

# Constitutional Law Adaptation in Response to Globalization and Urbanization in Contemporary Societies

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## ABSTRACT

*This study examines the capacity of constitutional law to adapt in response to social transformations driven by globalization and urbanization. Through a literature-based analysis grounded in doctrinal and socio-legal perspectives, the paper explores how legal institutions reinterpret foundational norms to remain responsive to contemporary realities. The findings indicate that while traditional constitutional frameworks were designed within relatively static political orders, modern societies require more flexible mechanisms to address rapid demographic, technological, and jurisdictional change. Judicial interpretation, decentralization, federal recalibration, and the expansion of rights discourse all serve as avenues for constitutional adaptation. The research emphasizes that successful legal systems are those that manage to balance stability with innovation, preserving legitimacy while integrating emergent social demands. This analysis contributes to an evolving discourse on constitutional resilience, institutional responsiveness, and the philosophy of legal development in pluralistic, globally connected societies.*

## INTRODUCTION

The structure of constitutional law is traditionally anchored in enduring principles—liberty, equality, representation, and the separation of powers. Yet, its application unfolds within a reality that is constantly in motion. As societies undergo transformation through economic, technological, and demographic shifts, the legal frameworks that guide governance are inevitably called upon to adjust. Constitutional law, while rooted in foundational norms, must be sufficiently responsive to align with the needs and complexities of evolving social realities (Koziubra, 2019).

Globalization has significantly expanded the scale and velocity of interaction among nations, institutions, and individuals. Legal systems, once confined to the jurisdictional scope of nation-states, now operate in a dynamic arena shaped by cross-border flows of capital, labor, and ideas. Urbanization, likewise, has accelerated the reconfiguration of political spaces, redistributing populations and altering the demands placed upon local and national governance. These processes do not occur in isolation; they challenge established constitutional mechanisms and provoke critical examination of

institutional capacity, legal interpretation, and procedural adaptability (Chulu, 2016).

In practice, this means that constitutional jurisprudence must now contend with previously unforeseen legal dilemmas. Issues of digital privacy, transnational migration, environmental protection, and decentralized governance structures increasingly intersect with constitutional doctrine. The resilience of a constitutional system, therefore, can no longer be judged solely by its fidelity to original intent, but also by its ability to accommodate new social arrangements while preserving democratic integrity. This requires an ongoing legal dialogue that balances stability with innovation (Gardbaum, 2012).

As social structures change, so too must the interpretive practices of courts, lawmakers, and citizens. Legal adaptation cannot occur without institutional awareness of the forces reshaping collective life. The question is not whether constitutional law will change, but how such change can be directed in a way that affirms justice and coherence. An examination of this dynamic—how

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constitutional law evolves in response to shifting societal patterns—offers a vital lens through which to understand the durability and legitimacy of legal orders in a rapidly transforming world (Frowein, 2009).

In this landscape of rapid transformation, legal scholars and practitioners encounter recurring tensions between formal continuity and substantive evolution. The rigidity of entrenched provisions may resist interpretive innovation, while the necessity of adaptation invites political controversy. These tensions often arise in the realm of constitutional law, where basic legal doctrines and norms are tested against the need to respond to new challenges, such as developments in digital technology, climate change, and demands for social equality. Tushnet (1999) argues that the strength of constitutional governance lies in its capacity for normative development—provided that such evolution remains grounded in public deliberation and institutional accountability. This balance remains a central concern of comparative constitutional scholarship. The challenge for academics and policymakers is to design a legal transformation process that is not only responsive to social change, but also maintains the integrity of the legal system itself.

Different jurisdictions experience the interplay between social change and legal structure through varying legal traditions. Some embrace flexible constitutional texts open to judicial elaboration; others operate under rigid codifications that require formal amendment for even minor revisions. As Elster (2000) suggests, the durability of constitutional systems depends less on textual design and more on the political culture that supports interpretive pluralism and principled reform. This culture reflects the extent to which society and its legal institutions are open to change and innovation, without compromising constitutional legitimacy. Thus, the success of the legal system in responding to the challenges of the times depends largely on the balance between formal structure, interpretative flexibility and the democratic values that underpin it.

It is in this tension between tradition and transformation that the heart of constitutional law resides. Public law not only functions as a stable normative framework, but also as an adaptive mechanism that must respond to rapidly changing social realities. To understand the future of public law, we must first understand how it responds—methodically, responsibly, and reflectively—to the ceaseless forces of social change. Whether such responses promote legitimacy, inclusiveness, and effectiveness depends upon the quality of that legal conversation and the clarity of its normative

commitments. Understanding the future of public law means understanding how it constantly dialogues with social reality through the lens of living values and principles.

This study aims to examine the responsiveness of constitutional law to social transformations brought about by globalization and urbanization. It explores how legal doctrines, institutional structures, and interpretive frameworks evolve to address newly emerging political and societal conditions. The findings are expected to contribute to the broader understanding of constitutional resilience and legal adaptability in rapidly changing democratic environments.

## RESEARCH METHOD

This study applies a qualitative literature review methodology rooted in doctrinal and socio-legal analysis. The objective is to explore the intersection between evolving social dynamics and constitutional legal adaptation through a rigorous examination of primary and secondary scholarly sources. The review draws on seminal works in comparative constitutional theory, public law evolution, and socio-legal transformation. As recommended by Hutchinson and Duncan (2012), doctrinal analysis is employed to trace the trajectory of constitutional interpretation across jurisdictions, while socio-legal materials provide insight into the real-world pressures that shape institutional reform. Key databases such as HeinOnline, JSTOR, and Oxford Constitutional Law were used to collect peer-reviewed journal articles, legal commentaries, judicial opinions, and constitutional texts.

Following the guidance of Paterson (2009), a reflexive reading of texts was undertaken to assess how normative frameworks respond to phenomena such as urbanization, technological change, and global interdependence. Comparative insights were integrated to contextualize findings within broader legal traditions, highlighting differences in adaptability across constitutional systems. This methodological structure enables the study to offer an informed, critical understanding of the dynamic between enduring legal principles and emerging societal demands.

## RESULT AND DISCUSSION

Legal systems do not operate in stillness; they exist within societies whose structures, beliefs, and challenges are constantly evolving. As communities change, the norms that once seemed immutable require new articulation. Constitutional law, while often portrayed as the guardian of tradition, cannot

escape the momentum of collective transformation. Its relevance depends upon its capacity to speak credibly to new conditions while remaining anchored in foundational principles (Bleshchik et al., 2021).

Global integration has not only intensified interdependence between nations but has also blurred the boundaries of legal sovereignty. States no longer operate in legal isolation, but rather in a network of rules, treaties and norms that influence each other. Transnational agreements, multinational corporations, and global civil society actors increasingly shape domestic realities. These forces introduce alternative sources of authority and challenge the exclusivity of state-based governance. The traditional boundaries of legal sovereignty are blurring and states are required to manage the relationship between international obligations and internal needs more dynamically. The source of authority is no longer single and centralized, but distributed among various stakeholders with different interests and power. Legal frameworks built on the presumption of insularity must now contend with influences that transcend political borders and legal traditions (Mangiameli, 2019).

Urban centers, meanwhile, have emerged as autonomous political entities with distinct administrative needs and democratic pressures. With increasing urbanization, city governments face issues that go far beyond basic public services, such as the housing crisis, population mobility, social inequality and climate change. The growth of metropolitan governance demands legal frameworks that reflect not only territorial distribution but also the density of civic complexity. Urban populations seek direct engagement with constitutional processes, compelling legal systems to reconsider how representation, autonomy, and justice are distributed across the social fabric (Oomen et al., 2021). The right to the city discourse is beginning to resonate in legal and public governance frameworks, emphasizing the importance of equal access to space, services and economic opportunities. As a result, legal systems are required not only to address administrative challenges, but also to reformulate democratic values in an evolving urban context.

The stability once associated with constitutional design is no longer self-evident. What was drafted to address the conditions of one era may prove insufficient for another. The rigidity of legal text can inhibit progress, while excessive flexibility may compromise legal certainty. The strength of the constitution depends on the delicate balance between the durability of the structure and the ability to transform legitimately. Striking a balance between continuity and responsiveness becomes the task of constitutional interpretation—an endeavor that requires institutional courage and doctrinal clarity

(Thornhill, 2016). The constitution can remain relevant as a living instrument capable of navigating the tensions between fundamental values and ever-moving social dynamics.

Courts, legislators, and constitutional scholars face an increasing burden to mediate between enduring legal commitments and emerging social imperatives. Their task is not only technical but philosophical: to ensure that law remains a framework for dignity, fairness, and cohesion in the face of relentless transformation. This requires attentiveness to social patterns, cultural pluralism, and institutional pressures that were unimaginable at the time many constitutions were first conceived (Ndulo, 2018). Commitment to constitutional principles must be constantly tested against evolving realities, and this requires courage and moral sensitivity from legal actors. Thus, constitutional law does not become a mere document, but lives on as a common guide in the face of social uncertainty and maintains the integrity of democracy.

The legitimacy of constitutional governance is no longer defined solely by textual fidelity. It now depends on the system's capacity to engage meaningfully with shifting realities, to protect rights within new domains, and to facilitate governance structures that reflect contemporary modes of political participation. A living constitution is one that is able to adapt to rapid social, economic and technological changes. Without such engagement, constitutional texts risk becoming ceremonial artifacts rather than active instruments of justice (Schwartz, 2019). The power of the constitution lies in its ability to remain a living normative space or an arena where basic values are defended, reinterpreted and realized through legal and policy actions. Constitutional reform is not just a matter of editorial changes, but an active process of renewing its relevance in the face of evolving societal aspirations.

In the context of a world that continues to change rapidly due to globalization and urbanization, constitutional change is no longer just a possibility, but a necessity. The question, then, is no longer whether constitutions will change—but how they should. The processes of globalization and urban expansion do not pause for legal systems to catch up. They require ongoing, thoughtful calibration between principle and practice, structure and substance. This means not only updating the content of the constitution, but also reviewing the way legal institutions work and interact with each other. A balance is needed between the normative structure that provides stability and the flexibility of practice that allows response to social change. Within this tension lies the future of

constitutionalism in an interconnected, rapidly reorganizing world (Liolos, 2013). The future constitution is not just a document but involves the active participation of the people in its formation.

Constitutional law evolves not in abstraction, but through a dynamic interaction with social processes that demand its reevaluation. As globalization and urbanization reshape political, economic, and cultural landscapes, legal systems must respond with interpretive agility. New issues such as global migration, the digitalization of government, and demands for the right to the city and the environment demand that traditional constitutional principles be re-evaluated. Constitutions that were once designed for political stability and national unity are now facing pressures from below and above. This responsiveness is not uniform across jurisdictions; it varies depending on institutional design, political will, and jurisprudential tradition. The question is how a legal framework originally constructed for relatively stable societies can remain legitimate and effective amidst rapid change (Biswas et al., 2019). Re-evaluation does not mean replacing the entire legal framework, but rather adjusting it reflectively and responsibly to the new social context. The success of legal transformation depends largely on the extent to which the system is able to respond inclusively to evolving realities.

Globalization, by its very nature, challenges the state-centered assumptions embedded in many constitutional orders. National constitutions, traditionally designed to govern within defined territorial boundaries, now encounter supranational pressures, transborder legal norms, and global economic interdependence. According to Walker (2002), constitutionalism must increasingly grapple with overlapping sovereignties, necessitating the recalibration of authority between domestic institutions and international frameworks. This has profound implications for doctrines related to sovereignty, treaty interpretation, and judicial review. The key challenge ahead is to strike a balance between protection of the integrity of the national constitution and openness to the evolving global legal order.

Urbanization further complicates the constitutional landscape by shifting demographic realities and concentrating power in metropolitan regions. Large cities are now centers of population, economy, technology, and social mobilization, yet many constitutional systems have not adjusted to reflect this reality. As cities become engines of economic growth and cultural innovation, they also demand greater autonomy in policymaking. Most constitutional designs are rooted in rural-majority eras, where political representation and resource allocation favored

territorial parity. As Hirschl (2007) notes, the centralization of constitutional power often leaves urban constituencies underrepresented, leading to institutional friction and demands for decentralization.

The judicial branch often becomes the arena where these tensions are negotiated. Courts are tasked with interpreting constitutional provisions in light of new realities, such as digital communication, migration, and climate change. In some jurisdictions, courts have embraced an adaptive interpretive approach, invoking doctrines of living constitutionalism or evolutionary interpretation. This flexibility allows constitutions to remain relevant without formal amendment, though it also raises questions about democratic legitimacy and judicial activism (Celeste, 2019). While an adaptive approach allows the constitution to remain alive and relevant, it also requires a balance between legal dynamism and institutional accountability. This phenomenon shows that courts not only perform legalistic functions, but also participate in the social and political construction of the meaning of the country's fundamental law.

In contrast, legal systems that adhere rigidly to originalist interpretations may struggle to accommodate emergent realities. When constitutions are seen as fixed texts immune to social evolution, they risk becoming disjointed from lived experience (Costa & Guimarães, 2018). This disjunction can erode public trust in legal institutions and invite extralegal solutions to pressing societal challenges. Formalistic approaches that are not open to social transformation tend to alienate people from the legal order, and instead encourage the birth of non-legal initiatives, sometimes even outside the state framework. Tushnet (2009) warns that excessive rigidity undermines the normative authority of constitutional orders, particularly in plural and rapidly changing societies. It is important for the legal system to maintain a balance between continuity and adaptability. This is not to say that every social pressure should be immediately accommodated through progressive interpretation, but rather that the legal system needs to have reflective mechanisms that allow for public engagement, a rereading of basic values, and a responsible adjustment of meaning to the challenges of the times.

Another layer of complexity arises in the area of rights adjudication. Globalization introduces new categories of vulnerability—migrant labor, digital privacy, transnational surveillance—requiring courts to expand or reinterpret existing rights frameworks. Urbanization also brings intensified inequality, prompting demands for socio-economic rights that may not have been foreseen in earlier constitutional



texts. Courts must determine whether to extend protection through expansive interpretation or defer to legislative reform, a choice often informed by the judiciary's institutional philosophy (Celeste, 2018).

In federal systems, adaptation may take the form of recalibrating power between national and subnational units. As cities grow more assertive, demands for fiscal autonomy and regulatory authority become more frequent. Some constitutions provide mechanisms for such devolution, while others remain silent or resist change. The adaptability of federal arrangements is thus critical to maintaining institutional cohesion in urbanizing societies. Elazar (2001) emphasizes that federal constitutional orders thrive when they recognize asymmetry and fluidity in governance.

Constitutional amendment procedures also reflect the tension between stability and flexibility. Some systems facilitate relatively easy formal change, enabling timely responses to shifting societal needs. Others impose high thresholds that limit the pace of reform. In practice, this often results in the judiciary assuming a more active role in interpretation to fill normative gaps. Yet, overreliance on judicial innovation may provoke backlash and raise concerns about the boundaries of constitutional authority (Hedieloum, 2019).

Public participation in constitutional dialogue has become more prominent as societies grow more informed and connected. Civil society actors, local governments, and grassroots movements increasingly demand inclusion in constitutional debates, particularly on issues affected by globalization and urban restructuring. Sellers (2020) explain that these voices contribute to the development of constitutional culture—an informal but powerful force in shaping how law is understood, respected, and applied.

Legal education and institutional training also play a vital role in fostering responsive constitutionalism. As global issues penetrate local legal debates, practitioners must be equipped with interdisciplinary tools that integrate international norms, comparative insights, and sociological awareness. Khabrieva (2016) emphasized that without such intellectual adaptation, constitutional law risks becoming insular and disconnected from its operative environment.

Technological innovation exerts both pressure and possibility upon constitutional interpretation. Digital governance, surveillance capacities, and algorithmic decision-making pose new questions about privacy, accountability, and state power. Courts and legislatures must determine whether constitutional safeguards can be extended to cover emerging domains. According to

Zureik and Salter (2005), legal institutions must develop normative frameworks capable of engaging with technological transformation without sacrificing foundational liberties.

Finally, the legitimacy of constitutional orders rests on their ability to maintain coherence while allowing for evolution. A successful constitution is not one that is frozen in history, but one that is able to navigate between principled stability and practical flexibility. This balance requires open legal systems—those willing to listen, reflect, and adapt without undermining their core commitments. Legal scholars must thus continue to explore how constitutional meaning is constructed through a continuous interaction between law and the social world it seeks to regulate. In this conversation, stability and change are not antagonists, but co-constitutive elements of a living legal tradition.

## CONCLUSION

The interaction between constitutional law and social transformation reveals a jurisprudential field that is both anchored and adaptive. Globalization and urbanization have challenged the assumptions underlying traditional legal frameworks, prompting constitutional systems to expand their interpretive scope and institutional capacities. Through judicial innovation, legislative recalibration, and evolving public discourse, constitutional law has demonstrated its ability to absorb external pressures while reaffirming internal coherence. The enduring strength of a constitutional order lies not in its immunity to change, but in its capacity to evolve deliberately and responsively.

The implications of this analysis underscore the necessity of cultivating legal structures that remain receptive to evolving societal configurations. As legal institutions encounter demographic shifts, technological progress, and international norms, they must recalibrate their principles without abandoning their foundational commitments. The process is not merely technical; it demands normative reflection, institutional courage, and democratic legitimacy. Constitutional law must become a living discipline—one that engages the realities of transformation without compromising the integrity of legal governance. Policymakers, scholars, and jurists should foster mechanisms for continuous constitutional dialogue that include diverse voices, particularly those shaped by emerging urban and global realities. Comparative legal analysis, interdisciplinary education, and participatory reform processes will be essential to maintaining both relevance and resilience. Future

research should explore more deeply how localized legal experiences intersect with global constitutional narratives, enabling the emergence of constitutional thought that is both principled and plural.

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