving various state institutions with balancing authorities. Constitutional courts, for example, possess the authority to conduct judicial reviews of laws against the constitution as a form of normative control over legislative products. In addition, ombudsman institutions and independent state commissions function to receive public complaints regarding maladministration committed by government officials. Public ethics and human resource management within the public administration environment play a vital role in maintaining the integrity of such agencies (Rojak, 2024b). The mechanism of checks and balances between branches of power serves as the backbone of horizontal accountability, while general elections and public participation serve as instruments of vertical accountability (Lührmann et al., 2017). Developments in information technology have opened new opportunities for oversight by civil society through access to public documents and transparent budgeting processes. Governments are also required to continuously develop human resource competencies based on digital technology to enhance transparency (Rojak, 2024a). Nevertheless, the existence of these various mechanisms does not guarantee the realization of fully accountable governance if coordination between oversight bodies does not function well. Overlapping authorities and weak sanction enforcement mechanisms often cause recommendations from oversight bodies to be ignored by the supervised institutions, resulting in constitutional accountability stopping at a procedural level without a substantive impact on improving government performance.

One of the central debates in the study of constitutional accountability is whether current mechanisms are capable of addressing the increasingly complex power dynamics in the era of globalization. Modern governance no longer operates within a closed space consisting only of state institutions, but rather involves private actors and international organizations in various collaborative schemes. The implementation of good governance across various sectors is also a key factor in maintaining organizational sustainability amidst global market competition (Rojak & Al Hakim, 2023). Forms such as public-private partnerships in infrastructure development or the delegation of regulatory authority to supranational bodies raise new questions about how principles of constitutional accountability can still be applied (Eilstrup-Sangiovanni & Hofmann, 2024). This pertains to the accountability of a manager to remain relevant to public needs (Putra et al., 2023). Cross-border cooperation often falls outside the reach of national oversight institutions due to the absence of legal frameworks explicitly regulated within the constitutions of each respective country. This situation creates a gray area where public responsibility becomes blurred because it is unclear whether a decision should be held accountable to the national government, local government, or private partners. Consequently, the potential for abuse of power becomes greater while mechanisms for restoring citizens' rights become increasingly difficult to access. Therefore, a rethinking of constitutional accountability designs is required one that is adaptive to changing forms of governance without sacrificing the fundamental principle of the rule of law.

The development of the idea of good governance since the 1990s has encouraged the adoption of accountability principles as one of the main pillars of public administration reform in various countries (Anđelković, 2023). The World Bank and other international organizations place accountability as an absolute requirement for the effectiveness of development aid and foreign investment. This external pressure is then translated into various national policies, such as the establishment of anti-corruption courts, corruption eradication commissions, and performance reporting systems for government agencies. Reflections on social welfare become an important part of drafting the juridical foundation for every sustainable public policy (Rizky & Udjari, 2021). Nevertheless, the adoption of accountability mechanisms from abroad is often not accompanied by adjustments to the characteristics of the local legal system and bureaucratic culture. Other challenges arise from the need for sustainable human resource development, especially in facing the current industrial era (Oluwatoyin & Mardikaningsih, 2024). The result is the formation of oversight institutions that legally and formally possess broad authority but are factually powerless against deeply rooted collusive practices. Annual reports from oversight bodies containing findings of violations often become documents that are never discussed in parliament or responded to by the executive. This process shows that the mere presence of institutions is not enough; what is needed is a mechanism that ensures these institutions have sufficient enforcement power and political legitimacy to follow up on every finding of constitutional violation.

The phenomenon of declining constitutional accountability quality in a number of young democracies has become a serious concern in constitutional law. In the last decade, there has been a strengthening of executive power alongside the weakening of the legislative and judicial branches as balancing functions (Poyarkov, 2025). Heads of government utilize instruments such as states of emergency or prerogative rights to evade oversight from parliament or constitutional courts. Under high-pressure conditions, an adaptive approach through crisis management is highly necessary to maintain the stability of government organizations (Arifin & Darmawan, 2022). Ruling political parties use parliamentary majorities to pass laws that limit the authority of independent oversight institutions (Thatcher et al., 2022). The budgets of anti-corruption commissions and ombudsmen are slashed under the pretext of efficiency, which impacts the weakening of investigative capacities toward public officials. Civil groups and academics who criticize government policies face the risk of criminalization through controversial articles in criminal law. This condition indicates a democratic regression marked by the systematic erosion of constitutional accountability.

The primary issue in the implementation of constitutional accountability is the weak causal link between findings of violations and the sanctions imposed. Many oversight mechanisms successfully detect irregularities, yet the enforcement process is hindered due to political interference (Botobaev & Tazhieva, 2025). Strengthening risk management and HR governance also plays an important role as a predictor for creating organizational justice within an institution (Darmawan, 2026). Recommendations for the dismissal of officials proven to have violated the constitution can be ignored by direct superiors due to patron-client relationships. State financial audit findings showing public losses are often met with slow legal processes and light sentences. The system's inability to consistently provide a deterrent effect causes constitutional violations to be regarded as a risk with low political costs. A culture of impunity flourishes because public officials feel there are no serious consequences. Low constitutional literacy among government apparatus exacerbates the situation, resulting in many policies unconsciously violating the principles of the rule of law.

Another issue is the fragmentation of constitutional accountability mechanisms, which leads to a lack of coordination among oversight bodies. In many countries, the oversight function of the executive is carried out in parallel by the parliament, supreme court, constitutional court, anti-corruption commission, ombudsman, and audit board without a structured communication mechanism (Duri & Villeneuve, 2023). This fragmentation is often worsened by public perceptions of smart city initiatives and quality of life, which require more integrated governance handling (Rojak, 2022). Each institution possesses different authorities, procedures, and evidentiary standards, frequently leading to differing conclusions in a single case of violation. Aggrieved citizens face confusion in determining which

institution to approach for complaints. Issues of justice also encompass how multicultural societies face challenges of identity and stigma in their social interactions (Pakpahan et al., 2022). High costs of access to justice and lengthy litigation processes reduce public participation in reporting constitutional violations. This fragmentation weakens constitutional accountability as a whole because there is no clear center of responsibility.

Research on constitutional accountability mechanisms has become urgent given the global trend of declining quality in democracy and the rule of law. Reports from international institutions show that the corruption perception index and the rule of law index have experienced stagnation or decline in several countries previously considered examples of successful democratic transition (Martins & Oriol, 2025). This condition is related to the weakening of accountability mechanisms that have failed to balance the concentration of power in the executive. Without improvements in institutional design, this regressive trend has the potential to continue and threaten long-term political stability. Systematic research is required to identify the key elements of effective constitutional accountability mechanisms across various political and legal settings. The results of this identification can serve as a reference for constitutional reform in countries seeking to strengthen their systems of checks and balances. The availability of a theoretical roadmap regarding the relationship between institutional design and accountability levels will assist policymakers in designing gradual reform priorities according to institutional capacity.

Based on the aforementioned issues, the problem formulation in this research is: how are constitutional accountability mechanisms in modern governance implemented through the relationships between oversight institutions, legal instruments, and the process of enforcing sanctions against constitutional violations? The objective of this study is to systematically outline the mechanisms of constitutional accountability in modern governance, focusing on the functional relationships between oversight bodies, the available legal instruments, and the enforcement process of sanctions against constitutional violations. This research provides a theoretical contribution in the form of mapping the typology of constitutional accountability mechanisms based on patterns of inter-institutional relationships and the effectiveness of sanction enforcement. Its practical contribution is to provide an evaluative framework for policymakers to assess the weaknesses of current accountability systems.

2. METHODS

This study employs a qualitative literature study approach to examine constitutional accountability mechanisms within modern governance. This method was selected because the object of study consists of norms, principles, and institutional relationships that are abstract in nature and require systematic theoretical interpretation. Literature study as a research methodology involves structured procedures ranging from formulating questions, searching for sources, selection based on criteria, and synthesizing information, to writing conclusions (Martinez et al., 2025). This research follows that framework by gathering sources from constitutional law journals, textbooks, policy reports, and the constitutional documents of various countries. Qualitative research in social sciences and related subjects requires clarity regarding the researcher's position in the data interpretation process (Huijgen, 2025). In this study, the researcher's position is that of an analyst reconstructing meaning from legal texts and academic literature on accountability. The qualitative approach allows for an exploration of the nuances in inter-institutional relationships that might not be detected in quantitative approaches that rely on numerical data.

The analysis process in this study is conducted through a thematic method, involving the stages of identifying main themes, coding information from each source, and cross-source synthesis to discover general patterns and variations across legal systems. The validity of qualitative research depends heavily on the transparency of procedures and the researcher's reflexivity toward potential interpretive biases (Hosseini, 2024). Every conclusion in this study is accompanied by a clear argumentative trail from the analyzed sources. A high-quality literature study must be able to identify knowledge gaps in the field being studied as a justification for the need for further research (Al-Zubaidie, 2025). This study identifies that although there are many studies on accountability in general, few specifically compare mechanisms

across countries while considering variations in institutional design. The limitation of this research is the absence of direct empirical testing; therefore, the conclusions are theoretical propositions that require validation through future case studies or field research.

3. FINDINGS AND DISCUSSION

The mechanism of constitutional accountability in modern governance can be understood as a system consisting of three main subsystems: supervisory institutions, legal instruments, and sanction enforcement processes. The supervisory institution subsystem includes the parliament which exercises political control, the judiciary which exercises judicial control, and independent institutions such as anti-corruption commissions or ombudsmen that exercise administrative control. The effectiveness of these institutions is highly influenced by dynamic social capital in supporting inclusive community resilience and collective welfare (Rojak & Fajar, 2025). The relationship between these supervisory institutions determines how effectively a constitutional violation can be detected, investigated, and further processed (Taitorina et al., 2020). In a well-integrated system, each institution has a clear scope of authority and regular coordination mechanisms so that overlaps or procedural leaps do not occur. Conversely, a fragmented system is characterized by jurisdictional conflicts between institutions as well as weak case referral mechanisms from one institution to another. Furthermore, psychological perspectives provide a new foundation for understanding the behavior of actors within such systems (Darmawan et al., 2021). The accumulation of unresolved cases in each supervisory institution serves as an early indicator that the relationship between subsystems is not functioning as it should. The discussion on constitutional accountability must begin with a careful mapping of the authority map and coordination patterns between the existing supervisory institutions in a country.

The legal instruments available to supervisory institutions largely determine the quality of the constitutional accountability mechanism. These instruments can be categorized into three types: preventive, detective, and repressive instruments. Preventive instruments include periodic reporting obligations, fit and proper tests for prospective public officials, and the announcement of draft policies to obtain public input (King, 2013). At a technical level, these instruments are closely related to environmental management and consistent law enforcement (Nuraini et al., 2021). Detective instruments include the parliament's right of inquiry, the state commission's right of investigation, and the public's right to access public documents through freedom of information laws. Efforts to achieve sustainability in public policy require a solid balance between economic, social, and environmental aspects (Mardikaningsih & Hariani, 2021). Repressive instruments take the form of mechanisms for imposing administrative, civil, or criminal sanctions against officials proven to have violated the constitution. A balanced combination of these three types of instruments is necessary to create an accountability system that is not only reactive to violations that have already occurred but also proactive in preventing violations from happening. Weakness in one type of instrument will create gaps for officials to evade their constitutional responsibilities. For example, if preventive instruments are weak, then officials who are incompetent or have a track record of violations can easily occupy public office. Similarly, if repressive instruments do not function, there is no deterrent effect that can stop patterns of repeated violations by the same officials.

The process of enforcing sanctions is the subsystem that most frequently becomes the weak point in the mechanism of constitutional accountability. This is because the imposition of sanctions for constitutional violations always intersects with significant political interests and power (Van & Ninh, 2023). Professional integrity in legal advocacy serves as a primary pillar for maintaining justice amidst an adversarial system (Saktiawan et al., 2021). Officials who should be sanctioned often possess the authority to influence law enforcement agencies, either directly through control over budgets or indirectly through patronage networks. The phenomenon of collective empathy fatigue within the public service labor system can also hinder the effectiveness of humane rule enforcement (Khayru & Darmawan, 2023). An ideal sanction enforcement process must meet three criteria: speed, certainty, and proportionality. Speed means that sanctions are imposed within a timeframe that is not too long

after the violation is detected, so they remain relevant to the offense committed. Certainty means that every violation, without exception, will be processed according to procedure without discrimination based on the status or political affiliation of the perpetrator. Proportionality means that the severity of the sanction is commensurate with the level of seriousness of the violation committed. In practice, these three criteria are often not met due to political intervention, limited resources of law enforcement agencies, and the complexity of prolonged procedural litigation. Consequently, the sanction enforcement process becomes a form of symbolic accountability without significant transformative power over the behavior of public officials.

The relationship between the parliament and judicial institutions in the mechanism of constitutional accountability requires special attention because these two institutions represent different logics. Parliament operates with a majoritarian logic where decisions are made based on the majority vote, while the judiciary operates with a judicial logic that prioritizes legal truth over political voice (Eyvazov, 2025). This tension is often exacerbated by the rise of populist ethno-religious nationalism, which poses a challenge to global governance and domestic social integration (Fariz, 2021). Conflicts between these two logics frequently arise when parliament passes a law that is subsequently annulled by the constitutional court on the grounds of unconstitutionality. In a healthy system, such conflicts actually serve as a corrective mechanism that strengthens accountability because parliament is forced to reconsider the substance of the laws they create. However, in a weak system, the parliament's response to the annulment of a law is often manipulative, for example, by re-enacting the same law with minor changes that do not address the core issue. Parliament may also respond by cutting the constitutional court's budget or slowing down the approval process for new judicial candidates as a form of political retaliation. Such antagonistic relationship patterns undermine the foundation of constitutional accountability because the two institutions no longer work in the spirit of checks and balances, but rather in a spirit of mutual destruction.

Independent state institutions such as anti-corruption commissions and ombudsmen hold a strategic position in constitutional accountability because they exist outside the traditional power structures (Nedyalkova & Nedyalkova, 2025). These institutions address the weaknesses of horizontal accountability when the parliament and the judiciary are weak or co-opted by the executive. Justice in sustainability must be realized through public policies that are responsive to social inequalities in society (Musyafak & Darmawan, 2025). Anti-corruption commissions are granted the authority to investigate and prosecute without the approval of the attorney general from the executive branch. The ombudsman receives complaints of maladministration and recommends sanctions without a lengthy judicial process. However, the independence of these institutions is vulnerable to political attacks. The appointment of leadership is often politicized, prioritizing candidates who are "safe" for the executive or legislative branches rather than those who are most competent. Inadequate budgeting also paralyzes investigative capacity. The existence of independent institutions is insufficient without constitutional guarantees regarding financial independence and transparent recruitment procedures.

The system of vertical accountability through public participation and general elections is an inseparable complement to the horizontal accountability exercised by state institutions (Lührmann et al., 2017). Citizens have the constitutional right to oversee the conduct of government and to cast their votes in elections as a form of political sanction against unaccountable officials. Citizen involvement in managing ecological issues through participatory practices serves as a highly effective instrument of community-based social support (Zulkarnain et al., 2021). However, the effectiveness of vertical accountability heavily depends on the quality of information available to the public and the ability of citizens to organize themselves into interest groups. Information regarding government performance must be easily accessible, easy to understand, and delivered in a timely manner so it can serve as a basis for citizen evaluation of public officials. Sustainable behavior change can be encouraged through the strengthening of planned education and public awareness (Gautama & Mardikaningsih, 2022). Independent mass media plays a key role in providing this information; however, in many cases, the media can also become a propaganda tool that manipulates public opinion. The obligation of public

officials to hold regular meetings with constituents and to provide easily accessible grievance mechanisms are important instruments in vertical accountability. General elections that are honest, fair, and free represent the most fundamental form of vertical accountability because they provide citizens with the opportunity to replace officials who fail to meet their expectations. Nevertheless, the long intervals between elections, usually four to five years, create a space where officials can act as they please without fear of losing their positions in the short term.

The constitutional design of power distribution directly influences the patterns of accountability mechanisms within a country (Hartery, 2020). A presidential system with a strict separation of powers produces accountability mechanisms that are more adversarial and formalistic. The president cannot be ousted by parliament except through a lengthy impeachment process, making parliamentary control over the executive more political than judicial in nature. Village fund accountability, for example, shows that transparent policies have a tangible impact on the prosperity of rural communities (Rojak & Issalillah, 2022). A parliamentary system produces more fluid accountability mechanisms because the cabinet is responsible at all times to the parliament through motions of no confidence. A prime minister who loses the support of the parliamentary majority must resign, allowing political accountability to take place over shorter periods. Mixed systems (presidential and parliamentary), such as in France, produce complex accountability mechanisms with two centers of power. This complexity can obscure lines of responsibility when conflicts occur between power centers. The choice of government system is not merely a technical preference but determines the constitutional accountability mechanisms in daily practice.

The constitutional court, as a normative supervisory instrument, is unique compared to other supervisory institutions because its decisions are final and generally binding (Pratiwi et al., 2025). The constitutional court's authority to annul laws that conflict with the constitution makes it the ultimate interpreter of the constitution's meaning within a state. However, the effectiveness of the constitutional court as an accountability mechanism depends heavily on its accessibility to citizens wishing to file petitions for judicial review. The dynamics between individual freedom and collective responsibility create a unique social solidarity in today's era of individualism (Saputra & Darmawan, 2021). Some countries grant broad legal standing to every citizen to file a petition as long as they can demonstrate specific constitutional harm. Other countries restrict access only to certain state institutions, such as the parliament or the government, meaning ordinary citizens have no direct path to question the constitutionality of a law. This difference in access substantially affects how much the constitutional court can function as a protector of citizens' constitutional rights. A constitutional court accessible only to state institutions tends to become a political instrument used by ruling factions to sue one another. Conversely, a constitutional court open to the public tends to become the last line of defense for marginal groups whose rights are neglected in the legislative process.

Decentralization and regional autonomy, adopted by many countries over the last two decades, have had an impact on constitutional accountability mechanisms. The devolution of authority from the central government to the regions creates a new layer of accountability: the accountability of regional heads to regional parliaments and the local community (Muhaimin et al., 2025). Educational access disparities between urban and rural areas within the economic structure also become crucial issues within the regional policy framework (Rojak & Irfan, 2025). In implementation, accountability at the regional level tends to be weaker than at the central level due to the limited capacity of regional institutions and the low level of public oversight maturity. Conflicts of interest between the center and the regions also hamper the enforcement of accountability. The integration of local wisdom with modern science in biodiversity conservation demonstrates the vital role of local communities in regional governance (Nurmalasari & Nuraini, 2021). The central government may be reluctant to take action against regional heads who violate the law due to shared political party affiliations. Conversely, regional governments can utilize fiscal decentralization to protect troubled officials from legal processes initiated by central authorities. Constitutional accountability in a decentralized system requires a framework of relations between levels of government that is explicitly regulated in the

constitution. The resolution of jurisdictional disputes between the center and the regions must be conducted through independent judicial mechanisms, rather than through political negotiations that ignore the supremacy of law. Without such clarity, decentralization has the potential to become a source of unaccountability rather than a solution to excessive centralization of power

The most effective constitutional accountability mechanisms integrate reputational, financial, and criminal sanctions. Reputational sanctions, in the form of publishing the names and violations of public officials, create a deterrent effect in countries with an active civil society and free media, as officials whose reputations are tarnished lose political support in subsequent elections through vertical accountability. The existence of indigenous communities amidst urban modernity also requires reputational protection and fair social recognition (Amri & Khayru, 2022). Financial sanctions, such as significant fines or pension cuts, provide tangible economic consequences. Criminal sanctions, such as imprisonment, are necessary for serious violations like corruption or large-scale abuse of power. These three types of sanctions are applied progressively according to the severity of the violation, using transparent procedures and providing adequate rights of defense. Systems that rely solely on criminal sanctions often fail due to protracted judicial processes. Systems that rely only on reputational sanctions can be circumvented by officials who do not depend on general elections (Pavlik & Young, 2025).

The greatest challenge for constitutional accountability mechanisms in the digital era is the speed of information dissemination, which is not matched by the speed of institutional law enforcement processes. The utilization of Big Data brings new developments to social life that change how supervisory institutions operate (Wahyudi et al., 2021). Social media allows the public to learn of alleged constitutional violations within minutes of their occurrence, while formal investigative processes by supervisory agencies can take months or even years. This time gap generates massive public pressure on supervisory institutions to act quickly, often at the expense of investigative depth and accuracy (Lapsánszky et al., 2025). On the other hand, officials suspected of violating the constitution can utilize social media to build sympathetic defense narratives in the public eye before official investigation results are released. Changing patterns of human relationships in contemporary urban society also trigger complexity in this social oversight (Irfan & Al Hakim, 2022). By the time investigation results are finally completed, public attention may have already shifted to other issues, rendering the imposed sanctions socio-politically irrelevant. This phenomenon is known as "real-time accountability" that is never achieved because legal processes have a rhythm far slower than the rites of digital information. Procedural innovations, such as fast-track courts for minor constitutional violations or the use of information technology to accelerate evidence collection, have become urgent needs. Nevertheless, the acceleration of processes must not sacrifice the principle of due process of law, which is the heart of the rule of law itself.

The role of international courts in the constitutional accountability of states has increased alongside the international community's focus on human rights violations (Çalı, 2023). While the principle of state sovereignty traditionally rejects foreign interference, the development of international human rights law has created supranational oversight mechanisms. Economic informality and the urban worker precariat in city governance often escape international oversight standards (Mahmudah, 2022). The European Court of Human Rights can impose sanctions on member states that violate the European Convention on Human Rights, including cases of domestic constitutional accountability failure. At the global level, UN treaty bodies receive reports from states and non-governmental organizations regarding compliance with human rights covenants. The effectiveness of international mechanisms is limited because there is no coercive power. Economically and militarily strong states can ignore international criticism without significant consequences, while weak states are more vulnerable to external pressure. Constitutional accountability through international channels is unequal as it depends on a state's position in global governance (Çalı, 2023). Nevertheless, international mechanisms at least provide a public forum to systematically document constitutional violations.

The design of appointment procedures for the leadership of supervisory institutions is a critical factor often overlooked in discussions on constitutional accountability. When the leaders of anti-

corruption commissions, ombudsmen, or constitutional courts are selected through a process involving the joint approval of the parliament and the executive, the likelihood of politicization is very high. The phenomena of urban sprawl and daily mobility also impact community cohesion in suburban areas, affecting local political participation patterns (Wisnujati & Mardikaningsih, 2021). The candidates selected tend to be those with political affiliations to the ruling party or, at the very least, those not perceived as a threat to existing power interests. Non-transparent recruitment processes lacking public participation and vetting by independent panels further exacerbate this problem. In many cases, the most qualified candidates are sidelined because they are deemed too critical or lack adequate political connections. Once elected, the leaders of supervisory institutions must also be protected from arbitrary dismissal during their terms. This security of tenure is usually manifested in the form of fixed terms with very difficult dismissal mechanisms, such as only through a special session of parliament with a supermajority. In some countries, this protection backfires when incompetent leaders or those involved in violations themselves cannot be dismissed because the procedure is too cumbersome (Kusumaningtyas & Victoria, 2025). The balance between independence and the accountability of the leaders of supervisory institutions themselves remains a design question that has not been satisfactorily answered in the literature.

Comparative analysis between countries shows that there is no single model of constitutional accountability mechanism that fits all legal systems. Countries with a common law tradition tend to rely on judicial precedents and judicial control dispersed throughout the ordinary courts as their primary accountability mechanism. Countries with a civil law tradition tend to establish specialized constitutional courts separate from the ordinary judicial system to exercise normative control over laws. Countries following a mixed legal system, such as South Africa, combine both approaches with varying results. Cultural factors, such as the level of public trust in law enforcement institutions, also influence the effectiveness of the same mechanism when transplanted from one country to another. A deep understanding of the principles of organizational behavior within legal bureaucracies is key to ensuring such mechanisms are culturally acceptable (Darmawan, 2013). The most successful constitutional accountability reforms are those designed by taking local context seriously, rather than merely copying models from countries perceived as successful. Reform processes involving broad public discussion and consensus among major political forces tend to produce more sustainable mechanisms. Conversely, reforms forced by a ruling minority while ignoring opposition voices tend to be fragile and easily overturned when the balance of power shifts.

Feedback from civil society through participatory mechanisms such as petitions, peaceful demonstrations, and public interest litigation constitutes a crucial form of non-institutional constitutional accountability. When formal supervisory institutions fail to function due to corruption or political pressure, it is civil society movements that often serve as the sole final barrier against tyranny (Saputra & Korespondensi, 2025). History shows that many major constitutional violations were ultimately sanctioned due to continuous public pressure, rather than the initiative of the supervisory institutions themselves. Constitutional courts in various countries also tend to be bolder in issuing decisions that are unpopular with those in power when they feel supported by broad public mobilization. This dynamic shows that the adaptation of constitutional law is highly necessary in responding to the challenges of globalization and urbanization in contemporary society (Rizky et al., 2022). However, reliance on civil society-based accountability has limitations because not all societies possess the same organizational capacity. People in developing countries are often preoccupied with meeting basic needs, thus lacking the energy and time to engage in constitutional oversight that requires high-level legal knowledge. Furthermore, civil society itself can experience co-option by political forces using grassroots movements as vehicles for power interests. Civil society-based accountability must be viewed as a complement to, not a replacement for, well-functioning institutional mechanisms.

Research on constitutional accountability mechanisms must pay attention to the dimension of time, as the effectiveness of a mechanism can change significantly over time. A mechanism that proved effective in the first decade after reform may become obsolete or even counterproductive two decades later. Changes in the political environment, technological advancements, and shifts in social norms and

values can alter the assumptions underlying the initial design of these accountability mechanisms. An evaluation of the distribution of key factors that enhance the organizational effectiveness of supervisory institutions needs to be conducted periodically to ensure the system remains relevant (Darmawan, 2024). Periodic evaluation and the willingness to undertake gradual reform are characteristics of a healthy and adaptive constitutional accountability system. Countries that maintain the same accountability mechanisms without change for several decades tend to experience a decline in effectiveness due to the inability of those mechanisms to respond to new forms of abuse of power. Conversely, reforms that are too frequent without adequate evaluation are also dangerous as they create legal uncertainty and confusion among the supervised government apparatus. The balance between stability and flexibility is an important parameter that must be continuously maintained in every reform cycle. Longitudinal studies on how constitutional accountability mechanisms endure in the long term are still very rare and represent an urgent research agenda.

4. CONCLUSION

The mechanism of constitutional accountability in modern governance operates through complex functional relationships between horizontal supervisory institutions, preventive, detective, and repressive legal instruments, as well as sanction enforcement processes that require speed, certainty, and proportionality. The effectiveness of this mechanism is highly dependent on the integrated coordination between institutions, guarantees of independence for supervisory bodies, public accessibility to constitutional review processes, and a combination of reputational, financial, and criminal sanctions applied progressively. There is no single universal model, as differences between common law and civil law traditions, as well as local political-cultural factors, necessitate design adjustments. Vertical accountability through public participation and general elections complements horizontal accountability; however, both can be disrupted by the politicization of leadership recruitment procedures and the gap between the speed of digital information and the slow pace of legal processes. Decentralization creates new layers of accountability that are often weaker, while international mechanisms provide moral pressure but lack adequate coercive power.

The implications of these findings suggest a need for procedural reforms that strengthen coordination mechanisms among supervisory institutions and simplify sanction enforcement processes without sacrificing due process of law. Suggestions for policymakers include adopting a systems approach that explicitly maps the jurisdictional relationships between parliament, the judiciary, and independent institutions to eliminate overlaps and avoid conflicts of authority. For future researchers, it is recommended to conduct in-depth comparative case studies of two or three countries with different accountability systems to test the theoretical propositions derived from this literature review. Special attention should be given to countries that have recently undergone democratic transitions, as political dynamics during transition periods often produce accountability patterns distinct from those in established democracies. Longitudinal research on changes in the effectiveness of accountability mechanisms over a minimum period of one decade is also highly necessary to understand the factors causing the decline or strengthening of the system.

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