

Editorial

Legal Scholarship as a Tool for Societal Advancement

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Legal scholarship drives the development of laws and legal frameworks that adapt to social needs, address injustices, and shape the direction of future policy. By rigorously analyzing existing laws, exploring theoretical questions, and proposing innovative solutions, legal scholarship helps societies build fairer, more effective legal systems and institutions. The current issue of *Novum Jus* explores scholarship on human rights, gender equality, and sustainable development, amongst other relevant topics.

As global challenges evolve in complexity and scale, the field of international legal practice must innovate to remain relevant and effective. Today's globalized world presents new conflicts and issues, from climate change and digital privacy to transnational migration and corporate accountability. Traditional approaches to international law—based on state-centric models and slow-moving treaties—can struggle to address these issues effectively. In response, lawyers, policymakers, and scholars are exploring new frameworks, tools, and collaborations that could redefine how the law functions and adapts in the modern era. In this issue, we explore some key areas where human rights and legal practice intersect and examine some topics by today's academic community.

A recurring theme in legal scholarship is the analysis of the great damage to the environment and the proposals to confront it, both locally and internationally.¹ In the field of international environmental law, the article “The Path Towards a New Paradigm: Sustainability as the Transformative Axis in Contemporary Law” employs Kuhn's theory of paradigms to introduce sustainability, and the existence

¹ Paola Alexandra Sierra-Zamora, Tania Lucía Fonseca-Ortiz, and Julio Andrés Sánchez-Tarazona, “Análisis de la hidroestrategia y el derecho humano al agua en Colombia”, *Revista Científica General José María Córdova* 20, no. 37 (2022): 24-33; Henry Bocanegra Acosta and Jorge Enrique Carvajal Martínez, “Extractivismo, derecho y conflicto social en Colombia”, *Revista Republicana*, no. 26 (2019): 143-169; Germán Silva-García and Diana Marcela Bonilla, “La sostenibilidad en el análisis criminológico. El caso de la minería carbonífera en Boyacá”, *Via Inveniendi et Iudicandi* 18, no. 2 (2023): 270-292.

of an inherent sustainable law to achieve environmental balance. Through their research, the authors introduce a promising and innovative approach to the future of international law and highlight the role that adaptability and creativity will play in building a just, sustainable, and dynamic global order.

International courts and tribunals are also evolving to address contemporary issues more effectively. Specialized international courts, such as the International Court of Justice, are setting new precedents that promote cross-border accountability. The article “New Litigation and Standing Strategies Before the International Court of Justice Through the Request for Provisional Measures: Comparative Study of *The Gambia v. Myanmar*, *Ukraine v. Russia*, and *South Africa v. Israel*” shows the evolution and impact of the strategies for claiming non-compliance with the Genocide Convention and how different actors, even if they are not claimants or injured parties such as Colombia, participate in the proceedings. The authors show that innovative understandings of concepts such as jurisdiction and standing would equip international courts with the flexibility needed to address emerging global challenges such as genocide.

With a growing realization that the ‘old way’ of doing business alone cannot address certain global challenges, the concept of ‘crisis lawyering’ has emerged as an innovative model in the practice of law.² The article “Crisis Lawyering: Navigating Reputation Challenges in Corporate Management” analyses the downfall of the Fabricato brand in Colombia, and argues that legal advisors must transform themselves in times of crisis, as well as consider the implications that some corporate decisions can have on a brand’s reputation. This approach brings together the legal community and aids in fostering a more inclusive and responsive governance system.

Human rights must be viewed from a gender perspective, that is, recognizing that power imbalances, social roles, and economic inequalities often intersect, creating unique vulnerabilities that make certain groups more susceptible to subjugation.³ This research scenario is even more problematic if it is referred to the criminal sanctions,

² Germán Silva-García and Angélica Vizcaino Solano, “El baile de los que sobran’. Profesión jurídica: poder político y exclusión en Colombia”, *Via Inveniendi et Iudicandi* 19, no. 1 (2024): 25-51; Germán Silva-García, “La formación legal y su impacto en las practicas jurídicas”, *Nuevos Paradigmas de las Ciencias Sociales Latinoamericana* 14, no. 28 (2023): 75-112.

³ Germán Silva-García and Vannia Ávila Cano, “Control penal y género ¡Baracunátana! Una elegía al poder sobre la rebeldía”, *Revista Criminalidad* 64, no. 2 (2022): 23-34.

which have been the subject of several seductive analyses.⁴ The article “Opportunities and Challenges of Community Service as an Alternative Punishment to Imprisonment for Female Heads of Households” studies how alternative sentencing benefits single mothers who have committed crimes, providing pathways to rehabilitation without the severe consequences of incarceration. The article concludes that the recent inclusion of community service as an alternative to imprisonment for female heads of households in Colombian criminal law offers solutions that address the root causes of crime and reduce the likelihood of reoffending, all while maintaining family stability. Similarly, the article “Successes and Challenges in the Fight Against Human Trafficking: A Comparative View Between Honduras and Colombia” explores data from the Global Organized Crime Index and the United Nations Office on Drugs and Crime in Colombia and Honduras and encourages international cooperation to better catch and prosecute the perpetrators of this transnational crime. A cross-border legal network is a novel approach to tackle transnational issues such as human trafficking. In this case, both government organizations and NGOs can bring together lawyers from different jurisdictions to work on global human rights cases, environmental protections, and corporate accountability. By applying a gender lens to human rights, we can better understand and address the root causes, patterns, and consequences of trafficking, making interventions more effective and responsive to the specific needs of affected individuals.

Novum Jus is committed to the spread of legal science and knowledge from scholars across the world. However, as the highest-rated indexed journal in Colombia, we must place special emphasis on the creation and dissemination of legal scholarship from our region. The analysis of social divergence, or differences and disputes over interests and ideologies, combined with the need to overcome colonialist cultural practices of the Global North while developing theories according to the material conditions of the Global South, already marks a series of trends in socio-legal thought.⁵ The article “The Distortions of Mainstream Criminology

⁴ José Fernando Flórez Ruiz, “The Effect of Mass Incarceration on Criminality in Colombia,” *International Journal for Crime, Justice and Social Democracy* 10, no. 2 (2021): 15-33; Germán Silva-García and Pamela Tinoco Ordóñez, “La justicia restaurativa. Un parangón entre la justicia penal y la transicional”, *Araucaria* 26, no. 57 (2024): 483-504.

⁵ Oscar Alexis Agudelo-Giraldo and Jorge Enrique León-Molina, “Una devaluación del mito eurocéntrico sobre la universalidad de los derechos humanos: la sospecha latinoamericana”, *Revista Científica General José María Córdova* 21, no. 44 (2023): 1005-1026; Luis Felipe Dávila, “Cuando dos puntos se alejan: desviación, divergencia y órdenes sociales amalgamados”, *Nuevos Paradigmas de las Ciencias Sociales Latinoamericanas* 14, no. 27 (2023): 75-102; Jorge Enrique Carvajal Martínez and Oscar Javier Trujillo Osorio, “Protesta social en América Latina: análisis desde la divergencia como categoría de la criminología del Sur global”, *Nuevos Paradigmas de las Ciencias Sociales Latinoamericanas* 14, no. 27 (2023): 185-214; Germán Silva-García, Angélica

in the Global North: Towards a Southern Criminological Worldview” acknowledges these differences and contends the need for a locally based approach to criminal justice and policy.

These are only some of the articles we bring to you in our first issue of 2025. Today, the intersection of social divergence and legal social control demands adaptability, pluralism, efficiency and a commitment to justice as a fundamental value. Lawyers and legal scholars must continually refine their approaches to ensure that the law serves as a tool for unity and fairness. Addressing the intersection of activism, legal research and social change within legal scholarship not only strengthens the credibility and effectiveness of the law but also fosters a more inclusive society where the rights and needs of all individuals are recognized and respected.

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