

Constitutional Instruments for Human Rights and Minority Political Rights: Ensuring Equity and Inclusive Democratic Outcomes

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ABSTRACT

This study analyzes the role of constitutional instruments on human rights and minority politics in ensuring equity and producing inclusive democratic outcomes. Using a qualitative method with a Systematic Literature Review (SLR) approach, this study reviews publications from 2016 to 2025 obtained from the Dimensions and Scopus databases. Literature was selected based on criteria of academic quality, substantive relevance, and availability of full-text articles. The findings indicate that while constitutions provide a normative foundation for minority protection, their effectiveness is largely determined by the design of public policies and by institutions' capacity to eliminate structural barriers. The research findings confirm that the deficit in minority political rights is not only caused by discriminatory regulations but also by an exclusive concept of citizenship and institutional practices that perpetuate social hierarchies. Furthermore, the gap between anti-discrimination legal frameworks and the implementation of public services highlights the weakness of state mechanisms in ensuring equal access for vulnerable groups. This research contributes by offering an integrative understanding of the relationship between constitutional instruments, policy design, and democratic practices, and underscores the importance of

1. INTRODUCTION

The lack of protection for minorities in political and institutional practice stems from a combination of inadequate legislative frameworks, ineffective implementation, and institutionalized social bias. These shortcomings manifest in various forms, ranging from weak hate crime regulations and unclear definitions of minorities in international law to limited political representation within democratic systems. At the legislative level, many countries have not even adopted comprehensive hate crime laws that serve as crucial instruments to protect minority groups from discrimination and violence (Dias Oliva & Sebastian Künzli, 2018). As a result, minorities often find themselves in a vulnerable position that not only undermines their political rights but also weakens the legitimacy of democracy as a whole.

Global empirical data indicate that political and social discrimination has worsened significantly, with the World Justice Project (WJP) noting that 70% of countries experienced an increase in discrimination between 2021 and 2022 (World Justice Project, 2023). Globally, perceptions of inequality are deeply entrenched; a survey across 36 countries revealed that, on average, 34% of adults view racial or ethnic discrimination as a major problem, while 31% see gender inequality as a serious challenge (Pew Research Center, 2025). Furthermore, political discrimination extends into the economic sector, where research on 38,326 companies across 95 countries shows higher regulatory risks for foreign firms, particularly under left-wing governments that conduct more frequent tax audits as a form of discriminatory oversight (Muratova et al., 2025). On the other hand, personal experiences of discrimination faced by ethnic minority groups in Western countries tend to increase their political engagement in the form of protests and donations. However, the impact on voter turnout varies across countries (Besco, 2024).

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Amnesty International's 2024/2025 Human Rights Report warns of a rise in global authoritarian practices that undermine the rule of law, including attacks on freedom of expression and the integrity of elections in Indonesia (Amnesty International Indonesia, 2025). Concrete examples of the marginalization of minority groups are clearly evident in extrajudicial killings in Papua by security forces, as well as discrimination against religious minority groups such as the Ahmadiyya community and Christian communities facing bans on worship or the construction of places of worship (Amnesty International Indonesia, 2025). This marginalization is further exacerbated by large-scale development projects such as the IKN and Rempang Eco City, which threaten the rights of indigenous communities without adequate participation (Amnesty International Indonesia, 2025). Furthermore, violence against women in elections (VAWE) in Indonesia, whether psychological, physical, or symbolic, continues to hinder women's political representation, as reflected in the 2023 Global Gender Gap Index, where Indonesia ranks 87th out of 146 countries (Wildianti & Ramadhana, 2024).

The relationship between actors, rules, and modes of governance is a key component in understanding how constitutional instruments shape the direction and outcomes of public policy. Constitutional instruments not only serve as a source of legal legitimacy but also establish limits on authority, regulate accountability mechanisms, and set the conditions under which the state can provide equal protection to all citizens. Their influence is evident in the policy-making process, where state actors, courts, and civil society interact within a complex regulatory network to operationalize constitutional principles into concrete implementation. Thus, the effectiveness of minority protection is significantly influenced by the extent to which constitutional instruments are consistently and responsively integrated into policy design (Comba, 2022)

Recent research indicates that the legal definition and recognition of minorities remain inconsistent in international law, making it difficult for states to formulate effective protection standards (Dias Oliva & Sebastian Künzli, 2018). The gap between legal frameworks and practice is also evident in various national contexts. In Croatia, although regulations appear to favor minority political representation, their implementation remains weak, creating barriers to equal political participation (Mikucka-Wójtowicz, 2022). Similar imbalances also emerge in legislative protections, where some groups receive only "weak" protection, while others receive "stronger" legal support, such as in the context of the LGBT minority (Paula et al., 2017). These various findings underscore the existence of structural inequalities that hinder the fulfillment of minority political rights.

Institutional barriers are a significant factor in exacerbating the deficit in minority protection. Discriminatory practices occur, for example, when hate crime cases involving members of minority groups are not treated equally within the judicial system (Pap, 2021). A similar challenge is evident in EU-level advocacy efforts within the Minority SafePack Initiative, which the European Commission ultimately rejected despite being a crucial instrument for the protection of national minorities (TÁRNOK, 2023). Nevertheless, several studies argue that the existing framework, though imperfect, still provides a foundation that can be strengthened through sustained advocacy and reform. This indicates that the transformation of minority protection is highly dependent on institutions' capacity to translate legal mandates into concrete actions.

The relationship between constitutional instruments and public policy design is complex. Constitutional instruments provide a principled foundation for policy formulation. In contrast, the judicial role in interpreting constitutional norms can directly influence policy direction, as seen in differing court rulings on health policies in Mexico and Colombia (García-Tejeda & Vieira-Silva, 2022). On the other hand, the choice of policy instruments tends to follow constitutional mandates, such as a preference for regulatory instruments over monetary ones in the Colombian context (Herrera-Kit & Centeno, 2022). The effectiveness of policy design also depends on the availability of accurate data for analysis and the formulation of appropriate instruments (Rieder, 2022). However, the limited focus of studies on specific regions indicates a gap in understanding regarding how constitutional instruments influence policy in more diverse contexts (Barbosa de Aguiar et al., 2023). Although the constitutional framework provides important guidelines, overly rigid adherence can sometimes limit policy innovation amid rapid social change.

Although previous research has examined various aspects of minority protection, legal implementation, and the relationship between constitutional law and public policy, existing studies remain fragmented and predominantly legal-formal in orientation. Most studies focus either on constitutional recognition of rights, sectoral discrimination, or isolated governance issues without systematically examining how constitutional instruments operate as practical governance mechanisms capable of producing equitable democratic outcomes for minority groups. This study contributes to the field of Constitutional Law by developing an outcome-oriented constitutional analysis that positions constitutional instruments not merely as symbolic legal guarantees but as dynamic governance mechanisms that influence policy design, institutional accountability, and minority political inclusion.

In contrast to previous studies that primarily emphasize normative constitutional interpretation, this research introduces an integrative analytical approach linking constitutional instruments, public policy design, human rights protection, and inclusive democratic governance within a single conceptual framework. Through this approach, the study highlights how the effectiveness of constitutional protection depends on the state's capacity to translate constitutional norms into participatory, equity-oriented, and minority-responsive public policies. Furthermore, this research offers a policy-oriented contribution by emphasizing the importance of inclusive governance mechanisms, institutional responsiveness, and accountability structures in strengthening minority political rights and reducing structural discrimination within democratic systems.

Thus, this study provides both theoretical and practical contributions by expanding the discussion of constitutionalism beyond formal legal recognition toward transformative constitutional governance that prioritizes substantive equality, political participation, and inclusive democratic outcomes. Accordingly, the objective of this research is to examine the role of constitutional instruments in human rights and minority politics in ensuring equity and producing inclusive democratic outcomes, as reflected in the title "Constitutional Instruments for Human Rights and Minority Politics: Ensuring Equity and Inclusive Democratic Outcomes."

2. METHOD

This study is a qualitative research study that employs a Systematic Literature Review (SLR) methodology. This approach was chosen to identify, evaluate, and interpret research findings related to "Constitutional Instruments for Human Rights and Minority Politics: Ensuring Equity and Inclusive Democratic Outcomes." The SLR method enables a systematic and comprehensive examination of previous studies to develop an integrative understanding of constitutional instruments, minority politics, and democratic governance.

In addition, this study applies a comparative constitutional approach to analyze how constitutional instruments operate across different national contexts to protect minority political rights and promote inclusive democratic outcomes.

This study adopts a comparative constitutional approach to examine how constitutional instruments influence the protection of minority political rights and the realization of inclusive democratic outcomes across different national contexts. The comparative analysis does not aim to compare constitutional systems in a purely doctrinal sense, but rather to identify recurring patterns, institutional responses, and governance dynamics related to minority protection and democratic inclusion.

The countries discussed in this study include Indonesia, India, the United Kingdom, the United States, Colombia, Mexico, Croatia, Bolivia, Brazil, South Africa, Thailand, and several European Union member states. These countries were selected purposively based on three main considerations. First, they represent diverse constitutional traditions and democratic systems, including common law, civil law, post-colonial constitutional systems, and multicultural democratic arrangements. Second, these countries demonstrate varying experiences in managing minority rights, citizenship, discrimination, and political inclusion, thereby providing a broader analytical perspective regarding constitutional governance. Third, the selected countries have significant empirical relevance to contemporary debates on constitutionalism, human rights protection, public service equality, and inclusive democracy.

The comparative analysis in this study is based on several analytical parameters. The first parameter concerns constitutional guarantees of minority rights, particularly the extent to which constitutions formally recognize equality, non-discrimination, and political participation. The second parameter focuses on citizenship construction and political inclusion, including how citizenship regimes shape minority access to political rights and democratic participation. The third parameter examines institutional implementation and governance practices, especially the effectiveness of public institutions in translating constitutional norms into public policies and service delivery. The fourth parameter evaluates democratic outcomes, including the extent to which constitutional instruments contribute to reducing structural inequality, discrimination, and exclusion experienced by minority groups.

Through these comparative parameters, the study seeks to develop an integrative understanding of how constitutional instruments operate not merely as symbolic legal provisions but also as governance mechanisms that shape democratic inclusion, social justice, and minority political empowerment across diverse political and institutional contexts.

The data eligibility criteria for this study were established to ensure that only relevant and high-quality literature was analyzed. These criteria include: (1) scientific articles published in reputable national and international journals; (2) studies specifically addressing constitutional instruments, human rights,

minority politics, and inclusive democratic outcomes; (3) publications released within the last nine years (2016–2025); and (4) articles available in full text and written in English or Indonesian.

The SLR process consists of identification, screening, eligibility, and inclusion stages following PRISMA guidelines. During the identification stage, articles were collected from Scopus and Dimensions databases using keywords related to constitutional instruments, political rights, and minority protection. In the screening stage, duplicate and irrelevant articles were removed based on titles, abstracts, and research focus. The eligibility stage involved a full-text assessment to ensure consistency with the study objectives and inclusion criteria. Finally, the inclusion stage selected the articles that were systematically analyzed in this review.

To strengthen analytical rigor, the selected articles were coded according to major themes, including constitutional protection, minority political representation, public policy design, governance mechanisms, and democratic outcomes. The coding process enabled the identification of recurring patterns, conceptual relationships, and emerging sub-themes across the literature. Data analysis was conducted using qualitative thematic analysis supported by VOSviewer to visualize relationships between keywords, themes, and research trends. The research procedure is illustrated in Figure 1.

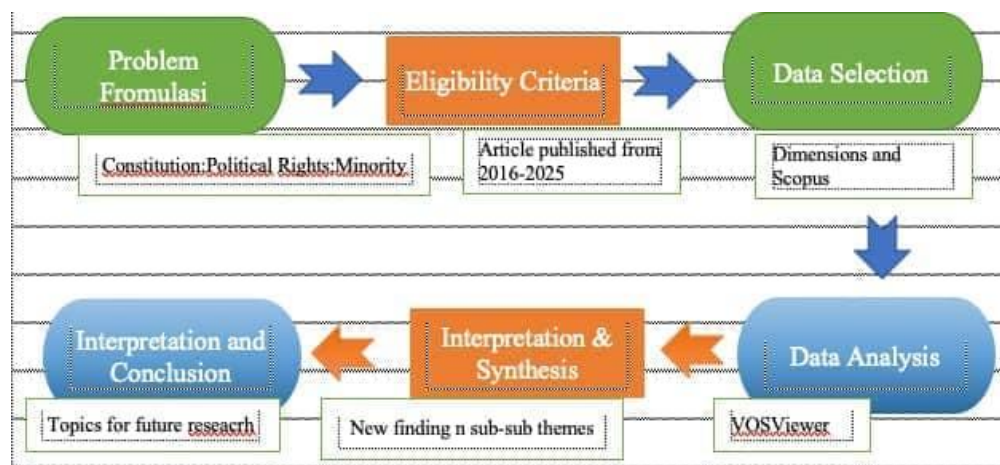


Figure 1. Research procedures

Figure 1 illustrates the systematic stages of the Systematic Literature Review (SLR) process used in this study. The process begins with the problem formulation stage, in which the main research focus is identified, namely constitutional instruments, political rights, and minority issues within the context of inclusive democratic outcomes. This stage serves as the conceptual foundation for determining the direction and scope of the review.

The second stage involves establishing eligibility criteria. At this stage, the study establishes inclusion criteria for selecting relevant literature, including scientific articles published between 2016 and 2025 that discuss constitutional instruments, human rights, minority politics, and democratic governance. These criteria ensure that the selected literature is relevant, recent, and academically credible.

The third stage is data selection, where articles are collected from the Scopus and Dimensions databases. The selection process involves screening titles, abstracts, and full texts to identify studies that align with the research objectives. Irrelevant or duplicate articles are excluded during this stage.

The fourth stage is data analysis, conducted using VOSviewer to map relationships among keywords, themes, and research trends within the selected literature. This analysis enables the identification of dominant issues, conceptual connections, and emerging patterns related to constitutional instruments and minority politics.

The fifth stage consists of interpretation and synthesis. At this stage, the findings from the selected studies are categorized into themes and sub-themes to develop an integrative understanding of the relationship between constitutional instruments, policy design, and inclusive democratic outcomes.

Finally, the interpretation and conclusion stage summarizes the major findings of the review and identifies potential directions for future research. This stage highlights the study's contribution to developing a comprehensive analytical framework for understanding constitutional instruments in relation to human rights protection and minority political inclusion.

3. RESULT AND DISCUSSION

1. Data Selection Results

A search of the indexed database yielded a total of 723,415 records, consisting of 114,623 open-access records and the remainder being closed-access records. Of these 114,623 records, 63,110 are articles, and the remaining 51,513 are books and conference proceedings. Thus, 43,220 records need to be examined in the next step. The breakdown of these records is shown in Figure 2.

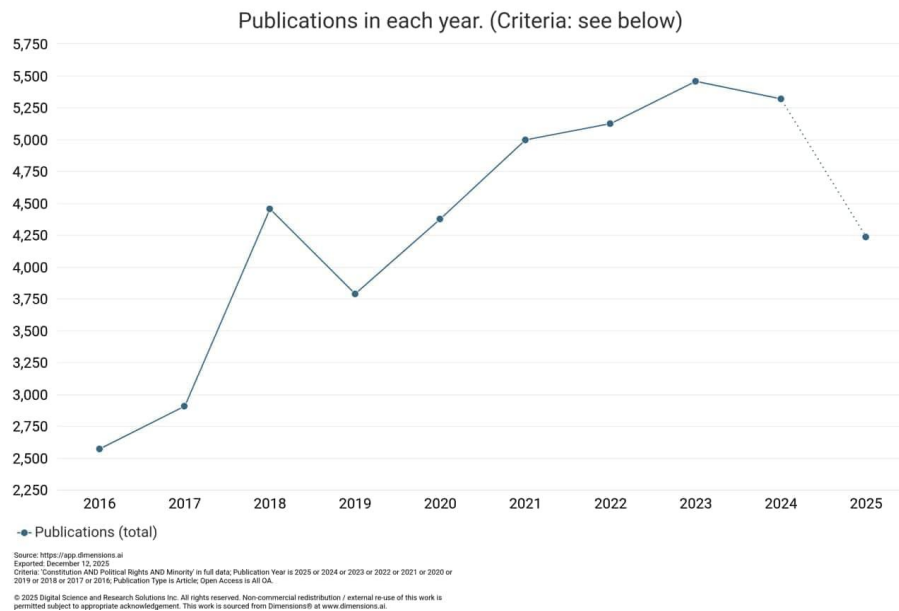


Figure 2. Distribution of data over the past 9 years

Results are the main part of scientific articles, presenting final results without the data analysis or hypothesis testing. Results can be presented in tables or graphs to clarify them verbally.

Figure 2 shows the trends in the number of scholarly publications addressing the themes of the constitution, political rights, human rights, and minorities during the 2016–2025 period. Overall, the publication patterns show an upward trend, although some fluctuations reflect shifts in academic focus from year to year.

A. Early Growth Period (2016–2018)

In 2016, the number of publications stood at around 2,500 articles, then increased moderately in 2017 to approximately 2,900 articles. The peak of this initial growth occurred in 2018, when the number of publications surged to around 4,450. This surge marked a rise in global attention to minority issues and political rights, coinciding with the strengthening of democratization trends and the rise of populism in various countries.

B. Fluctuations and Adjustments (2019–2020)

After peaking in 2018, the number of publications corrected in 2019 dropped to around 3,800 articles. This phenomenon typically reflects shifts in research focus driven by global and regional dynamics. However, the trend rebounded in 2020, reaching approximately 4,380 articles. This increase can be attributed to the growing discourse on protecting vulnerable groups during the global crisis, particularly as the COVID-19 pandemic has brought issues of equality, discrimination, and access to political rights into sharper focus.

C. Period of Intensive Expansion (2021–2023)

Starting in 2021, the number of publications increased significantly to approximately 5,000 articles, then rose further in 2022 to 5,100. The peak occurred in 2023 with approximately 5,500 articles. This period marks the most productive phase in academic research on constitutions and minorities. This phenomenon can be understood as an academic and policy-driven effort to address political tensions, social exclusion, and constitutional reform across various countries.

D. Trend Moderation (2024–2025)

In 2024, there was a slight decline to approximately 5,300 articles, indicating a shift in academic focus, though the volume remained high. For 2025, the data shows a downward trend with an estimated 4,250 articles; this may be due to incomplete data (as the year is not yet over) or indicate a new shift in focus within the study of global politics and governance.

2. Network Visualization of Data

The filtered data is then visualized in VOSviewer to display the research variables and their relationships. The visualization appears exactly as shown in Figure 3.

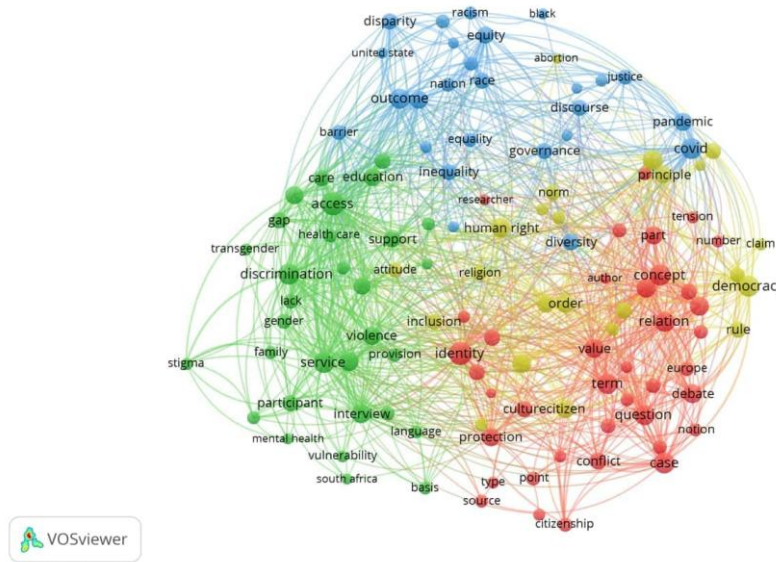


Figure 3. Network visualization of the research variables

A. Green Cluster (Services, Access, and Social Vulnerability)

This cluster primarily focuses on the dimensions of inputs, processes, and barriers in the provision of basic public services (such as healthcare and education). Keywords such as discrimination, gender, vulnerability, and stigma specifically address issues of equitable access for marginalized/vulnerable groups, emphasizing that service governance must be measured by its ability to reach the populations most in need (equity in service delivery).

The green cluster highlights terms related to the provision of social and health services (service, health care, care, support, provision), access and access gaps (access, gap), as well as aspects of vulnerability and stigma (stigma, vulnerability, mental health, transgender, discrimination). Conceptually, this cluster indicates a field of study focused on the practical experiences of individuals/groups with service systems (access, quality, discrimination) and how identity factors (gender, transgender) and social conditions (stigma, vulnerability) moderate access to and outcomes of services.

The strong connections between “access,” “care,” “health care,” “discrimination,” and “stigma” indicate that the relevant literature frequently examines the following causal chain: identity/vulnerability → discrimination/stigma → barriers to access → health/service outcomes. Research in this cluster is relevant for evaluating public service policies, analyzing access gaps, and designing interventions that are sensitive to gender and identity.

B. Blue Cluster (Equity, Race, and Social Outcomes)

This cluster focuses on the Outcomes of governance. Keywords such as disparity, inequality, and racism indicate a focus on the structural root causes that prevent the achievement of equity and justice as policy goals. This cluster examines the extent to which government interventions succeed in reducing inequality and achieving equitable outcomes.

The Blue Cluster includes terms such as equity, equality, inequality, race, racism, Black, outcome, United States, nation, disparity, justice, as well as terms related to governance and discourse. This cluster describes a macro-level analysis of structural inequalities, including racial ones, and how they influence outcomes at the policy and societal levels.

The connection between race, racism, inequality, and outcomes highlights a focus on the structural determinants that produce racial disparities across various domains (health, education, economics, politics). The term “United States” appears prominently, indicating a large body of data-driven empirical studies from the U.S. In contrast, the terms “nation” and “governance” refer to theoretical generalizations about the role of the state and public policy. “Discourse” and “justice” add a normative dimension, making the analysis not merely empirical but also questioning the legitimacy and fairness of distribution.

C. Red Cluster (Identity, Citizenship, and Conceptual Conflict)

The red cluster centers on meso-theoretical concepts: identity, concept, relation, culture/citizen (possibly culture/citizen or terms related to culture and citizenship), citizenship, case, conflict, question, term, value, nation, debate. This indicates conceptual studies or socio-political theories that address the definitions, conflicts, and relationships among core concepts such as identity and citizenship.

The density of links between identity, citizenship, culture, citizen, and conflict suggests that the literature in this cluster examines how cultural/ethnic identity or identity claims influence citizenship status, political inclusion, and potential conflicts. The terms “case.”

and “author” indicate a case-study-based approach and academic discourse on terminology—examining how concepts are constructed, contested, and employed for political legitimization.

D. Yellow Cluster (Norms, Democracy, and Governance Principles)

The yellow cluster includes terms such as democracy, rule, norm, principle, order, governance (which also overlaps with the blue cluster), diversity, human rights, protection, and inclusion. This cluster focuses on institutional norms: democratic governance, legal norms, and principles of human rights and inclusion.

The integration of normative terms (principle, norm) with institutional practices (rule, order, democracy) is evident in literature that assesses the legitimacy and practice of democracy—how norms and principles are implemented or fail to be applied to ensure inclusion and the protection of rights (including those of minorities). The connection to diversity and human rights reinforces the focus on protecting pluralism to strengthen democratic principles.

The results of bibliometric mapping through keyword cluster analysis indicate that the emerging themes are highly relevant to the focus of the study in the article titled “Constitutional Instruments of Human Rights and Minority Politics: Ensuring Equity and Inclusive Democratic Outcomes.”

Table 1. Relationship Between Article Titles and Keyword Clusters

Title Elements	Relevant Keyword Clusters	Relationship Explanation
Constitutional Instruments	Red Cluster (rule, concept, democracy)	The constitution is the basic legal and political framework that provides formal rules (Red Cluster) for governance and order (Yellow Cluster). This is the primary input variable or instrument studied.
Human Rights	Yellow Cluster (human rights, principles, norms)	Human rights directly refer to human rights and normative principles (Yellow Cluster). This serves as the ethical and legal basis that must be accommodated by Constitutional Instruments.
Minority Politics	Red Cluster (citizenship) & Green Cluster (discrimination, vulnerability, access)	Discusses how minorities (subjects experiencing discrimination and vulnerability in the Green Cluster) use the political rights inherent in citizenship (Red Cluster) to overcome barriers to governance.

Ensuring Equity and Outcomes	Blue Cluster (equity, justice, outcome, disparity)	This is the highest evaluation objective. A successful outcome is measured by achieving equity and justice (Blue Cluster), which means successfully reducing disparities and inequality caused by racism and discrimination.
Inclusive Democracy	All Clusters (Synthesis)	This phrase is an umbrella concept that unites all clusters. Inclusive democracy requires good rules (Red), is based on human rights (Yellow), addresses discrimination (Green), and produces equity as an outcome (Blue).

The title of this article, “Constitutional Instruments for Human Rights and Minority Politics: Ensuring Equity and Inclusive Democratic Outcomes,” strategically occupies the critical intersection between the formal structure of the system (rules and concepts in the Red Cluster) and demands for substantive justice (justice and equity in the Blue Cluster). The Constitution is positioned as an essential instrument for translating the highest ethical principle—namely, Human Rights (human rights in the Yellow Cluster) into concrete practice. This study specifically examines the effectiveness of this instrument in ensuring the political rights of minority groups. Minority groups are often subjected to discrimination and stigma (Green Cluster), which create significant barriers to equal political access and participation. The Constitution’s failure to provide effective protection will result in disparities and inequalities in political outcomes (Blue Cluster), which, in turn, undermine the very claim of Democracy (Red Cluster). Therefore, through this analysis, we aim to measure the capacity of the formal system to address minority vulnerabilities and achieve outcomes aligned with universal values and norms.

“Constitutional Instruments for Minority Human and Political Rights: Ensuring Equity and Inclusive Democratic Outcomes” summarizes the four main dimensions that frame the discourse, as reflected in the literature’s thematic clusters. The first dimension is the Normative-Political Foundation, where the Constitution and Democracy (referring to the Red Cluster examining rule, democracy, and citizenship) serve as the state’s theoretical and legal framework. This framework is reinforced by the second dimension, namely the Ethical Principles of Governance, as reflected in the debate on Human Rights (human rights, principles, and norms in the Yellow Cluster). These principles establish the highest moral and ethical standards that governance must adhere to, particularly in the context of crises or shifts in public policy.

The third dimension, which is the primary focus, is the Challenge of Implementing Social Justice. This focus integrates the Green and Blue Clusters, which empirically examine the realities faced by minorities within the governance system. The Green Cluster identifies specific barriers—such as discrimination, stigma, and vulnerability—that minority groups encounter in accessing basic rights, thereby creating gaps in service delivery. This systematic failure triggers the fourth dimension, namely the Evaluation of Outcome Balance. The primary goal of Inclusive Democracy is to address disparity and inequality (Blue Cluster), so that public policies are not merely delivered (distributed), but achieve outcomes oriented toward justice and equity.

Furthermore, the green cluster, which groups terms related to access to public services, discrimination, stigma, and social vulnerability, indicates that minority groups often face both structural and cultural barriers in accessing basic services. This situation underscores the importance of constitutional guarantees of minority rights to reduce disparities in access and ensure sustained substantive protection. Furthermore, the blue cluster shows a concentration of keywords such as equality, equity, inequality, race, racism, and justice, indicating that issues regarding equality and the protection of human rights remain central to academic discourse on minority groups. This indicates a direct relevance between the human rights principles guaranteed by the Constitution and the structural inequalities that continue to limit the meaningfulness of rights for vulnerable groups.

The red cluster reinforces these connections by presenting concepts such as identity, citizenship, conflict, relation, and debate, which illustrate the dynamics of discourse regarding identity, citizenship, and the boundaries of membership within political communities. The presence of these terms underscores that constitutional issues are not merely legal-formal in nature but are also closely tied to social constructions

of who is considered a citizen and how minority identity claims are negotiated in the public sphere. Meanwhile, the yellow cluster containing the words democracy, norm, principle, human rights, governance, and inclusion directly links academic discourse to the agenda of inclusive democracy. This cluster underscores that the quality of democracy is significantly influenced by the extent to which constitutional norms, human rights principles, and governance ensure protection, participation, and recognition of group diversity.

Overall, these four clusters indicate that constitutional issues, human rights, and minority politics are not separate domains, but rather interdependent in shaping inclusive democratic practices. The keyword map illustrates that academic literature views the Constitution as a normative framework that must guarantee equality, address discrimination, and provide special protections for minority groups. At the same time, inclusive democratic practices can only be realized if the Constitution does not stop at formal aspects but is translated into public policies that remove barriers to access, strengthen participation, and acknowledge the complexity of citizens' identities.

In line with the cluster divisions, researchers can conduct more detailed research on the following areas.

A. The Constitutional-Normative Foundation of Human Rights in the Context of Inclusive Citizenship

The constitutional-normative foundation of human rights serves as the primary basis for building inclusive citizenship, providing a legal framework that guarantees the protection of individual rights and promotes equality for all social groups. The affirmation of human rights in the Constitution provides normative legitimacy for the state to uphold the principle of non-discrimination, as evidenced by the strengthening of human rights guarantees through amendments to the 1945 Constitution in Indonesia (Asrun, 2016). This legal framework not only ensures formal protection for citizens but also creates structural conditions that enable the political participation of marginalized groups, thereby allowing the state to function as a facilitator of inclusion in democratic practice.

Various studies indicate that integrating human rights principles into the constitutional framework contributes to the consolidation of a stable, participatory democratic society. Respect for human rights has been shown to reduce social inequality while strengthening civic cohesion, as evidenced by findings that prioritizing human rights is positively correlated with political stability and economic growth (Stefănoaia & Rus, 2025). Nevertheless, implementation challenges remain significant, particularly for vulnerable groups such as individuals with intellectual disabilities who face structural barriers in accessing and asserting their rights (Capri et al., 2018). Furthermore, the experience of countries such as Chile demonstrates that a disconnect between constitutional frameworks and international human rights standards can perpetuate historically rooted cycles of exclusion (Basualto Porra, 2022).

In summary, these findings indicate that the constitutional and normative foundation of human rights is a fundamental prerequisite for the development of inclusive citizenship; however, its effectiveness is largely determined by the state's capacity to translate these norms into operational, equitable policies. A constitution that affirms human rights creates legitimacy for inclusion, but substantive implementation is realized only when the state can remove structural barriers to minority and vulnerable groups. Thus, the constitutional foundation of human rights must be understood not merely as a normative guarantee but as a transformative framework that demands aligning institutions, public policies, and democratic practices so that inclusive citizenship can be fully realized.

B. Constitutional Guarantees and the Deconstruction of Citizenship: Examining the Deficit of Minority Political Rights

The deficit of minority political rights is rooted in a series of historical and legal inequalities constructed through exclusive citizenship policies and state practices that narrow the meaning of political membership. In the UK, the legacy of colonialism and imperial subjugation has shaped discriminatory citizenship laws targeting ethnic minority groups, as evidenced by hostile immigration policies and citizenship revocation practices that frequently target citizens with migrant backgrounds (Prabhat, 2020). A similar phenomenon is evident in India through the 2019 Citizenship Amendment Act, which has drawn criticism for its religious bias and is deemed contrary to the constitutional principle of non-discrimination, thereby sparking demands for legal reforms more aligned with the values of constitutional justice (Jain et al., 2022). In the post-9/11 global security context, citizenship revocation has increasingly been legitimized based on perceived threats, as in the case of Shamima Begum, which illustrates how state apparatuses maintain the hierarchy of citizenship rights through a security approach oriented toward exclusion (Masters & Regilme, 2020).

Amid the intensification of globalization, the traditional nation-state model of citizenship is increasingly seen as inadequate because it tends to create a stratification of political membership based on territorial, genealogical, or ethno-national criteria. Such a model creates “second-class citizenship” for individuals without strong ancestral or territorial ties, thereby widening the gap in political rights between dominant groups and minorities (Andrade Quevedo, 2017). In response to this inequality, there have been calls to develop an inclusive model of citizenship that prioritizes social contributions, actual presence, and individual participation as the primary foundations of political membership. This approach emphasizes the importance of separating citizenship from exclusive nationalism and expanding recognition of the rights of minority populations, thereby enhancing democratic legitimacy and closing the space for institutionalized discriminatory practices (Bethlendi, 2021).

The application of constitutional instruments to protect the rights of minority groups has drawn sharp criticism regarding the wide gap between the idealism of legal norms and practical realities on the ground (Atqiya et al., 2025). Although the Constitution has adopted the principle of human rights protection, its implementation is often hindered by structural and cultural challenges, as well as discriminatory regulatory inconsistencies (Nyutarni et al., 2023). Criticism has also been directed at the practice of “pseudo-legislation,” such as administrative policies that restrict the recognition of religious identity, which are seen as disregarding the guarantee of freedom of belief and reinforcing the marginalization of minority groups within the citizenship system (Simatupang et al., 2024).

On the other hand, minority groups are vulnerable to the politicization of the law through the use of “vague provisions” in various sectoral laws, such as the ITE Law, which are often used as repressive tools to silence their political aspirations (Ayuningtyas, 2025). Globally, the rise of populism and authoritarianism exacerbates this situation, as governments often sacrifice the rights of marginalized groups to gain the support of the majority (Septiana, 2025). Law enforcement agencies are also frequently criticized for being inconsistent and prone to yielding to pressure from the majority, rendering the constitutional protections that are supposed to be universal ineffective for those in vulnerable positions (Nyutarni et al., 2023).

The failure to enforce these constitutional instruments ultimately leads to a state of “civil death” for members of religious minorities, in which they lose access to legal recognition in civil registration and the right to equal political participation (Simatupang et al., 2024). Weak accountability of officials and the politicization of the judiciary pose serious obstacles to realizing the rule of law that truly protects human dignity without discrimination (Ayuningtyas, 2025). Furthermore, the low level of active engagement by minority groups in the policy-making process indicates that the existing legal system has yet to realize an inclusive and socially just democracy as mandated by the Constitution (Septiana, 2025).

These research findings indicate that the deficit in minority political rights does not stem solely from discriminatory legal provisions, but also from a citizenship framework built from the outset on the principle of exclusion. Minority political rights are often undermined through legal instruments, security practices, and citizenship systems that prioritize territorial or ethno-national loyalty over equal recognition of all residents. In the context of “Constitutional Guarantees and the Deconstruction of Citizenship,” it can be argued that substantive reforms to citizenship must be directed toward dismantling the normative framework that creates a hierarchy of citizens, while simultaneously strengthening constitutional guarantees, ensuring that political rights are not determined by one’s identity, religion, or migration background. Thus, the deconstruction of the traditional concept of citizenship is a crucial step toward realizing an inclusive democratic state, where the political rights of minorities are guaranteed not merely on paper but realized through just institutional designs and governance practices.

C. Discrimination and Inequality in Access to Public Services for Minority Groups

Various studies show that discrimination in access to public services against minority groups is a systemic phenomenon in many countries. In the context of the United States, findings from field experiments reveal significant racial bias, where public service providers were 4% less likely to respond to requests from individuals with names associated with Black identity, while also providing less friendly responses compared to those with names perceived as White (Giulietti et al., 2019). On the other hand, Indigenous minorities in Thailand face barriers to accessing healthcare related to socioeconomic conditions and cultural differences, necessitating a specific action plan that emphasizes the importance of cultural sensitivity in the provision of public services (Meedsen & Sathirapanya, 2023). These two findings indicate that discrimination can manifest both in the form of implicit bias and in the inability of institutions to provide services that meet the needs of specific groups.

In addition to racial and ethnic bias, sexual and gender minority groups also face significant barriers in accessing health care, including experiences of exclusion despite public policies that are intended to protect them from discrimination (Santana et al., 2020). At the normative level, the European Union has implemented a ban on discrimination based on race or ethnic origin; however, implementation gaps still

exist, particularly for Roma and migrant groups who continue to face limited access due to structural biases (Ramšak, 2020). Meanwhile, affirmative action policies in India are seen as having the potential to expand minorities' access to public services. Still, empirical evaluations indicate that their effectiveness remains suboptimal and warrants further review (Bhojani et al., 2019). Thus, these studies underscore the gap between progressive legal frameworks and the day-to-day practices of public service delivery.

Based on these findings, it can be concluded that discrimination against minority groups in access to public services stems not only from individual bias but also from institutional structures that fail to translate principles of equality into practice. The disconnect between anti-discrimination legal frameworks and the reality of their implementation creates access gaps that reinforce cycles of exclusion for specific racial, ethnic, sexual, and cultural groups. In the context of "Discrimination and Access Gaps in Public Services for Minority Groups," these studies demonstrate that robust legal protections are insufficient without public service governance that is responsive, justice-oriented, and sensitive to diversity. Therefore, an inclusive approach requires institutional reforms that integrate anti-bias training, service design based on the needs of vulnerable groups, and accountability mechanisms that ensure the principle of equality is not merely a normative principle. Still, it is realized in the concrete experiences of citizens.

D. Toward an Inclusive Democracy: Measuring Policy Outcomes Based on Social Justice

Efforts toward inclusive democracy require integrating social justice principles into the design and implementation of public policy, including strategies for the political representation of marginalized groups. Studies on the implementation of gender quotas show mixed results, such as Bolivia's significant success in increasing women's election rates compared to Brazil, which, despite having similar policies, has not yet achieved a level of representation aligned with its normative goals (Venturini & Rocha Villela, 2016). These findings underscore that the design of representation policies requires intensive mechanisms that promote effectiveness, not merely formal regulations. In the context of policy evaluation, a transformative approach emphasizes the importance of vulnerable groups' participation in the evaluative process to address power imbalances and ensure a more equitable distribution of resources, as seen in Kenya's National Cohesion and Integration Policy, which emphasizes the role of informal institutions and community engagement as the foundation for policy effectiveness (Gabriel et al., 2023).

The distinction between formal equality and substantive equality is crucial in the analysis of social justice, as legal declarations of equality are insufficient to address structural inequalities rooted in social relations. Public policies oriented toward social justice must prioritize substantive equality by actively removing barriers to participation, expanding representation, and targeting historical structures of social injustice (Mattietto, 2023). However, the realization of this ideal is constrained by political complexities, including the persistence of structures of domination such as racism and misogyny within democratic frameworks. This raises critical questions regarding the compatibility between the ideals of democracy and the reality of systemic injustice, as articulated by Moraes (2023), who asserts that democracy does not automatically produce social justice without substantive and transformative reforms.

Overall, the findings of this research indicate that the success of inclusive democracy cannot be measured solely through formal indicators such as the existence of quotas, legal frameworks, or declarations of equality, but rather through the ability of public policies to bring about substantive transformation in the distribution of power and access to political representation. Policy evaluations grounded in social justice must assess the extent to which these policies can empower minority groups, dismantle structures of inequality, and produce tangible outcomes genuinely felt by previously marginalized communities. Thus, the direction of inclusive democratic development depends on policy designs that are not only normative but also operational, as well as transformative evaluations that incorporate the perspectives of those who experience injustice firsthand. This approach underscores that inclusive democracy demands more than mere instruments of representation; it requires structural changes that ensure social justice is integrated into the entire process of public decision-making.

4. CONCLUSION AND RECOMMENDATION

The development of an inclusive democracy can only be realized if the constitutional and normative foundations of human rights are substantively integrated into public policy and institutional practices. Although the Constitution provides the basic legitimacy for the recognition and protection of minority rights, its effectiveness depends on the state's ability to remove structural barriers that limit access to political rights, public services, and democratic representation. The deficit in minority political rights stems not only from discriminatory regulations but also from an exclusive traditional concept of citizenship, hierarchical security practices, and institutional designs that reproduce inequality. Similarly, discrimination in public services and representational policies reveals a sharp gap between anti-discrimination legal

frameworks and actual implementation on the ground. Therefore, inclusive democracy demands institutional transformation, policy design grounded in social justice, and transformative evaluation mechanisms that center the experiences of vulnerable groups as the basis for improvement. Further research is needed on how constitutional mechanisms can be effectively translated into policy designs that eliminate structural exclusion of minorities. form, not numerical form. In addition, cross-national comparative research on models of inclusive citizenship and policy evaluation practices grounded in social justice is urgently needed to develop theoretical and practical frameworks capable of addressing the challenges of contemporary democracy.

1. Legal Reform

Legal reform must aim to dismantle the normative framework that creates a hierarchy of citizenship based on ethno-national criteria or lineage, thereby marginalizing certain groups. Recommended concrete steps include:

1. Adoption of comprehensive hate crime legislation to protect minorities from violence and systemic discrimination.
2. Review of sectoral regulations containing “vague provisions” or of a repressive nature (such as Indonesia’s ITE Law) that are often misused to silence the political aspirations of minorities.
3. Alignment of legal definitions of minorities with international standards to ensure consistent protection for various vulnerable groups, including religious groups.

2. Strengthening Constitutional Guarantees

The Constitution must not remain merely a symbolic guarantee; rather, it must function as a mechanism for transformative governance. Efforts to strengthen it include:

1. Consistently and responsively integrating constitutional instruments into public policy design to ensure that the principle of equality is translated into concrete action.
2. Enhancing the capacity of state institutions to translate constitutional norms into participatory and inclusive policies.
3. Strengthening judicial accountability to prevent the politicization of the law and ensure that constitutional protections remain intact even amid the pressures of populism or majority interests.

Constitutional safeguards for minorities should be reinforced through institutional mechanisms that guarantee substantive political inclusion rather than merely formal equality. This includes strengthening independent human rights institutions, constitutional courts, anti-discrimination commissions, and participatory governance mechanisms that can represent vulnerable and marginalized groups. In addition, constitutional systems should promote inclusive citizenship models that recognize diversity as a democratic asset rather than a threat to national cohesion.

3. Models for the Protection of Political Minorities

To achieve a truly inclusive democracy, a model of protection is needed that goes beyond legal formalities:

1. Inclusive Citizenship Model: Shifting the paradigm from ethnicity- or region-based citizenship to a model that prioritizes social contribution, actual presence, and active individual participation.
2. Transformative Evaluation Paradigm: Directly involving minority groups in the policy evaluation process to address power imbalances and ensure fair resource distribution.
3. Intensive Representation Mechanisms: Adopting quota systems (such as the successful gender quota in Bolivia) supported by robust implementation mechanisms, rather than merely formal regulations.
4. Anti-Bias-Based Public Service Reform: Integrating anti-bias training for service providers and service designs that are sensitive to cultural diversity and identity.

This study proposes a governance-oriented model for protecting political minorities that is grounded in three interrelated dimensions: constitutional recognition, institutional responsiveness, and participatory inclusion. Constitutional recognition refers to the formal guarantee of minority rights within constitutional frameworks. Institutional responsiveness emphasizes the capacity of public institutions to fairly and consistently implement constitutional protections through equitable public services and anti-discrimination mechanisms. Participatory inclusion focuses on expanding minority involvement in policy-making, democratic representation, and public decision-making.

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