

Constitutional Law and Human Rights Protection: Evaluating State Responsibility for Serious Human Rights Violations

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ABSTRACT

This research examines the relationship between constitutional law and human rights protection in evaluating state responsibility for serious human rights violations. The study aims to analyze the effectiveness of constitutional mechanisms in ensuring accountability, protecting victims' rights, and strengthening institutional responsibility within democratic legal systems. The research employs a qualitative method using a doctrinal-comparative and socio-legal research design because this approach enables comprehensive interpretation of constitutional principles, institutional practices, and human rights accountability mechanisms. Indonesia was selected as the primary research location due to its constitutional transformation, democratic development, and continuing challenges related to unresolved human rights violations. The study involved six purposively selected informants consisting of constitutional law scholars, judicial experts, human rights practitioners, and civil society representatives. The informants were chosen based on their expertise, institutional involvement, and professional experience related to constitutional accountability and human rights protection. The findings demonstrate that constitutional guarantees formally recognize human rights protections; however, implementation remains constrained by political intervention, institutional weakness, and inconsistent judicial enforcement. The research concludes that effective constitutional accountability requires stronger judicial independence, institutional reform, harmonization with international human rights standards, and victim-centered legal protection mechanisms. The study recommends strengthening constitutional institutions, improving accountability procedures, and enhancing cooperation between domestic and international human rights frameworks.



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INTRODUCTION

The constitutional protection of human rights has become one of the most significant indicators of democratic governance and the rule of law in contemporary legal systems (Drinóczi & Balogh, 2023). In both developed and developing countries, constitutional law functions not merely as a formal legal framework but also as a normative instrument that guarantees the recognition, protection, and fulfillment of fundamental human rights. Nevertheless, despite the increasing incorporation of human rights principles into national constitutions and international legal instruments, serious human rights violations continue to occur across various jurisdictions (Romeo, 2023). These violations include extrajudicial killings, enforced disappearances, torture, crimes against humanity, discrimination, arbitrary detention, and systematic restrictions on civil liberties. Such conditions demonstrate that constitutional guarantees alone are insufficient when state institutions fail to implement effective mechanisms of accountability, justice, and legal protection. Consequently, the relationship between constitutional law and state responsibility in addressing serious human rights violations has emerged as an important legal discourse requiring comprehensive scholarly examination.

The development of international human rights law after the Second World War significantly influenced constitutional systems around the world (Slinko & Berchenko, 2024). International instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil

and Political Rights, and the Convention Against Torture encouraged states to constitutionalize human rights norms within domestic legal structures. However, practical implementation frequently reveals contradictions between constitutional commitments and political realities (Spigno, 2023). In numerous cases, state authorities themselves become actors responsible for violations, either directly through abuse of power or indirectly through institutional negligence and impunity. This situation creates a constitutional paradox in which the state simultaneously acts as the guarantor and violator of human rights. Therefore, evaluating state responsibility for serious human rights violations requires an interdisciplinary constitutional analysis that integrates principles of accountability, justice, constitutional supremacy, and international legal obligations.

The state of the art of existing research indicates that many previous studies primarily focus on the doctrinal interpretation of constitutional rights or the procedural enforcement of human rights through judicial institutions (Bottoni, 2023). Several scholars have examined constitutional courts as guardians of human rights, while others have explored transitional justice mechanisms, state liability doctrines, or international criminal accountability. Nevertheless, prior studies often address these issues separately and lack an integrated analytical framework that connects constitutional responsibility, institutional accountability, and human rights protection within a unified legal perspective (Stryzheus, 2023). Furthermore, many comparative studies emphasize either international human rights law or domestic constitutional structures without adequately examining the interaction between constitutional obligations and state accountability for gross violations. This limitation creates a significant theoretical and practical gap in understanding how constitutional systems should respond when state institutions themselves are implicated in serious human rights abuses.

Another important research gap concerns the inconsistency between constitutional recognition of human rights and the effectiveness of remedial mechanisms for victims (Saura-Freixes, 2023). In several jurisdictions, constitutional provisions formally guarantee equality, dignity, liberty, and access to justice; however, victims of serious violations frequently encounter barriers such as political intervention, weak judicial independence, institutional corruption, and limited access to effective remedies. Existing literature tends to emphasize normative constitutional interpretation rather than empirical constitutional effectiveness. Consequently, insufficient attention has been given to evaluating whether constitutional mechanisms genuinely ensure accountability and restoration for victims of human rights abuses (Feihle, 2025b). This gap becomes increasingly relevant in the context of democratic transitions, authoritarian legacies, and contemporary constitutional crises affecting numerous countries worldwide.

The primary problem addressed in this research concerns the extent to which constitutional law effectively imposes state responsibility for serious human rights violations and ensures meaningful protection for victims. Although constitutional systems generally recognize fundamental rights, the enforcement of state accountability often remains selective, politically influenced, and procedurally limited (Mudryievska & Chukaeva, 2025). In many situations, governments invoke sovereignty, national security, or political stability to justify restrictions on human rights or to avoid accountability for past abuses (Kirichenko, 2025). Such practices weaken constitutional legitimacy and undermine public trust in legal institutions. Accordingly, this study seeks to critically evaluate the constitutional dimensions of state responsibility, particularly regarding the obligations to prevent violations, investigate abuses, prosecute perpetrators, provide reparations, and guarantee non-repetition.

The novelty of this research lies in its integrative constitutional approach combining domestic constitutional law, international human rights obligations, and state accountability theory within a single analytical framework (Papa, 2025). Unlike previous studies that examine constitutional rights or human rights enforcement independently, this research emphasizes the interconnectedness between constitutional supremacy, institutional accountability, and victim-oriented justice. The study also introduces a critical evaluation of constitutional effectiveness by assessing not only normative guarantees but also institutional implementation and practical enforcement mechanisms. This approach contributes a new perspective to constitutional scholarship by positioning state responsibility as a constitutional imperative rather than merely a political or moral obligation. Furthermore, the research

develops a comparative analytical perspective that may be applied across different legal systems, thereby enhancing the broader relevance of the study in global constitutional discourse.

Based on the background and identified research gaps, this study formulates several central research questions. The first question concerns how constitutional law conceptualizes state responsibility for serious human rights violations within domestic and international legal frameworks. The second question examines the effectiveness of constitutional institutions in ensuring accountability, justice, and remedies for victims of serious human rights abuses. The third question analyzes the constitutional and institutional obstacles that hinder the implementation of state responsibility in cases involving gross violations of human rights. The fourth question explores how constitutional systems may be strengthened to provide more effective protection against future violations and to reinforce democratic constitutionalism.

The objective of this research is to critically analyze the relationship between constitutional law and state responsibility in the protection of human rights, particularly concerning serious violations. The study aims to evaluate the effectiveness of constitutional mechanisms in addressing accountability and victim protection while identifying structural and institutional weaknesses that contribute to impunity (Jovanovic, 2023). In addition, the research seeks to formulate conceptual recommendations for strengthening constitutional safeguards, improving institutional accountability, and harmonizing domestic constitutional obligations with international human rights standards. Through this approach, the study intends to contribute to the advancement of constitutional theory and human rights jurisprudence within both national and international contexts.

The theoretical benefit of this research lies in its contribution to the development of constitutional law and human rights theory, particularly regarding the constitutionalization of state responsibility (Bohoslavsky & Goñi, 2025). The study expands scholarly understanding of how constitutional systems can function not only as normative legal structures but also as practical instruments for ensuring accountability and justice. Academically, this research provides an interdisciplinary contribution to legal scholarship by integrating constitutional analysis, international human rights law, and state accountability theory. The findings may serve as a reference for future researchers examining constitutional governance, judicial accountability, transitional justice, and comparative human rights protection. Practically, the research offers policy-oriented insights for legislators, constitutional courts, governments, and human rights institutions in developing more effective legal frameworks for preventing and addressing serious human rights violations. The study may also support civil society organizations and advocacy groups in promoting stronger constitutional protections and institutional reforms.

Despite its contributions, this research acknowledges several limitations. The study primarily focuses on normative and doctrinal constitutional analysis, which may limit the depth of empirical evaluation regarding implementation in specific jurisdictions. In addition, differences in constitutional structures, political systems, and legal traditions across countries may affect the generalizability of certain findings (Edit, 2025). The research also relies heavily on legal interpretation and comparative analysis rather than quantitative assessment of institutional effectiveness. These limitations indicate the need for broader empirical and interdisciplinary approaches in future studies.

Future research should further explore empirical evaluations of constitutional accountability mechanisms in different regional contexts, including comparative studies between democratic and authoritarian systems (Tiedemann, 2023). Additional studies may also examine the role of constitutional courts, regional human rights tribunals, and transitional justice institutions in strengthening state responsibility for serious human rights violations. Moreover, future scholarship could investigate the impact of emerging global challenges, such as digital surveillance, artificial intelligence, migration crises, and transnational conflicts, on constitutional human rights protection (Triana & Galán, 2024). Such research would enhance understanding of how constitutional systems may adapt to contemporary human rights challenges while preserving democratic values, accountability, and the rule of law.

LITERATURE REVIEW

The discourse concerning constitutional law and human rights protection has developed into a central theme within contemporary legal scholarship, particularly in relation to state responsibility for serious human rights violations (Trindade & González-Salzberg, 2024). Constitutional systems are expected to function as legal mechanisms capable of limiting governmental power, safeguarding individual freedoms, and ensuring accountability for abuses committed by state institutions. However, the persistence of gross human rights violations in various jurisdictions demonstrates that constitutional guarantees alone do not automatically ensure effective protection (Ostow, 2024). Consequently, scholarly debates increasingly emphasize the need to evaluate constitutional accountability through interdisciplinary theoretical approaches integrating constitutionalism, human rights doctrine, and state responsibility theory. The present study, entitled *Constitutional Law and Human Rights Protection: Evaluating State Responsibility for Serious Human Rights Violations*, adopts three principal theoretical foundations, namely Constitutionalism Theory, State Responsibility Theory, and Human Rights Protection Theory. These theories provide the conceptual framework for examining how constitutional systems impose obligations upon states to prevent, investigate, and remedy serious human rights violations.

The first theory employed in this research is Constitutionalism Theory, widely associated with the scholarly works of Professor Ronald Dworkin. Ronald Myles Dworkin, a distinguished legal philosopher affiliated with Harvard University in the United States during the 1970s and 1980s, significantly popularized constitutionalism through his normative interpretation of constitutional rights and moral legality (Lawry-White, 2024). Dworkin argued that constitutional law should not merely be understood as a collection of procedural rules but as a moral framework protecting fundamental rights against arbitrary governmental power. According to Dworkin, constitutional rights operate as “trumps” against political majoritarianism, thereby ensuring that the dignity and liberty of individuals remain protected even in politically unstable circumstances (Duffy, 2025). The conceptual framework of Dworkin’s constitutionalism emphasizes judicial interpretation, constitutional supremacy, and the moral legitimacy of legal institutions. Within the context of this research, Dworkin’s theory becomes relevant because serious human rights violations frequently arise when constitutional institutions fail to constrain state power effectively. The theory therefore provides a normative basis for evaluating whether constitutional mechanisms genuinely uphold justice and accountability.

The development of Constitutionalism Theory has expanded significantly in contemporary legal scholarship (McMurry, 2023b). Modern constitutionalism no longer focuses solely on limiting governmental authority but also emphasizes substantive constitutional justice, democratic accountability, and transnational human rights obligations. Scholars such as Bruce Ackerman from Yale University in the United States further developed constitutional theory by emphasizing constitutional transformation and democratic legitimacy within modern constitutional states. Ackerman argued that constitutional legitimacy depends not only on formal legality but also on public participation and institutional accountability (Young, 2023). Contemporary constitutionalism additionally integrates international human rights standards into domestic constitutional interpretation, thereby strengthening the relationship between constitutional law and global human rights norms. This development demonstrates that constitutionalism has evolved from a purely state-centered doctrine into a broader framework incorporating international accountability and human dignity.

The second theory utilized in this research is State Responsibility Theory, prominently associated with Professor James Crawford. James Richard Crawford, an influential scholar from the University of Cambridge in the United Kingdom, particularly through his work during the early 2000s in the International Law Commission, significantly contributed to the codification and development of state responsibility principles in international law (McMurry, 2023a). Crawford’s theory emphasizes that states bear legal responsibility for internationally wrongful acts, including serious human rights violations committed by state agents or resulting from state negligence. According to Crawford, state responsibility arises when a state breaches an international obligation attributable to governmental conduct. The theory establishes several key principles, including attribution, breach of obligation, reparation, and guarantees of non-repetition (Börger, 2024). Crawford further argued that accountability constitutes an essential element of legal order because impunity undermines both domestic and international legitimacy.

The conceptual framework of State Responsibility Theory is highly relevant to the present study because many serious human rights violations involve direct or indirect participation by state authorities. This theory explains that constitutional obligations are inseparable from international human rights duties, thereby requiring states to investigate abuses, prosecute perpetrators, and provide effective remedies to victims (Dinokopila & Kaime, 2025). Contemporary developments in state responsibility theory have expanded beyond traditional interstate disputes toward individual-centered accountability. Modern international legal discourse increasingly recognizes victims' rights, transitional justice mechanisms, and institutional reform as integral components of state responsibility. Scholars such as Antonio Cassese from the University of Florence in Italy further developed this perspective by emphasizing that accountability for gross human rights violations constitutes an *erga omnes* obligation owed to the international community as a whole (McGaughey, 2024). This evolution reflects a significant transformation in legal thinking, where state sovereignty no longer serves as absolute protection against accountability for serious human rights abuses.

The third theory employed in this research is Human Rights Protection Theory, prominently advanced by Professor Jack Donnelly. Jack Donnelly, a political and human rights scholar from the University of Denver in the United States, extensively developed modern human rights theory during the 1980s and 1990s (Shala, 2024). Donnelly argued that human rights are universal moral and legal entitlements inherent to all human beings regardless of nationality, political status, or cultural background. According to Donnelly, the state possesses both negative obligations to refrain from violating rights and positive obligations to protect individuals against abuses (Pijnenburg, 2024). The conceptual framework of Human Rights Protection Theory emphasizes universality, indivisibility, accountability, and institutional protection. Donnelly further maintained that constitutional systems must operate as protective mechanisms ensuring that governments remain accountable to legal and moral standards concerning human dignity.

The development of Human Rights Protection Theory has become increasingly dynamic in response to globalization, technological transformation, and transnational conflicts (Henrard & Duin, 2025). Contemporary scholars expand Donnelly's framework by emphasizing collective rights, environmental rights, digital rights, and vulnerable group protection. International human rights institutions now recognize that constitutional protection must extend beyond formal civil and political liberties toward broader social justice dimensions. This theoretical evolution is particularly relevant to contemporary constitutional challenges involving surveillance technologies, migration crises, discrimination, and authoritarian populism. Human rights protection is therefore no longer limited to judicial enforcement but includes institutional prevention, democratic participation, and transnational cooperation.

The relationship between the three theories forms the central analytical foundation of this research. Constitutionalism Theory explains the normative structure through which constitutional systems should limit state power and protect individual rights. State Responsibility Theory clarifies the legal consequences arising when states violate constitutional and international obligations. Human Rights Protection Theory provides the moral and institutional justification for ensuring accountability and remedies for victims. Together, these theories establish a comprehensive framework for evaluating how constitutional systems respond to serious human rights violations (Glas, 2025). The integration of these theories also addresses the primary research problem concerning the inconsistency between constitutional guarantees and practical implementation of accountability mechanisms.

The theoretical framework further relates directly to the identified research gap. Previous studies often separate constitutional interpretation from state accountability and human rights enforcement, thereby limiting comprehensive understanding of institutional failures in addressing serious abuses (Wewerinke-Singh & Antoniadis, 2025). Constitutionalism Theory highlights the limitations of formal constitutional guarantees when judicial independence and democratic accountability remain weak. State Responsibility Theory explains why impunity persists despite international legal obligations. Human Rights Protection Theory reveals the institutional deficiencies preventing victims from obtaining justice and effective remedies. Consequently, the integration of these

theories contributes a novel analytical approach capable of bridging doctrinal constitutional analysis with practical accountability mechanisms.

The theories also support the formulation of the research questions. Constitutionalism Theory assists in examining how constitutional law conceptualizes accountability for human rights violations. State Responsibility Theory supports analysis concerning the obligations of governments to investigate, prosecute, and repair serious abuses. Human Rights Protection Theory guides evaluation of whether constitutional institutions effectively protect victims and prevent recurrence of violations. Furthermore, the theories collectively support the research objectives by establishing an interdisciplinary framework integrating constitutional law, international human rights law, and accountability theory.

From a theoretical perspective, the integration of these theories contributes to the advancement of constitutional and human rights scholarship by emphasizing that constitutional legitimacy depends upon effective accountability and victim protection (Panjaitan & Basani, 2024). Academically, the study enriches comparative constitutional discourse through interdisciplinary analysis connecting domestic constitutional systems with international legal obligations. Practically, the theoretical framework offers guidance for policymakers, constitutional courts, and human rights institutions in developing more effective accountability mechanisms for serious human rights violations.

In conclusion, the literature review demonstrates that Constitutionalism Theory developed by Ronald Dworkin, State Responsibility Theory advanced by James Crawford, and Human Rights Protection Theory formulated by Jack Donnelly collectively provide a comprehensive analytical foundation for evaluating state responsibility in cases of serious human rights violations (Jackson & Lanovoy, 2025). The theories explain the normative basis of constitutional accountability, the legal obligations of states, and the institutional mechanisms necessary for protecting human dignity. The integration of these theoretical perspectives addresses the principal research problem concerning the gap between constitutional guarantees and practical accountability mechanisms. Moreover, the theories contribute to the novelty of the study by establishing an interdisciplinary constitutional framework connecting constitutional supremacy, state responsibility, and victim-oriented justice. Through this framework, the research seeks to answer the formulated research questions, achieve its objectives, and provide theoretical, academic, and practical contributions to contemporary constitutional and human rights scholarship.

RESEARCH METHODS

This research employs a qualitative legal research methodology to examine the relationship between constitutional law and human rights protection, particularly in evaluating state responsibility for serious human rights violations (Özgüç, 2025). The qualitative approach is considered the most appropriate method because the central issues investigated in this study involve constitutional interpretation, institutional accountability, legal reasoning, and normative human rights analysis rather than numerical measurement or statistical generalization. Serious human rights violations represent complex legal and political phenomena that require comprehensive interpretation of constitutional principles, judicial doctrines, international legal obligations, and state practices. Consequently, qualitative research enables a deeper exploration of legal norms, constitutional mechanisms, and institutional responses in addressing accountability for human rights abuses (Hamid, 2025). This approach is consistent with international standards of socio-legal and constitutional research commonly applied in high-quality international legal scholarship indexed by Scopus and SINTA.

The research design adopted in this study is a qualitative doctrinal and comparative constitutional research design integrated with a socio-legal analytical perspective (Kovach & Kovach, 2025). The doctrinal legal component focuses on examining constitutional provisions, judicial decisions, statutory regulations, international human rights instruments, and legal doctrines concerning state responsibility for serious human rights violations. Through doctrinal analysis, the study evaluates how constitutional law conceptualizes accountability, victim protection, and governmental obligations within domestic and international legal frameworks. Meanwhile, the comparative constitutional approach allows the research to analyze similarities and differences among constitutional systems regarding mechanisms of human rights protection and institutional accountability. The socio-legal perspective complements the doctrinal analysis by considering the practical implementation of

constitutional norms within political, institutional, and social contexts. The integration of these approaches is essential because constitutional guarantees often differ significantly from actual legal enforcement and institutional practices.

The selection of the qualitative doctrinal-comparative design is based on several considerations. First, the primary objective of the research is interpretative and analytical rather than statistical. The study seeks to understand constitutional concepts, institutional dynamics, and legal accountability mechanisms in relation to serious human rights violations. Second, constitutional law and human rights protection involve normative values that cannot be adequately explained through quantitative indicators alone (Mima, 2025). Third, qualitative analysis permits a contextual understanding of how constitutional institutions operate under conditions involving political pressure, institutional weaknesses, or historical human rights abuses. Fourth, comparative constitutional analysis strengthens the academic contribution of the research by identifying broader patterns of accountability and constitutional protection across different legal systems. Therefore, the chosen design provides methodological flexibility and analytical depth necessary for addressing the complexity of the research problem.

The research location selected for this study is Indonesia as the principal jurisdictional focus, combined with comparative references to several international constitutional systems and international human rights institutions. Indonesia was selected because it represents an important constitutional democracy that has experienced significant legal and political transformation following authoritarian governance and transitional justice challenges (Coninck, 2024). The Indonesian constitutional framework formally guarantees human rights protection through constitutional amendments and the incorporation of international human rights principles. Nevertheless, various cases of serious human rights violations, including enforced disappearances, extrajudicial violence, and limitations on civil liberties, continue to raise debates concerning state accountability and constitutional effectiveness (Bustos, 2025). This condition makes Indonesia a highly relevant research location for evaluating the relationship between constitutional guarantees and practical implementation of state responsibility.

The selection of Indonesia as the primary research location is further justified by several academic and practical considerations. First, Indonesia provides a unique constitutional context in which democratic constitutionalism coexists with unresolved historical human rights cases and institutional accountability challenges. Second, the Indonesian legal system demonstrates interaction between domestic constitutional law and international human rights obligations, thereby offering an appropriate setting for comparative constitutional analysis. Third, Indonesia's Constitutional Court, National Human Rights Commission, and judicial institutions provide valuable legal materials and institutional practices for evaluating constitutional accountability mechanisms. Fourth, the Indonesian context reflects broader global challenges faced by transitional democracies in balancing sovereignty, political stability, and human rights protection. Therefore, the Indonesian case contributes both local and international relevance to the study.

Since this research primarily adopts a qualitative legal methodology, the study does not employ statistical respondents in the manner commonly associated with quantitative research. Instead, the research utilizes purposive selection of key informants and legal sources considered relevant to the constitutional and human rights issues under examination (Chub, 2025). The purposive sampling technique is selected because qualitative legal research emphasizes depth of information, legal expertise, and institutional relevance rather than numerical representation. Informants are selected based on their professional experience, academic competence, and institutional involvement in constitutional law, human rights protection, or state accountability mechanisms.

The research involves six principal informants representing constitutional law scholars, human rights practitioners, judicial actors, and institutional experts. To maintain research ethics and confidentiality standards, pseudonyms are employed for all informants (Mysiura, 2024). The first informant, referred to as Professor "AR," serves as a constitutional law professor at a leading public university in Indonesia. Professor AR was selected because of extensive expertise in constitutional interpretation, judicial review, and constitutional accountability. The second informant, identified as "DN," is a senior commissioner within a national human rights institution. DN was chosen due to direct

involvement in investigating human rights violations and institutional accountability processes. The third informant, referred to as “MS,” is a retired constitutional court justice with substantial experience in constitutional adjudication and human rights litigation. MS provides valuable judicial perspectives concerning constitutional interpretation and state responsibility.

The fourth informant, identified as “LT,” is a legal advocate specializing in human rights litigation and victim assistance. LT was selected because of practical experience in representing victims of serious human rights violations before domestic and international forums. The fifth informant, referred to as “RK,” is an academic researcher focusing on international human rights law and transitional justice studies. RK contributes comparative and theoretical perspectives regarding state responsibility and constitutional protection mechanisms. The sixth informant, identified as “HS,” is a civil society activist involved in constitutional advocacy and legal reform initiatives. HS was selected because of active engagement in promoting accountability and institutional reform related to human rights protection.

The number of informants utilized in this study is considered sufficient because qualitative research prioritizes analytical depth and thematic saturation rather than numerical quantity (Demamu, 2023). The selected informants collectively represent diverse institutional and professional perspectives relevant to constitutional law, state responsibility, and human rights protection. Their inclusion allows the study to obtain comprehensive insights concerning both normative legal frameworks and practical institutional challenges. Furthermore, purposive selection ensures that each informant possesses specialized expertise directly connected to the research objectives and research questions.

Data collection in this research is conducted through several qualitative techniques, namely document analysis, in-depth interviews, and comparative legal examination (Jácome, 2024). Document analysis constitutes the primary method of data collection because constitutional legal research fundamentally relies upon legal texts, judicial decisions, constitutional provisions, international conventions, scholarly literature, and institutional reports. The study examines constitutional documents, human rights legislation, judicial precedents, reports issued by national and international human rights institutions, and academic publications discussing constitutional accountability and serious human rights violations. These legal materials are analyzed systematically to identify constitutional principles, accountability mechanisms, and patterns of institutional response.

In-depth semi-structured interviews are conducted with the selected informants to obtain contextual understanding concerning constitutional implementation and institutional accountability practices (Bhuta, 2025). Semi-structured interviews are preferred because they provide flexibility for exploring complex legal and institutional issues while maintaining consistency with the research objectives. Interview questions focus on constitutional interpretation, state obligations, institutional challenges, judicial independence, victim protection, and accountability mechanisms concerning serious human rights violations. Interviews are conducted confidentially to encourage open and critical discussion among participants.

The study also employs comparative legal analysis to examine constitutional practices and accountability mechanisms in selected jurisdictions outside Indonesia (Sancin, 2024). Comparative analysis includes examination of constitutional jurisprudence and human rights frameworks in democratic constitutional systems recognized for their human rights protection mechanisms. This comparative perspective strengthens the analytical framework by identifying constitutional best practices, institutional innovations, and legal challenges relevant to state responsibility. Comparative analysis additionally assists in evaluating whether Indonesian constitutional mechanisms align with international constitutional and human rights standards.

The validity and reliability of the research are ensured through methodological triangulation, source triangulation, and analytical consistency (Gupta & Malik, 2024). Methodological triangulation is achieved by integrating document analysis, interviews, and comparative legal examination. Source triangulation involves comparing constitutional texts, judicial decisions, academic literature, and interview findings to ensure consistency and credibility of interpretation. Analytical consistency is maintained through systematic coding of legal themes and continuous comparison between theoretical

frameworks and empirical findings. These procedures strengthen the trustworthiness and academic rigor of the research.

The data analysis technique employed in this study is qualitative thematic analysis integrated with doctrinal legal interpretation (Sakkarnaikar & Saroj, 2023). Thematic analysis is utilized to identify recurring legal and institutional themes concerning constitutional accountability, state responsibility, and human rights protection. Legal documents, interview transcripts, and comparative constitutional materials are categorized into thematic patterns reflecting constitutional principles, institutional challenges, judicial practices, and accountability mechanisms. Subsequently, doctrinal interpretation is applied to evaluate the consistency between constitutional norms and institutional implementation.

The technique of drawing conclusions in this research follows an inductive-analytical approach combined with legal interpretation and comparative reasoning (Waibel & McMenamin, 2025). Inductive analysis enables the researcher to derive broader constitutional and theoretical conclusions from specific legal cases, institutional practices, and informant perspectives. Comparative reasoning assists in identifying similarities and differences among constitutional systems concerning accountability for serious human rights violations. Conclusions are formulated by synthesizing doctrinal findings, interview results, and comparative analysis into coherent constitutional interpretations relevant to the research questions and objectives.

The research further applies interpretative legal reasoning to assess whether constitutional systems effectively impose obligations upon states to prevent violations, investigate abuses, prosecute perpetrators, and provide remedies for victims (Veron, 2023). Through this interpretative process, the study evaluates the gap between constitutional guarantees and practical accountability mechanisms. The findings are then connected to broader theoretical debates concerning constitutionalism, state responsibility, and human rights protection. This analytical approach ensures that the conclusions are not merely descriptive but also critical and evaluative in nature.

Ethical considerations constitute an important aspect of the research methodology (Ostapenko et al., 2023). The study ensures confidentiality and anonymity for all informants through the use of pseudonyms and secure handling of interview data. Informants participate voluntarily and provide informed consent before interviews are conducted. The research also maintains academic integrity by ensuring objective analysis, proper citation of legal sources, and adherence to international standards concerning plagiarism prevention. The methodological process is designed to comply with scholarly ethics expected within internationally indexed legal journals.

Overall, the selected qualitative doctrinal-comparative methodology provides a comprehensive framework for analyzing constitutional law and human rights protection in relation to state responsibility for serious human rights violations (Feihle, 2025a). The integration of doctrinal analysis, comparative constitutional examination, and socio-legal interpretation enables the research to address both normative and practical dimensions of constitutional accountability. Through purposive informant selection, thematic analysis, and interpretative legal reasoning, the study seeks to generate academically rigorous, theoretically relevant, and practically meaningful findings concerning the effectiveness of constitutional systems in protecting human rights and ensuring state accountability.

RESULTS AND DISCUSSION

The findings of this research demonstrate that constitutional law plays a decisive role in shaping state responsibility for serious human rights violations; however, the effectiveness of constitutional protection remains highly dependent on institutional accountability, judicial independence, political commitment, and the harmonization between domestic constitutional systems and international human rights obligations (Byelov & Bielova, 2023). The study reveals that constitutional guarantees concerning human dignity, equality before the law, access to justice, and protection against arbitrary state action are formally recognized in many democratic legal systems, including Indonesia. Nevertheless, the practical implementation of these guarantees frequently encounters structural obstacles such as political intervention, institutional weakness, selective law enforcement, limited victim participation, and the persistence of impunity (Thamrin, 2024). Consequently, the constitutional

framework often functions normatively rather than substantively, creating a significant gap between constitutional ideals and empirical legal reality.

The principal findings indicate that the primary research problem concerns the inconsistency between constitutional recognition of human rights and the practical enforcement of state accountability mechanisms (Cwicinskaja, 2025). Constitutional provisions generally establish clear obligations requiring the state to prevent human rights abuses, investigate violations, prosecute perpetrators, and provide effective remedies for victims. However, the implementation of these obligations remains fragmented and politically constrained. Informants involved in this research emphasized that constitutional institutions frequently encounter external political pressure, thereby weakening their ability to function independently in cases involving state actors or powerful political interests. This finding confirms that constitutional legitimacy depends not merely upon the existence of constitutional rights but also upon the institutional capacity to enforce accountability consistently.

The research further demonstrates that Constitutionalism Theory developed by Ronald Dworkin provides an essential explanatory framework concerning the normative role of constitutional law in protecting human rights (Hicks, 2024). Dworkin's conception of rights as moral and constitutional guarantees against arbitrary governmental power becomes highly relevant in explaining why constitutional systems must prioritize human dignity above political expediency. The findings reveal that constitutional institutions formally acknowledge this principle through constitutional provisions and judicial doctrines recognizing the supremacy of fundamental rights. However, the implementation of constitutionalism remains incomplete because constitutional guarantees are frequently undermined by political interests and institutional limitations. This confirms Dworkin's argument that constitutional democracy requires not only procedural legality but also substantive moral commitment to justice and equality (Młynarska-Sobaczewska & Zaleśny, 2024).

The findings also strongly support State Responsibility Theory developed by James Crawford (Pustorino, 2023). The study demonstrates that serious human rights violations create legal obligations requiring states to provide accountability, reparations, and guarantees of non-repetition. Nevertheless, institutional practices reveal that states often attempt to avoid responsibility through procedural delays, political compromise, or restrictive legal interpretation. Informants highlighted that accountability mechanisms frequently become ineffective when state institutions themselves are implicated in violations. Such conditions strengthen Crawford's theoretical position that state responsibility must operate as a binding legal obligation rather than a discretionary political choice. The research therefore confirms that constitutional accountability cannot function effectively without institutional independence and clear enforcement mechanisms.

Human Rights Protection Theory advanced by Jack Donnelly also provides substantial analytical relevance within the findings of this research (Simonelli, 2024). Donnelly's emphasis on the universality and indivisibility of human rights is reflected in constitutional recognition of civil liberties, equality, and legal protection. However, the findings reveal that constitutional guarantees frequently fail to ensure substantive justice for victims of serious human rights violations. Victims continue to encounter barriers related to access to justice, procedural inequality, and institutional discrimination. This demonstrates that constitutional recognition alone is insufficient without practical institutional protection mechanisms capable of translating constitutional rights into effective legal remedies. Consequently, the findings reinforce Donnelly's argument that states possess both negative obligations to avoid violations and positive obligations to actively protect individuals from abuse.

The implementation dimension identified in this research demonstrates that constitutional accountability mechanisms remain heavily influenced by institutional and political conditions (Chakravarty et al., 2025). Constitutional courts and judicial institutions formally possess authority to interpret constitutional rights and review state actions; however, practical enforcement often remains inconsistent. Several informants explained that judicial independence constitutes one of the most critical determinants of constitutional effectiveness. In situations where judicial institutions experience political interference, constitutional protections become symbolic rather than operational. This finding reveals a substantial implementation gap between constitutional ideals and institutional reality.

The following table summarizes the principal findings of the research concerning constitutional law, state responsibility, and human rights protection.

Table

Table 1 Constitutional Accountability and Human Rights Protection Mechanisms in Cases of Serious Human Rights Violations

Research Dimension	Research Findings	Related Theory	Implementation Implications
Constitutional Protection	Constitutional systems formally recognize fundamental human rights protections	Constitutionalism Theory (Ronald Dworkin)	Constitutional guarantees require institutional enforcement mechanisms
State Accountability	States possess legal obligations to investigate and remedy violations	State Responsibility Theory (James Crawford)	Accountability mechanisms remain weak under political pressure
Victim Protection	Victims often experience barriers to justice and reparations	Human Rights Protection Theory (Jack Donnelly)	Institutional reform is required to strengthen victim-centered justice
Judicial Independence	Political intervention weakens constitutional enforcement	Constitutionalism Theory	Independent judiciary is essential for constitutional legitimacy
Institutional Effectiveness	Human rights institutions face procedural and structural limitations	State Responsibility Theory	Effective implementation requires institutional autonomy
International Legal Harmonization	Domestic constitutions increasingly integrate international human rights norms	Human Rights Protection Theory	Harmonization strengthens constitutional accountability

The findings further reveal a significant research gap between normative constitutional guarantees and practical institutional implementation (Okowa, 2024). Previous studies generally focused on doctrinal constitutional interpretation or international human rights obligations separately. However, the present research demonstrates that the core problem lies in the interaction between constitutional law, institutional accountability, and political structures. Earlier studies frequently emphasized constitutional rights as abstract legal guarantees without sufficiently examining institutional obstacles preventing effective implementation. The current findings therefore contribute a novel perspective by integrating constitutional analysis with institutional accountability and victim-oriented justice.

This gap becomes particularly evident when comparing constitutional provisions with practical accountability outcomes. Although constitutions generally recognize human rights protections, implementation mechanisms remain limited by bureaucratic inefficiency, political compromise, and inconsistent judicial interpretation (S, 2023). Informants repeatedly emphasized that unresolved cases of serious human rights violations continue to undermine public confidence in constitutional institutions. This finding demonstrates that constitutional legitimacy depends not only upon formal legal recognition but also upon institutional credibility and accountability.

The relationship between the research findings and the formulated research questions is also clearly identifiable. The first research question examined how constitutional law conceptualizes state responsibility for serious human rights violations. The findings indicate that constitutional systems generally conceptualize state responsibility through principles of constitutional supremacy, equality before the law, and judicial accountability. Nevertheless, practical implementation remains constrained by institutional weakness and political influence. The second research question concerned the effectiveness of constitutional institutions in ensuring accountability and victim protection. The findings demonstrate that constitutional institutions possess formal authority but frequently lack sufficient independence and enforcement capacity. The third research question analyzed institutional obstacles hindering constitutional accountability. The study identified political intervention, procedural limitations, and institutional fragmentation as major obstacles preventing effective human rights protection.

The findings additionally confirm the central objectives of the research. One of the principal objectives was to evaluate the effectiveness of constitutional mechanisms in protecting human rights and ensuring state accountability. The results demonstrate that constitutional mechanisms remain partially effective in normative terms but insufficiently effective in practical implementation (Çalı & Demir-Gürsel, 2023). Another objective concerned identification of institutional weaknesses contributing to impunity. The research successfully identifies structural barriers such as political interference, weak judicial independence, limited institutional coordination, and inadequate victim protection mechanisms. Furthermore, the study aimed to formulate conceptual recommendations for strengthening constitutional accountability. The findings suggest that institutional independence, judicial reform, and harmonization with international human rights standards are essential components of constitutional improvement.

From a theoretical perspective, the findings contribute significantly to constitutional and human rights scholarship (Glidden, 2023). The integration of Constitutionalism Theory, State Responsibility Theory, and Human Rights Protection Theory provides a multidimensional analytical framework capable of explaining the relationship between constitutional norms, institutional accountability, and victim protection. The findings confirm Dworkin's argument that constitutional legitimacy requires substantive moral commitment beyond procedural legality. Similarly, Crawford's theory is reinforced through evidence demonstrating that accountability mechanisms fail when state institutions avoid legal responsibility. Donnelly's theory is also validated through findings showing that constitutional recognition alone cannot guarantee effective human rights protection without institutional implementation.

Academically, the study contributes to interdisciplinary legal scholarship by integrating constitutional law, international human rights law, and accountability theory within a unified analytical framework (JEON, 2023). Previous research often separated these dimensions, thereby limiting comprehensive understanding of constitutional accountability. The present findings therefore contribute a novel academic perspective emphasizing the interconnectedness between constitutional supremacy, institutional legitimacy, and victim-oriented justice. This interdisciplinary contribution is particularly relevant within contemporary constitutional scholarship addressing democratic transition, institutional reform, and human rights protection.

Practically, the findings provide important implications for policymakers, constitutional courts, judicial institutions, and human rights organizations. The study demonstrates that constitutional accountability requires institutional independence, transparent legal procedures, and effective victim participation mechanisms (Schneiderman, 2024). Informants emphasized that institutional reform must prioritize judicial independence and protection against political interference. Furthermore, constitutional systems should strengthen cooperation between domestic institutions and international human rights frameworks to ensure more effective accountability mechanisms.

The findings are also connected to previous research results concerning constitutional accountability and human rights protection. Earlier studies conducted by transitional justice scholars

frequently identified impunity and institutional weakness as major obstacles to human rights enforcement (Urushadze, 2025). The current findings confirm these conclusions while further demonstrating that constitutional accountability cannot function effectively without integration between constitutional norms and institutional implementation. Previous constitutional studies emphasized judicial interpretation and constitutional review; however, the present research expands this perspective by incorporating victim-centered justice and institutional accountability into constitutional analysis.

Similarly, prior research concerning state responsibility primarily focused on international legal obligations without sufficiently examining domestic constitutional structures. The findings of this study contribute additional insight by demonstrating that constitutional systems constitute the primary institutional framework through which international human rights obligations are implemented (Syafri et al., 2024). Consequently, constitutional reform and institutional accountability become essential components of effective human rights protection.

The practical implications of the findings also extend to broader democratic governance. Constitutional systems that fail to address serious human rights violations risk undermining public trust and democratic legitimacy (Tymofeyeva, 2023). Informants repeatedly highlighted that unresolved violations contribute to social polarization, distrust in legal institutions, and weakened democratic participation. Therefore, strengthening constitutional accountability mechanisms is not merely a legal necessity but also a democratic imperative.

The implementation of the three theoretical frameworks within the findings further demonstrates their complementary nature. Constitutionalism Theory explains why constitutional systems must prioritize protection of fundamental rights against arbitrary state action. State Responsibility Theory clarifies the legal obligations arising from human rights violations and the necessity of accountability mechanisms. Human Rights Protection Theory emphasizes the moral and institutional responsibility of states to ensure substantive justice and victim protection. Together, these theories provide a comprehensive framework for understanding the relationship between constitutional law and state accountability.

The novelty of this research lies in its integration of constitutional analysis, accountability theory, and victim-oriented human rights protection within a single analytical framework (Hahm, 2024). Previous studies generally approached constitutional law and human rights protection separately, whereas this research demonstrates that constitutional legitimacy depends upon effective accountability mechanisms and institutional implementation. This integrative approach contributes a new perspective to constitutional scholarship by emphasizing that constitutional supremacy must operate not merely as a formal legal doctrine but as a practical mechanism ensuring justice and accountability.

The findings also highlight the importance of harmonizing domestic constitutional systems with international human rights standards (Beckers, 2024). Informants noted that constitutional courts and legal institutions increasingly rely upon international human rights principles when interpreting constitutional rights. This development demonstrates the growing interconnectedness between domestic constitutional law and international legal obligations. Nevertheless, practical implementation remains inconsistent, particularly in politically sensitive cases involving state actors. Therefore, constitutional reform efforts should prioritize institutional harmonization, judicial independence, and effective victim protection mechanisms.

In conclusion, the results and discussion of this research demonstrate that constitutional law possesses substantial normative potential for protecting human rights and ensuring state accountability for serious violations. However, constitutional effectiveness remains highly dependent upon institutional implementation, judicial independence, and political commitment (Stefanchuk & Lupiichuk, 2024). The findings confirm the relevance of Constitutionalism Theory, State Responsibility Theory, and Human Rights Protection Theory in explaining the relationship between constitutional law, accountability, and victim protection. Furthermore, the study identifies a significant gap between constitutional guarantees and practical implementation, thereby contributing a novel interdisciplinary

framework integrating constitutional analysis, institutional accountability, and human rights protection. The findings provide theoretical, academic, and practical contributions to contemporary constitutional and human rights scholarship while offering important recommendations for strengthening democratic constitutionalism and institutional accountability in cases of serious human rights violations.

CONCLUSION

The conclusion of this research demonstrates that constitutional law constitutes a fundamental legal framework for protecting human rights and establishing state responsibility in cases involving serious human rights violations. The findings reveal that constitutional systems formally recognize essential principles concerning human dignity, equality before the law, access to justice, and protection against arbitrary state action. These constitutional guarantees reflect the normative commitment of democratic legal systems to uphold human rights and prevent abuse of governmental power. However, the research also concludes that the effectiveness of constitutional protection depends not solely upon the existence of constitutional norms but significantly upon institutional implementation, judicial independence, political accountability, and the practical enforcement of legal obligations. Consequently, constitutional legitimacy is measured not merely by formal constitutional recognition but by the capacity of institutions to ensure substantive justice and accountability for victims of serious human rights violations.

The research findings further indicate that the primary problem concerning constitutional accountability arises from the inconsistency between normative constitutional guarantees and practical legal enforcement. Although constitutions generally provide comprehensive protections for human rights, institutional mechanisms frequently fail to implement accountability effectively. Political intervention, institutional fragmentation, procedural limitations, and weak judicial independence remain significant obstacles preventing constitutional systems from functioning optimally. As discussed in the findings and discussion section, cases involving serious human rights violations often demonstrate selective law enforcement and prolonged impunity, particularly when state institutions or political elites are implicated. This condition weakens public trust in constitutional governance and undermines the credibility of democratic institutions. Therefore, the study concludes that constitutional protection cannot achieve meaningful effectiveness without institutional integrity and consistent accountability mechanisms.

The conclusion also confirms the relevance and applicability of the three theoretical frameworks employed in this study, namely Constitutionalism Theory developed by Ronald Dworkin, State Responsibility Theory advanced by James Crawford, and Human Rights Protection Theory formulated by Jack Donnelly. Constitutionalism Theory explains that constitutional rights function as safeguards protecting individuals from arbitrary governmental power and political majoritarianism. The findings support this theory by demonstrating that constitutional guarantees are intended to operate as substantive moral commitments rather than merely procedural legal instruments. Nevertheless, the research also reveals that constitutional ideals become ineffective when institutional enforcement mechanisms are weakened by political pressure and limited judicial autonomy.

State Responsibility Theory further provides an essential explanatory framework regarding the legal obligations of states to investigate violations, prosecute perpetrators, provide reparations, and guarantee non-repetition of abuses. The findings demonstrate that states possess constitutional and international legal obligations concerning accountability for serious human rights violations; however, implementation frequently remains incomplete because governments may prioritize political stability or institutional protection over justice and accountability. Consequently, the study concludes that effective constitutional accountability requires stronger institutional independence, transparent legal procedures, and clear mechanisms capable of enforcing state responsibility without political interference.

Human Rights Protection Theory also plays a central role in explaining the relationship between constitutional law and victim protection. The research findings demonstrate that constitutional recognition of human rights alone is insufficient to guarantee substantive justice. Victims of serious human rights violations continue to encounter barriers related to procedural inequality, limited access to remedies, institutional discrimination, and delayed justice. Therefore, the study concludes that

constitutional systems must move beyond symbolic recognition toward practical implementation of victim-centered justice. States are required not only to refrain from violating rights but also to actively establish institutional mechanisms ensuring effective legal protection, accountability, and restoration for victims.

The conclusion further emphasizes that the study successfully identifies a significant research gap between constitutional ideals and institutional reality. Previous studies generally focused either on doctrinal constitutional interpretation or international human rights obligations separately. In contrast, this research demonstrates that constitutional accountability should be understood through an integrated analytical framework combining constitutional law, state responsibility, and human rights protection. The findings reveal that institutional effectiveness constitutes the central factor determining whether constitutional guarantees can operate substantively in practice. This integrative perspective represents one of the principal novelties of the study because it positions constitutional accountability as both a legal and institutional process requiring practical enforcement mechanisms.

In relation to the formulated research questions, the study concludes that constitutional law conceptually establishes state responsibility through principles of constitutional supremacy, equality before the law, and judicial accountability. However, practical implementation remains constrained by institutional weaknesses and political influence. The effectiveness of constitutional institutions in ensuring accountability and victim protection depends heavily upon judicial independence, institutional transparency, and political commitment to human rights enforcement. Furthermore, the research identifies political intervention, procedural barriers, and limited institutional coordination as the primary obstacles preventing effective constitutional accountability.

The study also concludes that the objectives of the research have been achieved successfully. The research has critically evaluated constitutional mechanisms concerning human rights protection and state responsibility while identifying institutional weaknesses contributing to impunity. In addition, the study has formulated conceptual insights regarding the importance of harmonizing domestic constitutional systems with international human rights standards, strengthening judicial independence, and improving victim-oriented accountability mechanisms. These conclusions contribute theoretically to constitutional and human rights scholarship, academically to interdisciplinary legal research, and practically to institutional reform and public policy development.

Ultimately, this research concludes that constitutional law possesses substantial potential to function as an effective instrument for protecting human rights and ensuring accountability for serious human rights violations. Nevertheless, constitutional guarantees require consistent institutional implementation, independent judicial mechanisms, and strong political commitment to justice and human dignity. Without these supporting elements, constitutional protections risk remaining symbolic rather than substantive. Therefore, strengthening constitutional accountability mechanisms represents an essential requirement for promoting democratic governance, reinforcing the rule of law, and ensuring sustainable protection of fundamental human rights within contemporary constitutional systems.

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