

EDITORIAL

Social Constitutionalism and the New Law

The Constitution of 1991 proclaimed Colombia as a social state of law. The constitutional state brought several changes in the social, political, and legal model, including the reaffirmation of freedoms and individual rights, protection with special emphasis on difference and minorities, the expansion of the mechanisms of political participation, the deepening of deliberative democracy, and the reform of the political system. In addition, the new Constitution included a wide range of social, economic, and cultural rights, and it created legal actions and institutional means for the enforceability of the rights established in it, which gave way to a widespread interpretation of the Constitution by judges and a greater appropriation of the law by social movements.

One of the most important changes of the constitutional state was the strengthening or creation of constitutional courts, which have the obligation to protect the Constitution and to guide the authorities to respect the values established in it. They also have legal control over the Constitution; they are responsible for protecting and interpreting the values and principles outlined in the Constitution and, therefore, citizens or social organizations can turn to the judges to defend the rights established in it.

The new constitutional model also raised the possibility to think about the law from different dimensions and perspectives: we can no longer speak of legal norms that are isolated from social phenomena, or legal dogma that does not contemplate reality. Today, thanks to the social state, social problems are handled by the Constitutional Court. This undoubtedly reflects the content of *Novum Jus*, which presents research developments related to issues such as the indigenous worldview and territory, the rights of LGBTI communities, illegal mining, and the victims of violence. All these issues, however dissimilar they may appear, share the sense of a law that goes beyond legal dogmatic thinking that seeks to distance itself from social phenomena.

The sense of social constitutionalism consists of opening the law to all the complexities of society, which is a purpose shared by *Novum Jus*.

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