PRESENTATION

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This volume of the Summa Iuris journal from January to June 2016 comes as a result of the institutional commitment the Funlam has made to share knowledge and maintain an academic practice that for the last three years has provided the means for the analysis and debate of research advances and results, presenting in this issue those carried out by ten researchers nine jurists and one sociologist.

Having accepted the challenge to maintain the quality of the last four issues has brought about a higher commitment and dedication, thus requiring a broad call for papers, followed by a rigorous selection process and proudly presenting seven articles from different regions of the country.

The first article deals with a theoretical approach to the effective judicial sue "*tutela*" from the different meanings of justice and the need for the vulnerable population to have the right to access justice, based on the international theories which call for an effective global treatment towards those who need it due to the inefficiency of their national justice system; analyzing the concept of human vulnerability to go further into the concept of "natural or normal vulnerability-due to existence-" and "artificial vulnerability-that is unnatural vulnerability."

This research project was carried out under a descriptive-analytical approach based on analytical summaries (RAE). The content analysis focuses on the most important aspects of globalization processes throughout history such as the Roman Empire, the colonization of America, the industrial revolution and now the economic one. Based on this context there is a relation with globalization in law, then on the concept of justice and the effective judicial law in a social State and the Inter American Court of Human Rights.

At the end there comes the issue regarding the two extreme theories of global justice and a worldwide republic, defending the need of an intermediate point, that of interdependent states which open their frontiers to international law as a complementary justice, an aspect that without a doubt brings controversy.

The second article titled Colombia a Selective Democracy? Analyzes the rules of the Colombian electoral system to show that under the standards for human rights for specific groups, which are not affiliated to a political movement or party, to exercise political rights given by the article 23 of the American Convention has limitations such as the insurance of veracity.

The methodology that was implemented was exploratory of the national and international norms on political rights, analyzing some cases from the jurisprudence of the Inter American Court of Human Rights.

The author, then presents some concepts on democracy and the requirements to exercise political rights in the Colombian electoral system and concludes that the latter do not follow international standards for Colombian State to protect the political rights.

The third article focuses on organizational studies and its positioning in Latin America to establish a specific point of view from a reflective approach and a literary review of the organizational studies in Latin America given its political and economic specificities along with the potential of its diversity, richness, symbolic and discourse production. The author presents a theoretical and methodological approach from the challenges that these organizations have in their field of study. In the text there is a warning regarding the definition as not being univocal thus complex, which brings about the construction of specific Latin-American proposals.

One of the most interesting points is the transition from the original perception of the organizational studies, which went from seeing them as individuals that were not part of an organization but were merely one more

instrument or resource. It was an anthropocentric position tied to the discourse, counter-homogeny, which brings the reader to adopt reflective and critical positions regarding the organizations they relate to.

Moving along the path towards penal law, there are two articles to be found, the first one deals with the topic of economical panic given the perception generated in trust of users, clients, investors, shareholders and workers, regarding the news that mayor Petro is planning to intervene or privatize one of the public enterprises he presides over. The study is carried out under an economical penal law perspective, analyzing the categories of subjects, object, behavior and normative elements characterized as a crime thus displaying different and opposite positions regarding whether the privatization process holds penal responsibility or not and the interpretation of the behavior from a fraudulent or malicious perspective in the study object. In order to achieve this purpose the author works the concept of privatization as well as aspects related to economic panic and finally the connotation of crime.

The fifth article holds as one of the fundamental premises the rights of inmates regarding their guarantees to rehabilitation and integration to society, the writer bases the study on sentences served in the penitentiary systems. The article is descriptive and enhances the purpose of criminal law that is to maintain social order and then references the different positions there have been regarding sentences such as retribution, rehabilitation, deterrence and incapacitation among others. The article concludes with several questions not only for legislators but also for researchers in the area of criminal law in order to apply the equality principle to guarantee convicts of common crimes the same access to social integration programs that other offenders have had, especially those in the Colombian armed conflict.

The sixth article presents an analysis of the criminal regime of abusive clauses in Colombia and Chile, the authors establish several judicial mechanisms to balance detrimental norms in a treaty, whether they are implicit or explicit due to a rupture of contract balance. Throughout the

text there is a description of detrimental clauses and a defense of the need to avoid unnecessary restriction, contract unbalance and a lack of transparence in multilateral agreements.

The article affirms that the abusive clause regime is spread out throughout the Colombian systems and in the Chilean system in laws 19.496 from 1997 and 19.955 from 2004. The research process was carried out under a deductive approach which recommends the incorporation of special norms to exercise a preventive control and the need to highlight the contract good will as a judicial duty that permeates the negotiating states.

The current issues ends with an article on disability, a term that must be understood from different sides, it emphasizes on different perspectives on this topic, and the writer upholds that during this study carried out in 2010-2011 there were several obstacles for people with these conditions. The methodology used was deductive with descriptive and analytic patterns and presents several cases in the municipality of Santa Rosa de Cabal in Risaralda. The author makes two strong criticisms: the first one dealing with the difficulties in the social inclusion process and the second one on the inefficiency of constitutional actions to uphold their rights through excessive procedural formalities used by some judges and the rigorous application of the immediateness principle and the prevalence of market interests of some institutions, these aspects undoubtedly affect the constitutional guarantees of people with disability.

Finally, as editor I would like to express my gratitude to the referees, scientific and editorial committee who provided important feedback for this issue.

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