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The Constitution After Nicolás Maduro

The Path to Democratization After the Extraction of Nicolás Maduro

After January 3,¹ Venezuela did not enter a democratic transition in the classic sense of the term. There is no clear pact among elites, no electoral calendar accepted by all, nor restored institutions capable of guaranteeing that political competition will be resolved without coercion. And yet, the country is already in another stage: Nicolás Maduro has exited the scene and will not return. It is a partial rupture, brought about by foreign military action. Delcy Rodríguez knows this and moves accordingly. But it is important to state it plainly, because this is the premise that many insist on treating as provisional. Maduro's departure is not a historical accident. He is out of the equation. Politically, he does not exist. Legally, even acknowledging the *de facto* circumstances, his absence opens a vacuum that cannot be filled with rhetoric or with arrangements of convenience by those in power.

1 La Gran Aldea, "¿Qué pasó el 03 de enero de 2026?", Paola Bautista de Alemán, January 3, 2026, <https://lagranaldea.com/2026/01/03/que-paso-el-03-de-enero-de-2026/>

One of the most persistent mistakes in Venezuelan political analysis may be the tendency to confuse the departure of a man with the fall of a system. Authoritarian power does not tend to disappear; it tends to readjust. It changes its face, lowers its tone, attempts normalization, seeks external interlocution, and presents as transition what is, in reality, continuity. That is exactly what is happening in Venezuela after January 3.

Public debate, moreover, has been displaced toward the economic sphere. The international conversation has focused on incentives, stability, and oil. Meanwhile, the decisive question –the architecture of legitimacy, the votes– is postponed, as if it could be resolved later, *sine die*. But when a regime attempts to freeze time, it is because it no longer rules as it once did. As I have warned before, that “tactical” displacement is not innocent: it is a classic strategy of political survival.

Here, it is worth recalling a political insight that serves as a compass. Felipe González (former Spanish prime minister) acknowledged, although somewhat late, that if those in opposition to Francoism had known how weak Franco’s regime truly was, they would have been more audacious in challenging it. This remark is not just a historical curiosity; it is a warning for present-day Venezuela. When we treat power as if it were invincible, we begin to accept as inevitable what is actually contingent and fragile. At this point, Venezuelans must avoid at all costs allowing fear to become a method of action and a lack of boldness to masquerade as (supposed) political realism.

The thesis of this text rests on a diagnosis and on an aspirational decision by democratic actors. The diagnosis is that the Venezuelan dictatorship is weak –not because it has acquired democratic virtues, but because its internal legitimacy is nonexistent and because its survival depends increasingly on

external pecuniary calculation. The decision of the democrats, for their part, is strategic and realistic: democratization must be anchored in the 1999 Constitution, not as dead letter, but as an instrument of legitimacy ratified by the Venezuelan people.

In my view, the Constitution is not –and can never be– a poem or a rhetorical gesture. In Venezuela’s transitional jungle, it is a mechanism for ordering uncertainty, imposing limits on *de facto* power, and reopening political competition on the only terrain where it can be legitimate: popular sovereignty.² I will now explain why the 1999 Constitution is the appropriate framework and how it resolves the juridical-political problems of the present moment.

Before doing so, I note that I will write in an essayistic style, and that what is stated in these pages runs the risk of aging quickly given the vertiginous pace of events unfolding in the Venezuelan process. Nevertheless, this is my constitutional and political reading as of (that ill-fated and anti-republican day) February 4, 2026, when I write this piece.

Why the 1999 Constitution? Reasons to Reject Experiments, Mutations, and Constituent Adventures

Democratization is not a single institutional event. It is a process. And within that process, constitutional law plays a key role, though not always in the way impatient democratizers imagine. In early stages –when power is contested, when the State is degraded, when authoritarian incentives persist– the main

2 VerRedFORMA, “Why the United States Shouldn’t Run Venezuela”, January 19, 2026, Juan Miguel Matheus, <https://redforma.org/investigacion/why-the-united-states-shouldnt-run-venezuela/>

function of a constitution is not to reinvent the order, *but to provide certainty to contain disorder, prevent new violations of human dignity, and restrain arbitrariness.*³ But above all, it is to open an electoral path as the channel through which democratic legitimacy is first established.

I will not refrain from arguing that this distinction is crucial for Venezuela. To pretend –like Platonic idealists– that the constitutional text can function from the outset as a lever for the total redesign of the political system often produces the opposite effect: more instability, more polarization, and more opportunities for those whose agenda is to delay genuine political change. Comparative experience is clear on this point, though it is often ignored out of political anxiety: the legal and constitutional framework of democratization must be minimalist but effective, not maximalist but unrealistic.

This warning becomes especially relevant in contexts of entrenched authoritarianism. There, where legality was used as a weapon, the temptation of constitutional rupture arises: refoundations, constituent assemblies, accelerated mutations –juridical purisms, so to speak. In fragile transitions, that temptation is often counterproductive because constitutional experimentation amplifies uncertainty and weakens state capacity, as well as consensus, precisely when they are most needed.

Moreover, Venezuela has already traveled that road. The plebiscitary use of so-called constituent power did not produce democratization, but rather a concentration of power. Instrumentalized procedures. Legality turned into an autocratic

3 Idem.

alibi. For that reason, the word “refoundation”⁴ is not neutral in our country: it carries the weight of authoritarian memory.

Anchoring the democratization process in the 1999 Constitution does not mean renouncing future reforms. What it does mean is respecting a sequence: first, restoration of legality,⁵ restitution of rights, basic institutional reconstruction, and electoral opening; then –with a minimum democratic consensus and social pacification– reforms can be discussed in a calm democratic setting, not amid the turbulence of transition.

At this point, I feel compelled to state it plainly: attempting to reform the Constitution in the midst of fragility and smoldering tensions is equivalent to turning it into a battlefield, dragging the country into a debate over historical, present, and future accounts of constitutional design. And a nascent democracy cannot afford that luxury. Constitutional continuity does not block reformist ambition; it disciplines it. It postpones it until it can be sustained without aborting or breaking the system, in the midst of the necessary republican concord.

The Constitution in the Face of the Dictatorship Entrusted to Delcy Rodríguez

After Maduro’s extraction, autocratic power reorganized itself around a figure who does not embody democratic change, but continuity: Delcy Rodríguez.⁶ Her role, as the vice president who stole the July 28, 2024 presidential election, is not to open doors

4 Idem.

5 Red FORMA, “Primera fase: Estabilización para la democracia”, Paola Bautista de Alemán, January 14, 2026, <https://red-forma.com/2026/01/14/primera-fase-estabilizacion-para-la-democracia/>

6 Red FORMA, “La transición venezolana solo puede legitimarse en el pueblo”, Juan Miguel Matheus, January 19, 2026, <https://redforma.org/>

to democracy, but to sustain the apparatus while negotiating its survival. History teaches that such figures appear when regimes lose their center of gravity –they are weakened, yet unwilling to reform, and still retain their instruments of domination and coercion.

The strategy is well known: lower the tone, speak of coexistence, offer stability outwardly –that is, give President Trump⁷ everything he demands– and ask for time. Not to change, but to survive. On the institutional level, what is presented as normalization is, in reality, the extension of rule without popular mandate and without legitimacy. And on the political plane, the aim is to deactivate electoral urgency.

Here the Constitution fulfills an uncomfortable function: to separate autocratic inheritance from legitimacy. A power may operate *de facto* for a time, but it cannot claim constitutional authority without popular sovereignty. Governing is not equivalent to remaining in office by inertia, as Rodríguez does. And this distinction between autocratic inheritance and legitimacy is the boundary between a democratic transition and a frozen –or an autocratic– one.

The acting dictatorship seeks precisely that: to freeze time. To prevent deadlines from running. To dilute the electoral clock. To present minor concessions as genuine openings. The Constitution, by contrast, compels the question that *de facto* power wants to avoid: what is the constitutional basis of this exercise of power, and for how long?

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7 Idem.

In this sense, the conclusion is straightforward: Articles 233 and 234⁸ of the Constitution, irrespective of the distortions declared by the Constitutional Chamber of the Supreme Tribunal of Justice, require that the *de facto* dictatorship have an expiration date and that presidential elections be held within the seventh month following Delcy Rodríguez's purported swearing-in before the illegitimate National Assembly of 2026.

The Constitution in the Face of U.S. Foreign Tutelage

The Venezuelan transition to come does not occur in a vacuum. The United States is a determining actor: it extracted Nicolás Maduro and is threatening Delcy Rodríguez. Its incentives push toward seeking a functional interlocutor in order to avoid greater disorder in Venezuela. The risk arises, however, when that external recognition begins, in practice, to substitute for the internal legitimacy that can only emerge from the Venezuelan people.

When international endorsement replaces citizen consent, popular sovereignty is displaced, substituted, and even violated. The result in such cases is rarely democratic stability, but rather hybrid, dependent, and fragile regimes. The experience of twenty-first-century autocracies is eloquent on this point.

But the 1999 Constitution is unequivocal: sovereignty resides inalienably in the Venezuelan people. It is neither delegated nor outsourced.⁹ International cooperation is, of course, necessary: without the United States, without the United States we would not have an opening —a breach— toward democracy. However, there

8 Constitución de la República Bolivariana de Venezuela. Gaceta Oficial N° 36.860, 30 de diciembre de 1999.

9 Idem.

is a line that cannot be crossed without degrading the process: that the foreign power become the arbiter of postponing the calendar and defining the scope of the transition. That is, quite simply, immoral.

The Constitution in the Restoration of Human Rights

There can be no democratization without the effective restoration of human rights.¹⁰ This is not a moral complement, but an operational condition of freedom. Without public liberties there is no competition. Without judicial guarantees there are no authentic elections. And without respect for human dignity there is no moral climate for democratization. Venezuela must morally heal the wounds inflicted by systematic human-rights violation apparatus created by chavismo-madurismo, which committed abuses for more than two decades.

The 1999 Constitution provides the framework for that restoration.¹¹ Rights were violated in practice; they were never repealed. This allows us to speak of enforceability, not concession. Political prisoners do not require humanitarian gestures; they require release as a constitutional imperative. Disqualifications are not to be “reviewed”; they are to be lifted. Political parties have the right to exist.

At the same time, the transition must avoid two destructive extremes: total impunity and revenge without rules. The Constitution allows for justice with guarantees and reparation

10 Red FORMA, “Why the United States Shouldn’t Run Venezuela”, January 19, 2026, Juan Miguel Matheus, <https://redforma.org/investigacion/why-the-united-states-shouldnt-run-venezuela/>

11 Red FORMA, “Primera fase: Estabilización para la democracia”, Paola Bautista de Alemán, January 14, 2026, <https://red-forma.com/2026/01/14/primera-fase-estabilizacion-para-la-democracia/>

without arbitrariness. That moderation is not weakness; it is the prevention of an authoritarian relapse in the opposite direction. It is about achieving the balance of reconciliation: forgetting enough so that there is no desire for revenge, but remembering enough so that the autocratic atrocities of which we Venezuelans have been capable are not repeated.¹² Venezuela will never be the same, and the balance of reconciliation will be a cultural reminder of that...

The Constitution and the Renewal of Public Powers

The renewal of the public powers is the point at which it will be decided whether the country returns to the rule of law or whether a hybrid arrangement is reconsolidated within the Venezuelan political system. The Constitution imposes sequence, method, and legality. To bypass procedures in the name of urgency is equivalent to reproducing the authoritarian principle under a different discourse. Democratic transition requires rebuilding the electoral arbiter, judicial independence, and oversight mechanisms with legitimacy, not arbitrariness. And in all of this, the key lies in the election of a new National Assembly,¹³ one that receives popular legitimacy and exercises its constitutional powers to provide the Republic with new public powers. It is also urgent to hold elections for governors and mayors in order to bring democracy to the federal entities of the republic and begin the territorial democratization¹⁴ of the process of freedom.

12 Red FORMA, "Why the United States Shouldn't Run Venezuela", January 19, 2026, Juan Miguel Matheus, <https://redforma.org/investigacion/why-the-united-states-shouldnt-run-venezuela/>

13 Red FORMA, "Segunda fase: Recuperación integral", Paola Bautista de Alemán, January 22, 2026, <https://redforma.org/investigacion/segunda-fase-recuperacion-integral/>

14 Red FORMA, "Why the United States Shouldn't Run Venezuela", January 19, 2026, Juan Miguel Matheus, <https://redforma.org/investigacion/why-the-united-states-shouldnt-run-venezuela/>

Conclusion: Elections Under the Constitution and the Spirit of July 28

All roads lead to a constitutional Rome: elections, elections, elections. July 28¹⁵ was a civic eruption –an unequivocal affirmation of popular sovereignty. That spirit remains alive and constitutes the country’s principal political capital. The transition cannot be constructed apart from that reality without betraying its meaning of justice and freedom.

The only source of legitimacy for the Venezuelan transition is the Venezuelan people. Not foreign governments. Not arrangements of convenience. Not apparent stability. The vote.

Thus, the conclusion must be clear and operational: elections as a moral imperative; elections as a clock; elections as a boundary against foreign tutelage. Elections to close the cycle of continuity and finally open a genuine democratic beginning. Elections for the National Assembly, for governors and mayors, and for president of the republic. All of them –we need them all, and as soon as possible.

To achieve this, we must activate the constitutional clock, restore civil and political rights, renew the minimum conditions for fair competition, and mobilize the country civically around the constitutional right to protest.¹⁶ From all of this will emerge a new Venezuela –one in which a sovereign people decides its destiny in freedom.

15 La Gran Aldea, “Elecciones, elecciones, elecciones...”, Juan Miguel Matheus, January 9, 2026, <https://lagranaldea.com/2026/01/09/elecciones-elecciones-elecciones/>

16 La Gran Aldea, “Primera fase: Estabilización para la democracia”, Paola Bautista de Alemán, 14 de enero de 2026, <https://lagranaldea.com/2026/01/14/primera-fase-estabilizacion-para-la-democracia/>