

The Political Life of Constitutional Amendments: Legal Change in Populist Regimes

Bálint. Tóth¹, Aleksandra Nowak^{2*}, Ayşe. Demir³, Rafael González⁴

¹ Department of Criminal Law, Eötvös Loránd University, Budapest, Hungary

² Department of Criminal Law, University of Warsaw, Warsaw, Poland

³ Department of Law, Ankara University, Ankara, Türkiye

⁴ Department of Public Law, Universidad Central de Venezuela, Caracas, Venezuela

* Corresponding author email address: aleksandra.nowak@uw.edu.pl

Received: 2025-01-29

Revised: 2025-03-22

Accepted: 2025-04-02

Published: 2025-04-10

ABSTRACT

This article aims to explore how populist regimes strategically employ constitutional amendments to reshape legal and political systems in ways that consolidate power and undermine democratic governance. Using a narrative review approach grounded in descriptive analysis, this study synthesizes academic literature, constitutional texts, and comparative legal developments published between 2021 and 2024. The analysis focuses on selected case studies, including Hungary, Poland, Turkey, and Venezuela, chosen for their significant experiences with constitutional change under populist leadership. Key themes were identified through thematic coding of scholarly sources, legal provisions, and political discourse related to constitutional amendments. The analysis reveals four recurring patterns in how populist regimes utilize constitutional amendments. First, amendments are politicized and presented as expressions of the popular will, often through referendums that mask undemocratic intentions. Second, executive powers are expanded by weakening checks and balances, abolishing term limits, and controlling judicial appointments. Third, constitutional language is manipulated to curtail civil liberties, restrict opposition, and codify exclusionary ideologies. Finally, populist leaders frequently rely on informal mechanisms and legal reinterpretation to bypass formal amendment processes, resulting in a deconstitutionalization of governance. These strategies erode judicial independence, diminish public accountability, and foster an environment where the rule of law is subordinated to political objectives. Populist constitutional amendments present a serious challenge to democratic institutions by weaponizing legal reform to entrench authoritarian practices. Understanding these amendments in their broader political context is essential for recognizing and resisting democratic erosion. While courts, international organizations, and civil society can serve as counterweights, their effectiveness depends on institutional resilience and sustained civic engagement. This study underscores the urgent need for vigilance and normative clarity in defending constitutional democracy against populist distortion.

Keywords: Populism, constitutional amendments, authoritarian legalism, democratic backsliding, rule of law, judicial independence, constitutional change.

How to cite this article:

Tóth, B., Nowak, A., Demir, A., & González, R. (2025). The Political Life of Constitutional Amendments: Legal Change in Populist Regimes. *Interdisciplinary Studies in Society, Law, and Politics*, 4(2), 315-324. <https://doi.org/10.61838/kman.isslp.4.2.27>

1. Introduction

Constitutional amendments serve as a primary legal mechanism through which democratic polities

adjust and recalibrate foundational norms in response to changing societal, political, or economic conditions. Ideally, they represent the capacity of a constitutional order to evolve in a legitimate and structured manner,



reflecting democratic consent and the balance of powers. When conducted within a transparent and pluralistic framework, such amendments preserve institutional integrity while enhancing constitutional resilience. In this context, constitutional change becomes an expression of collective will, channelled through legal norms that aim to maintain the equilibrium between continuity and reform.

However, this normative role of constitutional amendments has increasingly been subverted in recent years, particularly under populist regimes. Populism, broadly defined, operates on the ideological axis that valorizes the “will of the people” against a perceived corrupt elite. This anti-elitist and often anti-institutionalist rhetoric makes populism a versatile political style rather than a fixed ideology. It can be found across the ideological spectrum, from left-wing variants advocating radical redistribution and anti-imperialism to right-wing populism characterized by ethnonationalism, xenophobia, and social conservatism. As noted in the literature, populist movements are often “thin-centered,” borrowing ideological content from more comprehensive political doctrines to suit their mobilization strategies (Taşcıoğlu, 2024). This fluidity enables populist leaders to justify institutional reforms—including constitutional amendments—as vehicles for restoring the “true” democratic will.

In this light, constitutional change becomes a contested terrain in populist regimes, where amendments are often proposed or enacted not to deepen democracy, but to centralize power, undermine checks and balances, and delegitimize opposition. While appearing legal on the surface, these amendments may hollow out the liberal-democratic core of constitutionalism by eroding judicial independence, altering term limits, and consolidating executive authority (Hoffmann, 2022). As populists rise to power, they frequently depict the constitutional order as rigged or outdated, framing amendments as corrective tools against an unresponsive elite or foreign-imposed liberalism (Matczak, 2022). This legitimizing narrative, however, masks the use of legal mechanisms to entrench incumbency and weaken democratic accountability (Coman, 2024).

The growing prevalence of such developments across various global regions necessitates a closer examination of constitutional amendments in the hands of populist governments. From Latin America to Central and Eastern

Europe, populist leaders have demonstrated a proclivity for instrumentalizing constitutional change to legitimize illiberal projects. This phenomenon raises urgent questions about the limits of constitutional flexibility and the risks of what some scholars have termed “abusive constitutionalism”—a form of legal change that adheres to formal amendment procedures but subverts democratic values in substance (Issacharoff, 2023). Studying this phenomenon is essential not only for understanding contemporary democratic backsliding but also for reevaluating the role of constitutional design in safeguarding democratic order.

This article is guided by the central research question: How do populist regimes employ constitutional amendments as tools of legal and political transformation, and what patterns or strategies can be identified in these processes? Sub-questions include: What normative justifications do populist governments offer for their amendments? How do these changes affect the balance of powers and institutional autonomy? And to what extent do such amendments produce long-term structural shifts in the constitutional order?

The scope of this study is both thematic and comparative. The analysis draws from selected populist regimes—particularly Hungary, Poland, Turkey, and Venezuela—that have undergone significant constitutional transformations over the last decade. By engaging with both primary legal texts and secondary academic literature published between 2021 and 2024, the article seeks to identify cross-national patterns in how populist leaders manipulate constitutional norms to advance their agendas. The objective is not to produce an exhaustive account of each country’s political evolution, but to uncover the underlying logic that governs constitutional change under populism. Through a descriptive analytical method, this narrative review aims to synthesize legal developments, political discourses, and theoretical debates in order to provide a conceptual framework for understanding the political life of constitutional amendments in populist contexts.

In doing so, the article contributes to ongoing scholarly efforts to grapple with the challenges posed by populist governance. It situates constitutional amendments not as isolated legal events, but as embedded within broader political projects aimed at redefining sovereignty, statehood, and democratic legitimacy. By highlighting the interaction between formal legal change and

informal power dynamics, the study offers a nuanced perspective on how constitutionalism is being reshaped in the twenty-first century.

2. Methodology

This narrative review adopts a descriptive analytical method to explore how constitutional amendments are deployed within populist regimes as instruments of political transformation. The purpose of this methodological approach is to synthesize and interpret existing literature, legal documents, and case studies in order to identify recurring patterns and strategic variations in how populist governments reshape constitutional frameworks. Rather than testing a hypothesis or employing statistical modeling, the study relies on the interpretive analysis of scholarly sources and primary legal texts to trace the political logic and legal outcomes of constitutional amendments in contemporary populist contexts. This method allows for a context-sensitive understanding of legal developments and their implications for democratic governance, particularly in cases where the line between legal reform and authoritarian consolidation becomes blurred. The narrative format is especially suited to capturing the complexity of political-legal interactions, as it allows for thematic coherence across diverse jurisdictions while preserving the historical and cultural specificities of each case.

The data collection process involved a comprehensive review of academic articles published between 2021 and 2024, ensuring the currency and relevance of the selected materials. Legal texts, including constitutional amendments, legislative reports, and judicial decisions from countries identified as populist regimes, were also examined. These countries include, but are not limited to, Hungary, Poland, Turkey, Venezuela, and India—each representing a distinct geopolitical region with different legal traditions but exhibiting similar trends in constitutional manipulation. Peer-reviewed journal articles from reputable sources such as *International Journal of Constitutional Law*, *Verfassungsblog*, *Global Constitutionalism*, *Law & Social Inquiry*, and *The Hague Journal on the Rule of Law* were prioritized. The search strategy focused on keywords such as "populism," "constitutional amendment," "legal change," "abusive constitutionalism," "executive power," and "judicial independence." Additionally, reports and legal briefs

published by international institutions such as the Venice Commission, the International IDEA, and Freedom House were consulted to supplement scholarly insights with empirical legal data.

The analysis of these materials was conducted through a thematic synthesis, which involved coding and categorizing recurring patterns of constitutional change under populist regimes. Themes such as the concentration of executive power, the marginalization of the judiciary, the use of referendums for populist legitimation, and the restriction of civil liberties were identified through close textual reading. This thematic framework served as the foundation for organizing the findings in a comparative manner, allowing the article to draw out both shared and divergent trajectories of constitutional change. While this study does not aim for exhaustive coverage of all populist regimes, the selected cases are illustrative of broader global patterns and serve as critical reference points for understanding the intersection of populism and constitutionalism in the post-2020 period. Limitations of this review include its reliance on published sources and legal documents without empirical interviews or fieldwork, which may affect the depth of insight into domestic political motivations. Nonetheless, the descriptive analytical approach provides a robust foundation for evaluating the legal strategies and political consequences of constitutional amendments in contemporary populist regimes.

3. Theoretical Framework

The theoretical foundation of this article lies at the intersection of constitutionalism, legal change, and populist governance. Constitutionalism traditionally refers to a normative framework in which governmental authority is derived from and limited by a fundamental legal charter. This framework ensures the rule of law, the separation of powers, and the protection of fundamental rights. At its core, constitutionalism seeks to constrain power through legal mechanisms, preventing arbitrary rule and safeguarding pluralism. However, the concept itself is not static; it evolves in response to political pressures, cultural shifts, and institutional reconfigurations (Müller, 2022).

Legal change, particularly in the constitutional realm, is a necessary element of political evolution. Yet, not all constitutional amendments carry the same normative

weight. As theorized by scholars such as David Landau and Kim Lane Scheppele, some amendments can be classified under the rubric of “abusive constitutionalism” or “autocratic legalism.” These concepts describe the phenomenon where democratically elected leaders use constitutional tools to undermine democracy from within. In such cases, formal legality is preserved, but the substance of constitutionalism—its commitment to limited government and individual rights—is systematically eroded (Humble, 2022).

Abusive constitutionalism typically involves the strategic amendment of constitutional provisions to weaken opposition forces, diminish judicial oversight, and entrench executive power. These changes often follow legal procedures and may even be ratified through referendums or legislative supermajorities. However, the underlying intent is to recalibrate the constitutional order in favor of incumbents, effectively hollowing out liberal-democratic institutions while maintaining a façade of legality (Gárdos-Orosz, 2021). This duality—between form and substance—underscores the importance of analyzing constitutional change not just as a legal act, but as a political strategy.

Populist regimes are particularly adept at engaging in this form of constitutional manipulation. Populism, as a mode of governance, thrives on personalization of power, anti-institutional rhetoric, and direct appeals to the people. When populist leaders gain access to constitutional tools, they often seek to codify their political vision through legal means, embedding populist narratives into the fabric of constitutional texts (Campolongo & Scanni, 2023). For example, Viktor Orbán's government in Hungary and Recep Tayyip Erdoğan's administration in Turkey have both used constitutional amendments to recalibrate institutional balances in their favor while justifying such moves as expressions of popular sovereignty (Taşcıoğlu, 2024).

These strategies resonate with what Mark Tushnet describes as “constitutional hardball”—the use of legal mechanisms in ways that, while technically permissible, violate long-standing norms and undermine the spirit of constitutional democracy. Tushnet's insights are crucial for understanding how populist governments justify their amendments as legal corrections while simultaneously disempowering constitutional constraints. In this context, the distinction between legality and legitimacy becomes blurred, as

constitutional amendments are weaponized to erode judicial independence, dismantle checks and balances, and redefine electoral systems to favor incumbents (Kyriacou & Trivin, 2024).

Moreover, constitutional change in populist regimes often follows a deliberate sequencing. Initially, populist leaders may pass amendments that appear incremental—such as altering judicial appointment procedures or modifying legislative oversight. Over time, these piecemeal changes accumulate, leading to a structural transformation of the constitutional order. This process has been observed in Poland, where the ruling Law and Justice Party used a series of amendments and legislative acts to assert control over the judiciary, media, and electoral commission (Morawski & Brzeziński, 2023). These moves were framed as efforts to restore national sovereignty and moral order but had the cumulative effect of concentrating power in the executive.

In theorizing the instrumentalization of constitutional amendments, it is also important to consider the performative dimension of populism. Populist leaders often deploy constitutional change as a symbolic act, framing it as a rupture with a corrupt or foreign-imposed past. In this narrative, constitutional amendments are not just legal updates but revolutionary acts that restore the will of the people. This logic has been especially pronounced in Venezuela, where successive amendments under Hugo Chávez and Nicolás Maduro were presented as expressions of participatory democracy while simultaneously dismantling institutional autonomy (Plagemann et al., 2022).

Ultimately, this theoretical framework underscores that constitutional amendments in populist regimes cannot be fully understood through a purely legalistic lens. They must be analyzed as part of a broader political project aimed at redefining the boundaries of legitimacy, authority, and popular sovereignty. By drawing on theories of constitutionalism, legal manipulation, and populist governance, this article offers an integrated analytical approach that reveals the complexities and contradictions inherent in the political life of constitutional amendments under populist rule.

4. Key Themes in Constitutional Amendments Under Populism

The rise of populist governments in the past two decades has introduced a new mode of constitutional politics, one that instrumentalizes formal legal mechanisms to serve political consolidation. Constitutional amendments, once perceived as slow-moving and consensus-driven changes to fundamental law, have increasingly become tools for undermining liberal democratic values while preserving a façade of legality. Through a careful examination of legal and political developments in populist regimes, four recurring themes can be identified: the politicization of constitutional reform, the extension of executive power, the curtailment of civil liberties and political opposition, and the strategic use of deconstitutionalization and informalism. Each of these themes illustrates how populist leaders reconfigure constitutional architecture to align with their ideological visions and governance goals.

The politicization of constitutional reform is one of the most prominent strategies deployed by populist leaders. Amendments are often presented as corrective measures that reflect the “authentic will of the people,” thereby elevating them beyond ordinary legal changes into acts of national redemption. This populist logic frames constitutional reform as an urgent response to a supposedly corrupt or distant elite that has subverted the interests of the majority. In Turkey, for instance, the 2010 constitutional referendum was portrayed by the Erdoğan government as a step toward democratization and accountability, despite the fact that it also laid the groundwork for future centralization of power (Taşçıoğlu, 2024). Referendums, in particular, are frequently utilized to reinforce the image of direct democratic participation, even when the conditions for a fair vote are lacking. In Venezuela, Chávez’s amendments to eliminate presidential term limits were justified through a plebiscitary appeal to national sovereignty and participatory democracy (Issacharoff, 2023). However, these referendums are often characterized by government control of media, electoral irregularities, and suppression of dissent, thus undermining their democratic legitimacy.

This politicization process also involves the deliberate use of populist rhetoric that blurs the boundaries between constitutional law and political messaging. Amendments are marketed as victories for the people, while opponents are labeled as traitors or enemies of the nation. In Poland, the ruling Law and Justice Party has

consistently framed its constitutional and judicial reforms as efforts to “repolonize” institutions and reclaim national identity from foreign influence, particularly that of the European Union (Morawski & Brzeziński, 2023). This discursive strategy not only legitimizes legal change but also delegitimizes opposition voices, thereby eroding the pluralistic foundations of constitutionalism.

Closely linked to the politicization of reform is the extension of executive power through constitutional amendments. Populist regimes often pursue legal changes that dismantle institutional checks and balances and concentrate authority in the executive branch. This is typically achieved through the removal of term limits, the restructuring of judicial appointment procedures, and the weakening of legislative oversight. In Turkey, the 2017 constitutional referendum transformed the country’s parliamentary system into a presidential one, significantly expanding the powers of the president while eliminating the position of prime minister (Muhammad Nur Abdul Latif Al et al., 2024). Similarly, in Hungary, the Fidesz government used its parliamentary supermajority to adopt a new constitution in 2011 that entrenched executive dominance and curtailed the independence of the Constitutional Court (Gárdos-Orosz, 2021).

The extension of executive power is often rationalized through narratives of national security, crisis management, or administrative efficiency. These justifications allow populist governments to frame power consolidation as a pragmatic necessity rather than an authoritarian impulse. In Venezuela, constitutional amendments have repeatedly expanded presidential authority under the guise of combating economic sabotage or responding to foreign threats (Plagemann et al., 2022). This pattern of reforming constitutions to centralize power, while claiming to protect democratic values, exemplifies the dual strategy of legality and subversion that characterizes many populist regimes.

Another key theme is the curtailment of civil liberties and the suppression of political opposition through constitutional mechanisms. Populist governments frequently use legal amendments and constitutional language to reframe civil rights in ways that limit dissent and restrict the space for independent civil society. In some cases, new constitutional provisions redefine

national identity or public morality in ways that exclude dissenting views. In Hungary, the constitution now defines marriage exclusively as a union between a man and a woman, reinforcing conservative social values and marginalizing LGBTQ+ communities (Hoffmann & Gárdos-Orosz, 2022). This illustrates how constitutional change can be used to encode ideological preferences and exclude minorities from full political participation.

Moreover, opposition parties, media organizations, and civil society groups often find themselves targeted through constitutional or quasi-constitutional reforms. In Poland, judicial reforms have been used to discipline or remove judges who criticize the government, undermining the independence of the judiciary and chilling dissent (Maatsch, 2021). In Indonesia, discussions around participatory-populist constitutional amendment proposals have sparked debates about whether such processes genuinely reflect grassroots input or merely serve to validate elite-driven agendas (Rondonuwu, 2023). This trend highlights the paradox of constitutional populism: while claiming to empower the people, it frequently narrows the political field and restricts the very freedoms that enable genuine democratic contestation.

Finally, the strategy of deconstitutionalization and informalism has become an increasingly sophisticated tool for populist regimes. Unlike formal amendments, which are subject to legal procedures and public scrutiny, deconstitutionalization involves the erosion of constitutional norms through informal practices, administrative reinterpretations, and institutional restructuring. This process weakens the constraining function of the constitution without necessarily altering its text. In some cases, this includes the use of decrees or executive orders to bypass legislative processes. In Hungary, Viktor Orbán's government has relied heavily on emergency powers and decrees, particularly during the COVID-19 pandemic, to implement policy without parliamentary approval (Bolleyer & Salát, 2021). While these actions may be technically legal, they establish precedents that erode the role of the legislature and normalize executive unilateralism.

Informalism also manifests in the manipulation of constitutional courts and oversight bodies to secure favorable rulings or to prevent legal challenges to executive authority. In Poland, the government has packed the Constitutional Tribunal with loyalist judges,

effectively neutralizing the court's role as a check on legislative and executive power (Matczak, 2022). In such environments, the formal mechanisms of constitutionalism remain intact, but their substantive functions are hollowed out. The result is a hybrid legal order in which authoritarian practices are cloaked in democratic legality, making them harder to challenge both domestically and internationally.

The common thread linking these themes is the populist regime's ability to frame legal change as an act of popular empowerment while using it to entrench its own power. Constitutional amendments become instruments not of democratic renewal, but of authoritarian consolidation. By politicizing reform, expanding executive authority, curtailing civil liberties, and deploying informal mechanisms of deconstitutionalization, populist governments transform the constitutional order into a tool of majoritarian control and ideological conformity.

5. Comparative Reflections and Global Patterns

Across different regions and political cultures, populist regimes exhibit strikingly similar strategies in their approach to constitutional amendments. Whether in Central and Eastern Europe, Latin America, or parts of Asia, the narrative of restoring sovereignty, cleansing the state of corruption, and empowering the "real" people is consistently deployed to justify significant legal restructuring. Despite variations in political history and institutional design, these regimes converge in their use of constitutional amendments as a mechanism for consolidating power and marginalizing dissent. The Hungarian and Polish examples demonstrate how right-wing populism uses nationalism and traditional values as vehicles for legal change, while Venezuela exemplifies a left-wing variant where socialist rhetoric and participatory discourse serve similar ends (Campolongo & Scanni, 2023).

However, political culture and legal traditions do mediate how these changes unfold. In civil law jurisdictions like Hungary and Poland, constitutional amendments are often pursued through parliamentary supermajorities, capitalizing on electoral dominance to bypass opposition. In presidential systems like Venezuela or Turkey, referendums play a more prominent role, allowing executives to claim direct popular legitimacy for constitutional reforms. Institutional history also shapes these processes.

Countries with fragile or recently democratized constitutional traditions are more susceptible to populist manipulation, as seen in the erosion of constitutional courts in both Poland and Venezuela (Gouvêa & Pedro, 2021).

Despite these differences, the structural outcomes tend to align: weakened judiciaries, diminished parliamentary oversight, extended executive terms, and reduced civil liberties. This convergence suggests that we may be witnessing a coordinated wave of democratic backsliding, rather than isolated cases of legal abuse. Theoretical frameworks such as “abusive constitutionalism” and “autocratic legalism” provide valuable tools for understanding these developments as part of a broader pattern of illiberal transformation (Humble, 2022).

At the global level, the normalization of these strategies poses a significant threat to constitutionalism as a normative ideal. When populist regimes successfully amend constitutions to entrench power without facing international or domestic accountability, they set precedents for others to follow. In this sense, constitutional amendments under populism are not merely national events but part of a transnational pattern of legal innovation that disguises autocratic ambitions under the cloak of democratic reform. Whether this represents a new wave of global constitutionalism or a regressive slide into legal authoritarianism remains an open question, but the trends are unmistakably aligned toward the latter. The challenge for scholars, policymakers, and citizens alike is to distinguish genuine constitutional development from its populist imitations and to resist the normalization of legal strategies that dismantle the democratic order from within.

6. Implications for Democratic Governance and Rule of Law

The long-term impact of populist constitutional amendments on democratic governance is both profound and far-reaching. These changes often reconfigure the fundamental architecture of state institutions in ways that outlast the populist leaders who initiate them. While populist regimes frequently justify amendments as mechanisms for democratic renewal, the enduring consequence is a weakening of institutional autonomy and a distortion of constitutional norms. By

reshaping foundational legal texts, populist governments not only change the legal landscape but also alter the political expectations and behaviors that sustain democracy. In Hungary, for example, successive constitutional revisions under the Fidesz government have led to a profound transformation of the political system, entrenching one-party dominance and limiting effective electoral competition (Coman, 2024). This institutional capture has reduced the capacity of democratic processes to produce genuine alternation of power, effectively hollowing out the substance of electoral democracy.

A key aspect of this transformation lies in the disruption of the delicate balance between constitutional adaptability and stability. In theory, constitutions are living documents, intended to evolve over time in response to shifting social and political conditions. However, this adaptability must be tempered by principles that ensure continuity, coherence, and the preservation of core democratic values. Populist regimes often exploit this tension by presenting amendments as necessary responses to crises or public demands, while in reality using them to dismantle institutional checks. In Turkey, the government’s argument for the 2017 constitutional referendum was couched in terms of stabilizing governance and enhancing efficiency, yet the reform resulted in the erosion of legislative oversight and the fusion of executive and judicial powers (Taşcıoğlu, 2024). This shift illustrates how the legitimate need for constitutional flexibility can be co-opted by illiberal actors to undermine stability and concentrate power.

The weakening of the rule of law is among the most damaging consequences of these processes. By targeting the independence of the judiciary and reconfiguring judicial appointment procedures, populist leaders erode the institutional safeguards that protect individuals from arbitrary state action. In Poland, the government’s reforms of the National Council of the Judiciary and the Constitutional Tribunal have significantly curtailed judicial independence, enabling political interference in legal proceedings (Morawski & Brzeziński, 2023). These reforms have also led to confrontations with the European Union, which has criticized the Polish government for breaching the principles of judicial impartiality and the separation of powers (Maatsch, 2021). The erosion of judicial independence not only

diminishes the capacity of courts to act as a counterweight to executive overreach but also undermines public confidence in the legal system.

Despite these challenges, courts and international organizations continue to play an essential role in resisting or legitimizing constitutional changes under populist regimes. In some cases, domestic courts have sought to assert their independence by challenging or rejecting controversial amendments. However, the effectiveness of judicial resistance often depends on the degree to which the judiciary has already been captured or compromised. In Hungary, the Constitutional Court's ability to check executive power has been systematically reduced through legislative reforms and politically motivated appointments (Hoffmann & Gárdos-Orosz, 2022). Where courts remain relatively independent, as in some Latin American countries, they have occasionally served as sites of resistance, issuing rulings that challenge the legality or legitimacy of populist reforms. Yet such resistance is fragile, as it frequently provokes retaliation from populist leaders who accuse the judiciary of acting as an elite or foreign-influenced institution (Müller, 2022).

International organizations and supranational bodies can offer external pressure and normative reinforcement in defense of constitutionalism. The European Union, for instance, has used infringement procedures and rule-of-law mechanisms to respond to democratic backsliding in member states. These interventions, while symbolically important, face significant limitations in enforcement and often lack the political consensus necessary for strong corrective action. In the case of Hungary, the EU's attempts to impose sanctions under Article 7 have been stalled by political alliances and procedural complexities (Kyriacou & Trivin, 2024). Nevertheless, international scrutiny can delegitimize populist constitutional amendments and provide support for domestic actors advocating for democratic restoration.

Civil society also plays a critical role in resisting authoritarian legalism, though its space for operation is often constrained under populist regimes. Activists, legal scholars, journalists, and opposition parties contribute to raising public awareness and mobilizing resistance against constitutional overreach. In Slovenia and Austria, public protests and legal advocacy have challenged government responses to the refugee crisis that involved constitutional measures with potential rights violations

(Šalamon, 2023). These grassroots movements highlight the importance of civic engagement in upholding constitutional values, even when formal institutions are under siege.

The long-term health of democratic governance under populism, therefore, depends not only on legal structures but also on political culture, institutional resilience, and societal vigilance. Populist amendments may offer short-term political gains for incumbents, but they carry significant costs for the democratic order, including weakened accountability, diminished rights protections, and the normalization of majoritarian authoritarianism. Addressing these challenges requires a multidimensional approach that includes robust legal norms, vigilant civil society, and transnational solidarity in defense of constitutional democracy.

7. Conclusion

This article has examined how populist regimes use constitutional amendments as strategic tools to consolidate power, undermine institutional checks, and reconfigure the foundations of democratic governance. Through a descriptive analysis of key themes—including the politicization of reform, the expansion of executive authority, the restriction of civil liberties, and the use of informal mechanisms to erode constitutional norms—it becomes clear that populist amendments are not merely legal exercises, but deeply political acts that reshape the state's relationship to law, society, and legitimacy.

While constitutional amendments can serve as instruments of democratic renewal, under populist governments they often function to entrench incumbency, marginalize dissent, and hollow out the rule of law. By claiming to represent the undiluted will of the people, populist leaders legitimize reforms that centralize authority and weaken safeguards against abuse. The use of referendums, the manipulation of judicial institutions, and the strategic deployment of constitutional rhetoric all contribute to a broader project of authoritarian legalism wrapped in democratic form.

Understanding legal change in political context is essential to grasp the full implications of constitutional reform under populism. Formal legality is insufficient if constitutional amendments are used to erode democratic principles. This demands a more nuanced approach to constitutional analysis—one that considers

intent, process, and consequences alongside textual legality.

Future research should further explore resistance strategies employed by civil society, opposition parties, and judicial actors in response to populist constitutionalism. Comparative studies could illuminate conditions under which democratic institutions prove resilient or vulnerable to such reforms. Additionally, interdisciplinary approaches drawing from law, political science, and sociology may offer richer insights into the evolving relationship between populism and constitutionalism. In an era marked by democratic backsliding, the task of defending constitutional democracy remains both urgent and complex.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

Acknowledgments

We would like to express our gratitude to all individuals helped us to do the project.

Declaration of Interest

The authors report no conflict of interest.

Funding

According to the authors, this article has no financial support.

Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

References

- Bolleyer, N., & Salát, O. (2021). Parliaments in Times of Crisis: COVID-19, Populism and Executive Dominance. *West European Politics*, 44(5-6), 1103-1128. <https://doi.org/10.1080/01402382.2021.1930733>
- Campolongo, F., & Scanni, F. M. (2023). Campaigns and Regimes: Party Characteristics, Political Transformations and the Outcomes of Populist Governments. *Comparative European Politics*, 21(2), 208-233. <https://doi.org/10.1057/s41295-022-00322-4>
- Coman, R. (2024). Backsliding Populist Governments in the Council: The Case of the Hungarian Fidesz. *Politics and Governance*, 12. <https://doi.org/10.17645/pag.8161>
- Gárdos-Orosz, F. (2021). The Reference to Constitutional Traditions in Populist Constitutionalism – The Case of Hungary. *Hungarian Journal of Legal Studies*, 61(1), 23-51. <https://doi.org/10.1556/2052.2021.00298>
- Gouvêa, C. B., & Pedro, H. V. B. C. B. (2021). Structural Political and Legal Approaches in Opposition to Populist Governance. 99-118. https://doi.org/10.1007/978-3-030-85022-7_6
- Hoffmann, T. (2022). Illegal Legality and the Façade of Good Faith – Migration and Law in Populist Hungary. *Review of Central and East European Law*, 47(1), 139-165. <https://doi.org/10.1163/15730352-bja10059>
- Hoffmann, T., & Gárdos-Orosz, F. (2022). Populism and Law in Hungary – Introduction to the Special Issue. *Review of Central and East European Law*, 47(1), 1-11. <https://doi.org/10.1163/15730352-bja10058>
- Humble, K. P. (2022). Populism and the Threat to International Law. *Laws*, 11(3), 50. <https://doi.org/10.3390/laws11030050>
- Issacharoff, S. (2023). <i>Caudillos</i> in Command. 101-120. <https://doi.org/10.1093/oso/9780197674758.003.0006>
- Kyriacou, A. P., & Trivin, P. (2024). Populism and the Rule of Law: The Importance of Institutional Legacies. *American Journal of Political Science*. <https://doi.org/10.1111/ajps.12935>
- Maatsch, A. (2021). Disempowerment Through the Backdoor: The Impact of Populist Parties on the National Parliament in Poland. *Parliamentary Affairs*, 74(4), 786-801. <https://doi.org/10.1093/pa/gsab008>
- Matczak, M. (2022). The Language of Legal Populism – A Philosophical and Legal Perspective. *Radca Prawny*(2 (31)), 239-260. <https://doi.org/10.4467/23921943rp.22.031.16894>
- Morawski, L., & Brzeziński, M. (2023). How Do Right-wing Populist Majoritarian Governments Redistribute? Evidence From Poland, 2005–2019. *Social Policy and Administration*, 58(3), 521-539. <https://doi.org/10.1111/spol.12984>
- Muhammad Nur Abdul Latif Al, W., Riyanta, S., & Rustam, M. R. (2024). Populism and the Erosion of Democratic Checks and Balances: A Systematic Literature Review Across Regions. *International Journal of Multidisciplinary Research and Analysis*, 07(10). <https://doi.org/10.47191/ijmra/v7-i10-18>
- Müller, J. W. (2022). ‘Enemies of the People’: Populism’s Threat to Independent Judiciaries. 27-44. <https://doi.org/10.5871/bacad/9780197267035.003.0002>
- Plagemann, J., Rodríguez, C. H., & Destradi, S. (2022). Populist Foreign Policy and Mobilization in Bolivia. *Política Revista De Ciencia Política*, 60(2), 9-32. <https://doi.org/10.5354/0719-5338.2022.68519>
- Rondonuwu, P. (2023). Quo Vadis Amandemen Konstitusi: Kebijakan Hukum Partisipatif-Populis Versus Representatif-Elitis. *Hd*, 23(4), 228-241. <https://doi.org/10.61234/hd.v23i4.35>
- Šalamon, N. K. (2023). Legislative and Judicial Responses to the “Refugee Crisis” in Slovenia and Austria: A Comparative Perspective. *Two Homelands*(57). <https://doi.org/10.3986/dd.2023.1.01>

Taşcıoğlu, İ. (2024). Revisiting the Debates on the 2010 Constitutional Referendum in Turkey: Democratic Transition or Authoritarian Populism? *Marmara Üniversitesi Siyasal Bilimler Dergisi*, 12(2), 153-174.
<https://doi.org/10.14782/marmarasbd.1410719>