

## Editorial

### The Rise of Minority Resistance Movements: An academic perspective

At *Novum Jus* Law journal, we are proud to put forth state-of-the-art research with worldwide impact. In this issue, we highlight how minority resistance movements have emerged as a powerful force in shaping the socio-political landscape across the globe. These movements, often rooted in marginalized communities, have been instrumental in advocating for civil rights, social justice, and equality.

From its anthropocentric view, which focuses on the person and perceives the law as a means for the protection of fundamental and human rights of the most vulnerable groups aiming for justice, Universidad Católica de Colombia has conceived academic research as one of the most appropriate channels to materialize such a vision. The five articles highlighted below, are among the several published in this issue of *Novum Jus*, with very diverse visions that examine analogous problems in a pluralistic way.<sup>1</sup>

The rise in minority resistance movements has been fueled by increasing awareness, social media, and a growing global consciousness stemming from a collective awareness of discrimination and inequality. Since the COVID-19 pandemic, these movements have brought to the forefront the injustices faced by marginalized communities and have demanded systemic change in Latin America and the rest of the global south.

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<sup>1</sup> Ingrid Natalia Pérez Cagua, and Fernanda Navas-Camargo, “Parroquia de Santa Águeda, Bogotá. Estudio de caso acerca de la educación para la construcción de paz,” *Novum Jus* 13, no. 2 (2019): 187-208; Pablo Elías González Monguí, Germán Silva-García, Bernardo Pérez-Salazar, and Luz Angélica Vizcaíno-Solano, “Estigmatización y criminalidad contra defensores de derechos humanos y líderes sociales en Colombia,” *Revista Científica General José María Córdova* 20, no. 37 (2022): 143-61; Germán Silva-García and Johana Barreto Montoya, “Avatares de la criminalidad de cuello blanco transnacional,” *Revista Científica General José María Córdova* 20, no. 39 (2022): 23-34; Tania Lucía Fonseca-Ortiz and Paola Alexandra Sierra-Zamora, “El desafío de los derechos económicos, sociales, culturales y ambientales en el posacuerdo colombiano,” *Via Inveniendi et Iudicandi* 17, no. 1 (2022): 149-74; Germán Silva-García, “La construcción social de la realidad. Las ficciones del discurso sobre la impunidad y sus funciones sociales,” *Via Inveniendi et Iudicandi* 17, no. 1 (2022): 105-23.

This issue focuses on the various social struggles that have resulted in legislative and social change in Latin America and beyond. The article “The Judicialization of the Social Struggle in Ecuador: The Case of the Guevarist Movement *Tierra y Libertad*” shows that in Ecuador, the persecution of political enemies is supported by the judiciary, amid parallel justice systems rooted in the use of “false positives.” This judicial discretion is discussed in the article “Legal Relativism. Decision-Making by the Judicial Operator: between Truth and Justice,” which explores “legal relativism,” understood as the judge’s ability to distinguish between morality, law, justice, and politics. This is especially relevant when analyzing minority resistance movements, as historically, these communities have been under a higher degree of scrutiny, which can amount to alternate law enforcement.

Beyond legal reforms, minority resistance movements have succeeded in shifting public perception and policy priorities. They have spurred the creation of state agencies and advocacy groups dedicated to fighting for their fundamental rights. These agencies play a crucial role in providing legal aid, representation, and support to those facing discrimination and injustice. In Colombia, where indigenous jurisdiction is recognized by constitutional mandate, the article “The Right to Indigenous Territory: International Protection and Local Claims” points out the need for international protection for native communities who face neoliberal practices by states.

Some resistance movements are derived from mass migrations occurring worldwide. Both refugees and economic migrants face significant challenges and criticisms, as it has been argued that these movements can be divisive and promote identity politics, potentially undermining broader social cohesion. Additionally, there is concern about the potential for violence and extremism within certain factions of these movements. Balancing the goals of equality and justice with the need for social harmony remains an ongoing challenge, addressed in the article “Action Points from Migration in the Framework of National Security and Defense,” which argues that risk factors brought by immigration should be considered on the national agenda, with the goal of allowing a transformation towards safe mechanisms for the neutralization of such risks.

Minority resistance movements have also made significant contributions to international human rights discourse. Their struggles for justice and equality resonate with people worldwide, inspiring similar movements and pushing governments and international organizations to address human rights violations and discrimination on

a global scale. The impact is evident in Colombia, where for the last three decades, by constitutional mandate, the Constitutional Court has upheld the fundamental rights that every person possesses by virtue of their humanity. To achieve this, judges have employed case law from other jurisdictions, effectively utilizing the tools of comparative law to strengthen their arguments, allowing their decisions to be framed within what has been called global constitutionalism and engaging in the administration of justice in frank international dialogue. These legal considerations are the subject of the article “Constitutional Court of Colombia: Three Decades of a Constitutional Judge in Constant Transnational Judicial Dialogue.”

Finally, we must highlight the article “The Elites of Legal Thought in Colombia: Ruptures in the Knowledge of the Law,” which examines “legal elites,” understood as the most cited authors in Colombian legal theory. The article concludes that these elites share similar ethnic, gender, geolocation, undergraduate and postgraduate academic training, social stratification, and employment status characteristics.

In conclusion, the impact of minority resistance movements on the legal landscape and society at large cannot be overstated. These movements have been catalysts for change, driving legal reforms, shaping public opinion, and pushing for greater inclusivity and equality. *Novum Jus* continues to make contributions to the pursuit of a more just and equitable world by supporting and engaging with authors who follow these movements, as they play a vital role in the ongoing fight for a more just world for everyone."

## References

- Fonseca-Ortiz, Tania Lucía, and Paola Alexandra Sierra-Zamora. “El desafío de los derechos económicos, sociales, culturales y ambientales en el posacuerdo colombiano.” *Via Inveniendi et Iudicandi* 17, no. 1 (2022): 149-74. <https://doi.org/10.15332/19090528.7745>
- González Monguía, Pablo Elías, Germán Silva-García, Bernardo Pérez-Salazar, and Luz Angélica Vizcaíno-Solano. “Estigmatización y criminalidad contra defensores de derechos humanos y líderes sociales en Colombia.” *Revista Científica General José María Córdova* 20, no. 37 (2022): 143-61. <https://doi.org/10.21830/19006586.810>
- Pérez Cagua, Ingrid Natalia, and Fernanda Navas-Camargo. “Parroquia de Santa Águeda, Bogotá. Estudio de caso acerca de la educación para la construcción de paz.” *Novum Jus* 13, no. 2 (2019): 187-208. <https://doi.org/10.14718/NovumJus.2019.13.2.10>

Silva-García, Germán, and Johana Barreto Montoya. "Avatares de la criminalidad de cuello blanco transnacional." *Revista Científica General José María Córdova* 20, no. 39 (2022): 23-34. <https://doi.org/10.21830/19006586.1042>

Silva-García, Germán. "La construcción social de la realidad. Las ficciones del discurso sobre la impunidad y sus funciones sociales." *Via Inveniendi et Iudicandi* 17, no. 1 (2022): 105-23. <https://doi.org/10.15332/19090528.7743>