

# PRESENTATION

SUMMA IURIS / VOL. 5 N° 1

We present to our readers volume 5, number 1, of the magazine ***Summa Iuris***. In the publication has participated a large team of academics and researchers of which we highlight those who are part of the Coffee Research Hub and arbitrators and researchers from other regions such as Quibdó-Chocó, Bogotá, Cartago and Medellín, because with their critic contributions and recommendations help our magazine to obtain better quality.

We want to remind our readers that the magazine has double blind arbitration, it is completely free, so, it is not charged for the receipt, evaluation, publication or download of articles, as we are part of the open system of access to scientific knowledge.

In this issue we have the privilege of having the researcher Gonzalo Duque Escobar, a professor of the National University, Manizales sectional, as an editorialist guest and the plastic artist Nataly Prada with some graphic records of her work.

After the difficulties experienced mainly in Manizales by the landslide of slopes, hillsides and our precious Sancancio Hill, as well as other municipalities that are part of the Coffee Hub, Professor Duque shows us a positive and hopeful vision of the territory in its different dimensions. Our editorialist starts with a historical vision of the construction of the Coffee Hub to cover the necessary integration of large areas of the region in two senses, the first, road integration with a mountain train between La Dorada and kilometer 41, Airport Of the Coffee and a deep port in the Pacific Uraba.



And the second, the legal, through the metropolitan areas. His editorial concludes with challenges for the region in terms of: intellectual competences, educational and cultural development and cultural and natural potential, the latter evident in the deep-rooted civility of our ancestral culture that has manifested itself over the years in the different catastrophes the region has had to endure.

In terms of research results, the journal contains five articles:

Researcher Andrés Fernando Mejía Restrepo, professor at the Fundación Universitaria del Área Andina, Pereira branch, presents his writing “Rules and principles. An initial approach to the thesis of Luigi Ferrajoli “; In this sample, from the documentary analysis, a critique of the predicated differentiation between rules and principles and how the figure of proportionality, that is used to resolve tensions between the normative postulates, also has limitations. Throughout the text an extensive and well-founded analysis is made, from several categories, the concept of law and legal positivism, legal norms, regulatory gaps and judicial discretion, appealing to authors such as Kelsen, Bobbio, Niño, Alexy , Dworkin, Hart, Sanchis, Zagrebelsky, Figueroa, among others, and especially under the magnifying glass of Ferrajoli, leaving clearly the two traditions, Anglo-Saxon and French.

The researcher has also set out the subjectivity that lies in the judge uses the triad, which is detrimental to constitutional guarantees.

Professor Andrés Carrero Delgado, also a researcher in the Andean-Pereira Area, a member of the GEIS research group, under the title “Laws and State, a look at the conflicts of colonization and legal configuration of land in Colombia between 1870 And 1930 “, analyzes the subject from a tour of agricultural regulations in Colombia consulted in the General Archive of the Nation (section vacancies) and the Archive of the Congress of the Republic. The article is divided into two major sections under a legal perspective of titling land and social conflicts.

The first is entitled “Configuring a regulation for land during colonization”; Here we find the list of laws, executive decrees, resolutions and circulars on the subject in matters of competence and procedures for the adjudication of waste; And stands out the protagonism that had since 1874 the colonist in the adjudication of lands. The second section entitled “Colonization, Conflicts and State” reveals in extenso the number of difficulties and gaps in the ownership of barrios, percentages of adjudication, the figure of prescription, the hermeneutics of judicial decisions, uses of Lands and multiplicity of visions for the time between liberals and conservatives. With the letter, the author manages to keep alive the need for the juridical and socio-juridical community to advocate from the academy and the institutionality for a peremptory agrarian reform.

The article “Relationship between culture of legality, legal rationality and citizen behavior of adolescents” -written by the researchers Ricardo Arrubla Sánchez and Ruby Stella Romero, consultants in the organizational for social change and in private security respectively- Is based on interviews, consultation of experts and documentary analysis, with qualitative approach of socio-linguistic style; Shows the relationship in the categories announced in a group of adolescents in an educational community in the sectors of Puerta al Llano and Teusaquillo in Villavicencio. There are several points in the article to highlight, but attention is drawn especially to the reasons why young people claim to obey or disobey the norm.

The study concludes with the central argument of how a crisis of meaning is generated in this population group due to the adolescents’ lack of understanding of the norms; Because their perception of these are imposing and arbitrary construct, emanating in addition from corrupt governmental institutions; And in general, young people end up realizing that people are breaking the rules.

From the Technological University of Chocó “Diego Luis Cordoba,” a group of students and their teacher, from the seedbed of Constitutional Justice, share their academic production “Dilemmas of the application and effectiveness of the control of conventionality in domestic law”, under the logical deductive method with the support of jurisprudence and doctrine. The seedbed conducted a study on the tension that arises between the

application of the Inter-American Charter of Human Rights and the figures of the supremacy of the Constitution and national sovereignty-domestic law. Throughout the writing, the proper reference to the control of conventionality from its concept, origin, evolution, modalities and exercise will be found, to conclude in favor of the argument, according to which there must be a harmonization of domestic law with the American Convention on Human Rights.

Another contribution received for our magazine was the one made by the law firm Procesal, also of the Technological University of Chocó “Diego Luis Cordoba.” His article “Transitional justice in Colombia from the international standards of protection of Human Rights”, from the logical deductive research study and a documentary analysis of secondary sources, argues that in order to reach a state of non-conflict, it is necessary to abstract in Colombia the paradigm of retribution of justice, while safeguarding the rights of victims. To this purpose, they develop arguments around the pillars of transitional justice, political and related crimes, as well as human rights and international humanitarian law.

At last, we found the essay “The transaction and the conciliation: two figures of different nature with a common purpose”, by Professor Carlos Alberto Ospina Grisales of the universities Andina de Pereira and Cooperativa de Cartago.

The document shows the importance of the role played by the figures in the Colombian legal system and its postulates as an alternative to the solution of conflicts, in light of the theory of legal business as a manifestation of social justice.

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