

Editorial

The Liberal International System in Question: Some Current Debates

The international system based on liberal ideas, or on the nation-state system led by the United States, appears to be in crisis.¹ The country is facing growing resistance to its global leadership. In addition, technological advances have brought about societal changes to which institutions must respond. However, technological developments are outpacing institutional responses. This issue of *Novum Jus* features several articles addressing issues surrounding the liberal international system.

Among these topics is the idea of democracy. The practice of politics within the democratic systems of Western states has been called into question by a variety of factors. Among them, the emergence of artificial intelligence in people's daily lives has given rise to debates concerning the risks posed by phenomena such as the creation of fake news.² Accordingly, this issue includes two insightful articles on disinformation. Along similar lines, it also addresses matters such as the exercise of power through technological means, namely, the phenomenon referred to as "cyberpower."³

Human rights lie at the heart of these debates. After all, the role of *Novum Jus* is to foster academic debate and discussion, and human rights undoubtedly provide an ideal setting for argument and counterargument within a dialectical dynamic.⁴

¹ Eduardo Ortiz, *El estudio de las relaciones internacionales*, 2nd ed. (Chile: Fondo de Cultura Económica, 2011), 183.

² On the use of fake news in the manipulation and social construction of reality in the legal sphere, see Germán Silva García and Bernardo Pérez Salazar, "Nuevas estrategias de construcción de la realidad del delito en el orden de las sociedades en red", *Utopía y Praxis Latinoamericana* 24, no. 2 special issue (2019): 123-132. It is also worth recalling the manipulation of public opinion in Colombia to encourage voting against the peace plebiscite, which had far-reaching consequences. On this topic, see Germán Silva García, Bernardo Pérez-Salazar and Pablo Elías González Monguí, "¡Encender una vela a Dios y otra al Diablo! Balance del acuerdo de paz del Estado colombiano con las FARC", *Cuhsó* 36, no. 1, (2026, in press).

³ This discussion should be complemented by articles such as: Fernanda Navas-Camargo and Carlos Alberto Ardila Castro, "Cyberspace, artificial intelligence, and the domain of war. Ethical challenges and the guidelines proposed by the Latin American Development Bank", in *Security and defense: Ethical and legal challenges in the face of current conflicts* (New York, Springer, 2022), 37-55; Luis Germán Ortega-Ruiz and Jairo Becerra, "La inteligencia artificial en la decisión jurídica y política", *Araucaria* 49, no. 1 (2022): 217-238; Germán Darío Flórez-Acero, "The use of artificial intelligence in arbitration: Friends with benefits", *Vniversitas*, no. 74, (2025); Jairo Becerra, Jeice Hernández and Julián Rodríguez, "Data wars. The struggle between factual data and pseudodata in Western society", *International Review of Sociology* (2026): 1-15.

⁴ Óscar Alexis Agudelo-Giraldo and Camilo Humberto Prieto Fetiva, "La argumentación jurídica vista desde los desacuerdos entre juristas", *Revista Filosofía UIS* 17, no. 2 (2018): 41-62.

It will soon become apparent how several of the foregoing topics are intertwined in this issue of the journal.

The existence of international human rights protection systems has enabled individuals to rely on institutional mechanisms when domestic institutions fail to provide adequate protection. Such is the case of the Inter-American Human Rights System, to which individuals turn when they believe that the rights enshrined in the American Convention on Human Rights have been violated.⁵ This issue includes a study on a particularly relevant topic for that system which contributes to the debate by challenging the use of the category of race.

Human rights, if not fundamental rights, are addressed in the vast majority of the articles included in this issue. These constitute the common thread running through the various contributions and a cross-cutting theme across most of the texts, of great importance to the journal given that its concern for the human person and their rights represents its foremost priority. This perspective is complemented, in many works, by a Latin American perspective.⁶

Nevertheless, it should be noted that human rights remain at risk and are subject to persistent violations in many parts of the world. Russia's invasion of Ukraine in 2022 is a conflict that continues to this day and, with no apparent end in sight, has resulted in numerous human rights violations. This issue includes a timely study that examines the application of international humanitarian law in this context. In particular, it analyzes war crimes and the principle of proportionality, a topic of considerable importance to the development of international law. This should be considered within a context in which this branch of law is continually challenged, as numerous violations of international legal norms have led many to question the practical significance of these rules in light of their ineffectiveness in real-world situations.⁷

Another aspect on human rights addresses a relatively novel and rarely explored topic, one concerning the duties and responsibilities of board members in

⁵ See also Jaime Cubides-Cárdenas and Paola Alexandra Sierra-Zamora, "Acceso a la justicia para mujeres víctimas de violencia y discriminación con enfoque de género en los precedentes del sistema interamericano", in *Derechos económicos, sociales y culturales* (Bogotá, Ediciones Nueva Jurídica, 2017), 256-283.

⁶ Pablo Guadarrama, "Cultura e ideologías en el pensamiento latinoamericano", *Cultura Latinoamericana* 40, no. 2 (2024): 64-87.

⁷ Laura C. Gamarra-Amaya, "Prosecuting child soldiers: legal consequences of the participation of children in the Colombian conflict", *Law & Safety* 85, no. 2 (2022): 131-139; Tania Giovanna Vivas Barrera, "Jurisprudencia relevante de tribunales penales internacionales *ad hoc* como precedente internacional obligatorio para la Jurisdicción Especial para la Paz en Colombia", *Nuevos Paradigmas de las Ciencias Sociales Latinoamericanas* 16, no. 27 (2023): 135-154; Laura C. Gamarra-Amaya, "Her war, her justice: learning from the past to repair the lives of former girl soldiers", *Nuevos Paradigmas de las Ciencias Sociales Latinoamericanas* 16, no. 32 (2025): 123-152.

relation to human rights. This discussion is complemented by several thought-provoking readings on the subject of human rights.⁸ In addition, attention is drawn to the concentration of power in the hands of a few individuals with the authority to govern these companies.⁹ This issue also includes a study on the fundamental right to mobility, critically examining its situation in connection with an alternative means of transportation.¹⁰

Environment rights and the right to public utility services—both essential to everyday life in contemporary society—are the focus of two additional articles in this issue. The former, in particular, has attracted considerable attention as a priority area of academic research. This makes it possible to include a recommended bibliography to accompany the introductory text to this issue.¹¹ The second topic is examined from the perspective of the Economy of Francesco, an approach of particular relevance in a world that increasingly requires guiding principles and values.

The legal history study on the protected legal interests in sexual offenses in Colombia continues a line of research that has examined the fundamental rights of women, which have been undermined by patriarchal structures and, in many cases, by the use of violence.¹² The article included in this issue points out, among

⁸ Óscar Alexis Agudelo-Giraldo and Jorge Enrique León-Molina, *Las hipocresías en torno a los derechos humanos* (Bogotá, Universidad Católica de Colombia, 2017); Bernardo Pérez-Salazar, “Migrantes irregulares, control penal en Colombia y transnacionalización de la protección de derechos humanos”, *Nuevos Paradigmas de las Ciencias Sociales Latinoamericanas* 16, no. 31 (2025): 43-82; Luis Felipe Dávila, “La cárcel o el cementerio. La situación de los jóvenes de Medellín como reto para la seguridad humana”, *Revista Científica General José María Córdova* 23, no. 50 (2025): 395-410; Margarita Cárdenas Poveda, “El régimen de reclutamiento y el derecho fundamental a la igualdad en Colombia”, *Via Inveniendi et Iudicandi* 17, no. 2 (2022): 11-36; Margarita Cárdenas Poveda, “Responsabilidad del Estado por privación injusta de la libertad: ¿un juicio de reproche subjetivo u objetivo”, *Via Inveniendi et Iudicandi* 20, no. 2 (2025): 27-46.

⁹ Santiago Arrieta, “Nvidia, Microsoft y Apple lideran el ranking de 50 empresas más grandes del mundo”, *La República*, Technology section, August 23, 2025.

¹⁰ For further discussion of the right to mobility, see also Germán Silva-García and Bernardo Pérez-Salazar, “Infracciones de movilidad en Colombia. Abusos de poder y derecho a la libre circulación”, *Estudios Constitucionales* 22, no. 2, (2024): 196-227.

¹¹ Jaime Cubides-Cárdenas and Tania Giovanna Vivas Barrera, *Responsabilidad internacional y protección ambiental: en tiempos de paz, en medio del conflicto armado y en etapas de posconflicto* (Bogotá, Universidad Católica de Colombia, 2018).

¹² Germán Silva-García, “El control penal sobre la sexualidad. Fundamentos, extralimitaciones y limitaciones”, in *Memorias XX jornadas internacionales de derecho penal* (Bogotá: Universidad Externado de Colombia, 1998), 231-271; 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; 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): 609-629; Germán Silva-García and Pamela Tinoco Ordóñez, “Delitos sexuales”, in *Derecho penal especial*, edited by Pablo Elías González-Mongui (Bogotá: Ibáñez, 2023); Germán Silva García, Johana Barreto Montoya and Pamela Tinoco Ordóñez, “Las heroínas literarias y la legislación. Discursos literarios y derechos femeninos”, *Revista Latina de Comunicación Social*, no. 84 (2026): 1-23.

other matters, that criminal measures ostensibly adopted to protect women have, in reality, served as mechanisms for controlling them.

In the field of law, this issue also includes additional articles. One examines fiscal oversight, a particularly challenging issue in a country plagued by public corruption. The other explores cooperativism as an organizational, economic, and political alternative for countries of the Global South.

Finally, in a different sphere from that of human and fundamental rights, though no less significant, this issue of *Novum Jus* also addresses legal research in Colombia, a key topic closely linked to legal education and, therefore, one that has implications for legal scholarship, the internal culture of the legal profession, and professional practice.¹³ This issue presents the fourth edition of its legal research ranking, accompanied by troubling findings concerning the quality of legal education and the state oversight mechanisms to which it is subject.

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¹³ Germán Silva-García, Laura Cecilia Gamarra-Amaya and Paola Alexandra Sierra-Zamora, “El impacto de las revistas indexadas en la investigación y la cultura jurídicas”, *Revista Científica General José María Córdova* 23, no. 49 (2025): 207-227.

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