

Editorial

Law, Dignity, and Power: Legal Responses to Contemporary Challenges

Power requires law to legitimize itself; law requires dignity to justify itself; and dignity requires law to become enforceable in the face of power. For this reason, the present issue of *Novum Jus* offers its readers and the broader academic community a socio-legal analysis of the intersection of these three factors.

Power does not operate on its own. The function of law is to organize, distribute, and limit power, defining who may decide, how, and under what forms of oversight¹. Without law, power becomes mere force; with law, it becomes legally recognized authority. The article “Characterizing Criminal Complaints for Human Rights Violations During the Social Unrest in Chile” analyzes the serious human rights violations that occurred during the recent social protests in Chile, which deeply affected the dignity of the victims. By systematizing the complaints filed by the National Institute of Human Rights of Chile (Instituto Nacional de Derechos Humanos de Chile) and highlighting the limited responsiveness of the justice system, the study shows how law is put to the test as a mechanism for controlling power and effectively guaranteeing human dignity.

It is important that the instruments designed to maintain structures of power operate while respecting the religious and cultural dignity of Indigenous communities. The article “The International Legal Status of Ayahuasca: A Legal and Anthropological Approach” analyzes the exercise of state and international regulatory power in matters of drugs and public health, showing how the rigid or fragmented application of legal norms may generate legal uncertainty and disproportionate restrictions on rights, thereby affecting the cultural, religious, and personal dignity of those who use ayahuasca. This stands in contrast to traditional drug management formulas that have failed². Here, law appears as a space of tension between the protection of public health and the recognition of traditional and transnational practices,

¹ An illustrative example of the exercise of political oversight can be found in Luis Germán Ortega Ruiz, “Political Control and the Rule of Law in Colombia: The Role of Congress in Constitutional Safeguarding”, *Estudios Constitucionales* 22, no. 1 (2024): 329-360, <https://doi.org/10.4067/s0718-52002024000100329>.

² Germán Silva-García & Bernardo Pérez-Salazar, “International Anti-Drug Policies and Corrupt Public-Private Coalitions: Perspectives from a Criminology of the Global South”, *Economía Institucional* 26, no. 51 (2024): 139-163, <https://doi.org/10.18601/01245996.v26n51.07>.

which requires rethinking the use of global normative power from an approach more respectful of dignity and diversity. On the other hand, the article “Seeking Certainty in Uncertainty: Integrating Living Law into the Indonesian Penal Code to Harmonize Legal Pluralism and Indigenous Justice” highlights how the exclusion or uncritical absorption of Indigenous law may render legitimate forms of justice invisible, while also undermining the dignity of ancestral peoples. The creation of Adat courts as a mechanism for integrating Living Law constitutes an innovative legal response, as it ensures the institutional recognition of cultural diversity without sacrificing the coherence of the national legal system.

Safeguarding the rights of the most vulnerable populations, such as persons with disabilities, requires a particular approach. This issue has attracted significant attention in research³. In this regard, the article “Accessibility in Elections: An International Legal Obligation of States?” examines the exercise of democratic power from the perspective of inclusion and equity. By analyzing States’ international obligations to guarantee electoral accessibility for persons with disabilities, the study shows how law operates both as a limit on and as a guide for state power in the organization of electoral processes, requiring that they be designed in a manner consistent with human dignity and non-discrimination. Accessibility and the use of assistive technologies thus emerge not as luxuries but as basic obligations that ensure the effective political participation of historically excluded groups, demonstrating that the legitimacy of democratic power depends on its ability to include all persons on equal terms.

In this context, current legal challenges—both environmental and related to regional integration—require responses that transform the way power is exercised, whether through ecological constitutionalism or supranational justice. The article “Constitutionalization in the Formulation and Development of Environmental Public Policies in Colombia” accurately analyzes how the state’s power to formulate public policy is legally conditioned by the constitutional recognition of the environment as a subject of rights, an issue that places sustainability at the core of legal transformations⁴. This recognition imposes substantive limits on political power, expanding the notion of dignity beyond the human and incorporating criteria of participation,

³ Johana Barreto Montoya, “Persons with Disabilities in Contexts of Armed Conflict and Health Crises. The Colombian Case”, *Revista Científica General José María Córdova* 23, no. 50 (2025): 465-484, <https://doi.org/10.21830/19006586.1468>.

⁴ Germán Silva-García & Diana Marcela Bonilla Uyaban, “Sustainability in Criminological Analysis: The Case of Coal Mining in Boyacá”, *Via Inveniendi et Iudicandi* 18, no. 2 (2023): 270-292, <https://doi.org/10.15332/19090528.9743>.

territorial equity, and prevention as legal responses to the contemporary environmental crisis. In turn, the article “Human Rights from the Perspective of the Court of Justice of the Andean Community” examines the role of supranational judicial power in protecting human rights within the Andean integration process. This is a fruitful line of inquiry that has generated several studies⁵. In this case, although the Court of Justice of the Andean Community does not have specific jurisdiction over human rights matters, its jurisprudence demonstrates how Community law may be interpreted in an evolutionary manner to strengthen the protection of human dignity beyond the state, redistributing legal authority in a context of globalization and multilevel governance.

Dignity fulfills a dual function as both an axiological value and a legal principle. It is a notion whose semantic content demands particular caution, as it is a complex and elusive concept that requires rigorous analysis. Its meaning is neither fixed nor univocal; rather, it is constructed from subjective, intersubjective, and institutional elements and is closely linked to the capacity for recognition. In this regard, the article “Measuring Hospital Efficiency Through DEA: The Right to Health and Social Justice” identifies how budgetary constraints that condition the operation of public hospitals directly affect the dignity of users of the health system, insofar as they affect their effective, timely, and equitable access to essential services. Dignity, understood as both a principle and as a relational notion dependent on institutional recognition, is compromised when the health system fails to respond adequately to the needs of the population. Thus, the empirical analysis of hospital efficiency connected to the legal and axiological dimensions by showing that the realization of the right to health depends not only on its formal recognition, but also on the State’s actual capacity to organize and manage the health system in a fair manner. The article demonstrates that efficiency is not an end in itself, but rather a means of guaranteeing dignity and social justice, confirming that law operates as a framework for critically evaluating the exercise of public power and its effects on fundamental rights.

Moreover, the article “The Judicial Elite in Colombia,” by Noël Roth, forms part of a highly relevant and current debate on the future of the legal profession, its mission in society, and the prospects and possibilities of legal education in the country⁶. This

⁵ Carolina Blanco Alvarado, “The Importance of Andean Integration Law, Future Andean Community Law”, *Revista Republicana* no. 36 (2024): 111-122, <https://doi.org/10.21017/Rev.Repub.1046>.

⁶ From the most heated debate: Mauricio García Villegas & María Adelaida Ceballos Bedoya, *The Legal Profession in Colombia. Too Few Rules and Excessive Market* (Bogotá: Dejusticia, 2019). María Adelaida Ceballos Bedoya

journal has addressed this issue⁷. Researchers from the Universidad Católica have also examined other aspects, which are, of course, closely related to the foregoing⁸. In this way, *Novum Jus* also seeks to contribute to ongoing research developments and discussions in a field in which much remains to be done.

Other articles that have not been discussed in detail are no less important for that reason. They address the issue of rights, an essential matter for individuals, who often struggle to see these rights effectively realized⁹. Significant progress has been made in monitoring, researching, and diagnosing the situation regarding the protection and realization of fundamental and human rights in Colombia¹⁰. However, this is not sufficient, and therefore the journal continues to explore this question in the present issue.

At the beginning of 2026, this issue invites reflection on the role of law in a context marked by profound transformations, persistent tensions, and increasingly complex challenges. The articles included in this issue show that law cannot be understood

& Mauricio García Villegas, *Lawyers in Bulk; Legal Education in Colombia from a Comparative Perspective*, *Análisis Político*, no. 101 (2021): 97-119, <https://doi.org/10.15446/anpol.v34n101.96562>. Juan Antonio Gaviria & Néstor Raúl Londoño, “Lawyernomics in Colombia. The Economic Effect of High Levels of Legal Activity”, *Revista Derecho del Estado*, no. 52 (2022): 207-245, <https://doi.org/10.18601/01229893.n52.07>. Germán Silva-García & Angélica Vizcaino Solano, “The Dance of Those Left Over’. Legal Profession: Political Power and Exclusion in Colombia”, *Via Inveniendi et Iudicandi* 19, no. 1 (2024): 25-51, <https://doi.org/10.15332/19090528.10065>. Germán Silva García & Angélica Vizcaino Solano, “Profissão jurídica: poder político e exclusão social. ‘A dança dos que sobraram’”, *Revista Eletrônica de Direito e Sociedade REDES* 12, no. 1 (2024): 1-23, <https://doi.org/10.18316/REDES.v12i11853>.

⁷ Diana Maite Bayona Aristizábal & Antonio Milla, “The Elites of Legal Thought in Colombia: Ruptures in the Knowledge of Law”, *Novum Jus* 17, no. 3 (2023): 267-300, <https://novumjus.ucatolica.edu.co/article/view/5429/4907>.

⁸ See Germán Silva-García, “Legal Training and its Impact on Legal Practices”, *Nuevos Paradigmas de las Ciencias Sociales Latinoamericanas* 14, no. 28 (2023): 75-112. Germán Silva-García, Laura Cecilia Gamarra-Amaya & Paola Alexandra Sierra-Zamora, “The Impact of Indexed Journals on Legal Research and Culture”, *Revista Científica General José María Córdova* 23, no. 49 (2025): 207-227, <https://doi.org/10.21830/19006586.1408>. Germán Silva García & Luisa María Acevedo, “Innovation in Legal Education and its Effects on the Profession. The Role of the Teachers’ School”, *Oñati Socio-Legal Series* 15, no. 6 (2025): 2152-2176, <https://doi.org/10.35295/osls.iisl.2385>. Germán Silva García, Ángela María Ramírez & Luisa María Acevedo, “Vicissitudes of Doctorates in a Country of Doctors: The Quality of Law Doctorates in Colombia”, *Revista de Pedagogía Universitaria y Didáctica del Derecho* 12, no. 1 (2025): 35-56, <https://doi.org/10.5354/0719-5885.2025.78135>.

⁹ Laura Cecilia Gamarra-Amaya, Andrés Arturo Venegas Segura & Nelson Ricardo Fino-Puerto, “Protecting Collective Rights in Colombia. Group Actions Implementation, and an approximation to U.S. Class Actions Concept”, *Revista Científica General José María Córdova* 21, no. 44 (2023): 1005-1026, <https://doi.org/10.21830/19006586.1111>.

¹⁰ Luis Felipe Dávila, “Jail or Cemetery: The Situation of Medellín’s Youth as a Challenge to Human Security”, *Revista Científica General José María Córdova* 23, no. 50 (2025): 375-390, <https://doi.org/10.21830/19006586.1381>. Pablo Elías González-Mongui, “The Myth of Equality in Criminal Law”, *Revista Eletrônica de Direito e Sociedade* 13, no. 2 (2025): 1-17. Bernardo Pérez-Salazar, “Violence and Politics: The Poverty of Ideas in Colombia”, *Economía Institucional* 18, no. 35 (2016): 359-366, <https://doi.org/10.18601/01245996.v18n35.23>.

apart from the power relations it structures or from the dignity it is called upon to protect. From contexts of social protest, legal pluralism, and environmental and technological governance to access to health care and democratic participation, the articles underscore that the vitality of the rule of law depends on its capacity to offer effective, inclusive, and critical legal responses to contemporary realities. This editorial, rather than closing a debate, opens a space for academic dialogue that, at the beginning of 2026, reaffirms *Novum Jus*'s commitment to a conception of law dedicated to justice, attentive to diversity, and mindful of its responsibility toward individuals, territories, and present and future generations.

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