



THE PRECEDENT OF THE COUNCIL OF STATE AND THE CONSTITUTIONAL COURT ON THE JURISDICTION OF LOSS OF INVESTITURE

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Abstract

The Loss of Investiture is a sanction that implies the removal from the position that a public servant who has been elected by popular vote is holding. Hence, the imposition of this sanction turns out to be an event of great social impact and of great relevance, for the execution of the tasks or functions of the person who performs public functions. Taking this into account, the decision to revoke the official who was popularly elected must necessarily have legal support, and it may far from being a decision that responds to the whims or "political movements" of those who have the important task of decreeing the loss of investiture. Thus, it is necessary to review the pronouncements made by the Constitutional Court and the Colombian Council of State, regarding the Loss of Investiture; the legal scope of said sanction, which has an ethical and subjective character, observing the principles and provisions of the legislator, in relation to the severity of the sanction given to an elected official.

Keywords: Principles, Loss of Investiture, Jurisprudence, Sanction, Precedent

Resumen

La Pérdida de Investidura es una sanción que implica el retiro del cargo que viene desempeñando un servidor público que ha sido elegido por voto popular. De ahí, que la imposición de esta resulte ser un hecho de gran impacto social y de gran relevancia, para la ejecución de las labores o funciones en cabeza de quien desempeña funciones públicas. Teniendo en cuenta eso, la decisión de revocar al

funcionario que fue elegido popularmente necesariamente debe tener un respaldo jurídico, y lejos puede ser una decisión que atienda a los caprichos o “movimientos políticos” de quienes tienen la trascendente labor de decretar la Pérdida de Investidura. Así, es necesario entrar a revisar los pronunciamientos hechos por la Corte Constitucional y el Consejo de Estado Colombiano, frente a la Pérdida de Investidura; el ámbito jurídico de dicha sanción, que reviste un carácter ético y subjetivo, dando observancia a los principios y lo dispuesto por el legislador, en relación con la severidad de la sanción dada a un cargo de elección popular.

Palabras Clave: Principios, Perdida de Investidura, Jurisprudencia, Sanción, Precedente

Introduction

In accordance with the constitutional postulates of the 1991 Political Charter, Colombia is a democratic, participatory and pluralist State, which implies that its members are guaranteed the possibility of getting involved in politics. Serrano (2015) defines democracy as the form of social organization that grants power to society, making it necessary for it to participate in public decision-making. Within a State that guarantees the rights of its members, it is essential that they have the possibility of participating in decision-making that affects them, which is conceived as participatory democracy. Nardiz (2020) describes it as that set of legal means that can be implemented to achieve citizen participation in public decision-making and which in turn constitutes a tool for political control.

The figure of Loss of Investiture, in Colombian legislation, entails the removal from office of the public official who has been elected by popular vote, and taking into account the scope of this decision, it is necessary to make an analysis of the pronouncements of the Constitutional Court and the Council of State on the subject, giving it a qualitative approach in the study of this figure, which establishes a judgment of political responsibility, where the national regulations apply a complex sanction as it is also clothed with a moral part. For Arévalo et al. (2013), the Loss of Investiture is a legal-political sanction through which the principle of morality of the public function is executed, independently of the legal sanction that the bad behavior of the official may entail (p. 238). Additionally, the citizen is legitimized to carry out a control over the actions of his elected officials, on the occasion of the standard to which the category of Congressman is raised, which demands behavior under the framework of transparency and ethics. For this reason, anyone who is subject to the action of Loss of Investiture becomes a "rest in peace, politician", which implies that he cannot be elected again to Congress.

Thus, a study of the jurisprudence of the Council of State and the Constitutional Court will be carried out, in addition to the concordant laws regarding this figure with a perennial sanction, for which the responsibility of the Congressman in relation to the way of acting is exposed to an entire conglomerate.

The Council of State is in charge of decreeing the Loss of Investiture of Congressmen, a power that has been granted from the Constitution itself, attending to the causes enshrined in the constitutional text: the violation of the regime of inabilities and incompatibilities, the incursion in conflict of interests, non-attendance at sessions during their period, the non-possession of the position in the established period, the improper allocation of public funds and influence peddling. This is a sanction that is completely independent of criminal sanctions or those imposed by other authorities.

Methodology

For the development of this research work, the hermeneutic paradigm was implemented, which allows the study and interpretation of the object of study through documentary analysis. According to Agudo and Vázquez (2014), hermeneutics constitutes an important aspect in epistemology in the legal field, since thanks to it the interpretation of law is achieved. (p. 397). This leads us to the use of a qualitative approach, in order to study—from the documentary and bibliographical—the competence in the face of the Loss of Investiture by the Council of State and the Colombian Constitutional Court. Regarding the qualitative approach, Mira et al. (2004) propose that this type of approach allows the development

of research, whose data are difficult to quantify, such as those that seek to know the social impact that a certain social phenomenon can generate (p. 36). The analysis of the information obtained aims to account for the position of two of the High Courts regarding the loss of investiture of an official who has been elected by popular vote, by virtue of the sovereignty recognized in the Political Charter. Schettini, P., and Cortazzo, I., (2015) express that the analysis of qualitative data involves the discovery of what was said and what was not said, finding the meaning of the materials that come from various sources, such as documents. (p.14)

In this sense, Pereira and Heredia (2014) highlight that documentary research acquires great relevance in legal studies, since it allows deliberation on the social content that makes up the dogmatic structure of a State (p.7).

Results and Discussion

Judicial Decisions of the Constitutional Court on the Loss of Investiture

For the neo-institutionalist Olver Nort, democracy must be based on citizenship. Therefore, it is the members of a State who must choose their representatives. Ramírez (2016) states that democracy is the product of a series of modernization and social transformation processes, which generate the necessary conditions for the integration of the country (p. 145).

Given the nature of the position, the Congressman is vested with a political and social responsibility, by virtue of the obligations that he holds on the occasion of a popular election. In this way of seeing, Mocoroa (2014) maintains that the prosecutions for this type of responsibility must be directed towards a moral reproach, but with political implications with institutional consequences (p. 130). Thus, a claim is made about the actions or omissions that harm the general interests and attack the dignity of the position held by the public official elected by popular vote. In this way, the Political Constitution —especially in its Article 183— provides a list of disqualifications to exercise this function, thus guaranteeing —to the group of citizens who have democratically elected them for their representation— not to exceed their powers by taking them to personal benefit, ignoring the public sphere that said Congressman must serve, having the sole purpose of the good exercise of his functions.

This true trial of police responsibility, which culminates with the imposition of a jurisdictional sanction of a disciplinary nature, which punishes the transgression of the impeccable code of conduct (...) For the Court, the type of political responsibility of a disciplinary nature required of the Congressman who incurs in the commission of one of the conducts that the constituent established as a cause for loss of office, is perfectly distinguishable and separable from the criminal responsibility that the same could also originate (Constitutional Court, Full Chamber, Judgment C-319, 1994).

Since this is a complex sanction, the Court has estimated a higher degree of demand, in terms of the applicability of due process as a constitutional guarantee that includes the right to contradiction. For Sandoval (2022), due process is a constitutional expression of protection of the human being against possible arbitrary acts that the State may exercise. In this sense, we have that the Court states that:

The Colombian State develops in its Political Charter a series of guarantees that tend towards the materialization of human rights. Therefore, the actions of state agencies must guarantee respect for these rights that are —according to what Maldonado (2013) proposed— closely related to certain values in order to promote respect for human dignity, equality and personal freedom. In this sense, the relevance of these rights and the need for the State to protect them in different scenarios is clear. Now, when it comes to the limitation of political rights that occurs as a result of the Loss of Investiture, it is necessary to:

It is clear that the loss of investiture is the most serious sanction that can be imposed on a Congressman, not only because of the very nature of the faults for which it has been foreseen, and because of the undeniable damage that its commission causes to Congress and to the collective interest, but also in terms of the consequences of the ruling, since it implies the immediate separation from the functions that the convicted person had been exercising as a member of the Legislative

Branch and, by express provision of the Charter itself, the permanent disqualification to be one again in the future. On the other hand, against the sentence issued by the Council of State, a single instance has been foreseen, given the level of said Court, the highest in the Contentious-Administrative jurisdiction (Constitutional Court, Sala Plana, Sentence C-207, 2003).

Thus, in the process that is carried out against a Congressman and in which the loss of his investiture will be determined, constitutional guarantees cannot be set aside. Bolaño et. al (2023) highlight the principle of supremacy of the Constitution, this being the text that constitutes the guiding norm of the legal system (p. 371).

On the other hand, it is highlighted that, within the framework of this sanctioning process, it is relevant that the disciplinable person be guaranteed the possibility of entering into dispute with the evidence that is held against him, thereby guaranteeing due process. In this regard, Pérez (2020) considers that the right to contradiction is established as a guarantee for the pursued subject to be heard, which implies, then, the opportunity for defense.

That said, the sanction of Loss of Investiture has very important connotations, since it implies the removal from office of someone who has been popularly elected and that, in accordance with the provisions of the Constitution and the laws, it cannot be for reasons other than those legally defined, configuring this as a guarantee of respect for due process. Thus, Alfaro et. al (2020) express that the authorities must apply the legal norms in accordance with the formalities defined therein. Therefore, there would be no possibility of a Congressman being convicted for a cause that is not expressly defined in the norm.

Declaring the Loss of Investiture of a Congressman entails the impossibility of exercising his functions, but also the loss of the possibility of aspiring to a public office for the time determined by the sanction. Thus, once this sanction is applied, the Electoral Entity will have the duty to refrain from issuing a credential to whoever has been sanctioned. The above should not be understood as an electoral nullity, since the Court states that:

In fact, although the causes of electoral nullity may be the same as the causes of Loss of Investiture, while some of them regulate ineligibility requirements, the truth is that the object of the two processes is different. While the first is aimed at nullifying the election (objective content), the second directly affects the status of Congressman (subjective content) (Constitutional Court, Plenary Chamber, Judgment SU264, 2015).

The affected party has the resources that allow him to obtain the restitution of his right, or in its effect to be compensated financially; although it is not an appealable ruling, by virtue of the fact that the body that issues it is a closing body, it does have a special extraordinary appeal for review invoking one of the causes established in Article 188 CPACA.

The Colombian Political Constitution leaves open the possibility for a citizen to go before a judge requesting the Loss of Investiture of a Congressman. The effects that the Loss of Investiture has Constitutionally are based on principles and guarantees of the same Charter, which empowers the Council of State to deny said request, in addition to the principle of favorability, by virtue of its sanctioning nature, referring to it:

A term of expiration of the action will be established, in order to provide legal certainty and not leave political situations undetermined over time. The term of 5 years, counted from the event generating the cause of Loss of Investiture, is a reasonable term for citizen control to be exercised. (Constitutional Court, Plenary Chamber, Judgment SU516, 2019)

Compared to other liability regimes, this means of control constitutes an autonomous institution; for this reason, the Court has established that the advancement of two or more proceedings for the same conduct does not entail the violation of the universal principle of non bis in idem, so that, if the expiration term is presented, whoever is interested will go to file the claim, and may use other mechanisms to establish the liability of the public servant.

The Loss of Investiture in the Sentences of the Council of State

Regarding the loss of office, the Council of State said: “The loss of office constitutes a legal, sanctioning and ethical judgment based on the causes provided for in the Political Charter” (Council of State, Plenary Chamber of Administrative Litigation, Rad: 11001-03-15-000- 2016-01503-00(PI), 2017).

It should be noted that it is an action brought by the highest body of the jurisdiction of Administrative Litigation, a power emanating from the constitutional dictates established in Article 184 of the Charter of 91:

The loss of the investiture will be decreed by the Council of State in accordance with the Law and within a period of no more than twenty business days, counted from the date of the request made by the board of directors of the corresponding chamber or by any citizen (Const., 1991, Art. 184).

It is the power of the Council of State to resolve the request made by any citizen to remove the status of congressmen from those persons who, by holding such title, have incurred in one of the causes described constitutionally. Consequently, in the face of the causes established in the constitutional framework for its execution, it is appropriate to analyze the normative scope regarding the subject; therefore, it is necessary to highlight that the provisions for the violation of the regime of disqualifications are expressed in the Constitution and the Law, Articles 179 of the Constitution and 280 of Law 5 of 1992.

The purpose of this cause is aimed at ensuring that the ethics of the public servant is not compromised by failing to fulfill his duty to remain impartial in the face of favoring, through his status, family members or third parties who seek elected office.

On the other hand, when referring to the cause for failure to attend six plenary sessions, the Council of State said:

As with any reproachful conduct (of a sanctioning type), the governing verb that gives rise to the sanction in an objective sense is the “non-attendance” of the Congressman to six plenary sessions of the respective chamber to which he belongs. The literal meaning of the word “non-attendance” is “lack of attendance”, as explained in the Dictionary of the Spanish Language, Tricentennial Edition. Now, the word “attendance” is ambiguous, but its main meanings consist of being present and in a group of people who are present at an event. (Council of State, Plenary Chamber of Administrative Litigation, Rad: 11001-03-15-000-2014-02130- 00(PI), 2015)

Indeed, non-attendance, when it does not involve force majeure, constitutes a clear violation of the duty of the Congressman within the function of voting and actively participating in the decisions taken within the legislative body and which are of importance given that they define matters of great relevance. Under this understanding, the court noted:

Attendance is not measured in terms of permanence in the chamber, that is, it does not take into account whether the Congressman does not get up, move or eventually withdraw from the Capitol for temporary periods; on the contrary, attendance relevant to the Political Constitution implies compliance with one's obligations and the regulations of Congress, that is, it refers to being present at the time of expressing one's vote on legislative act projects, Law or motion of censure, unless there is just cause, or an agreement or consensus of the bench to be absent or withdraw from the session in which constitutional reform projects, Law or motions of censure are voted on, which has to be for a certain matter or topic, because a bench, even if it declares itself to be pro-government, independent or opposition, cannot simply refuse to systematically and generally vote on the projects submitted for consideration of the respective chamber. (Council of State, Plenary Chamber of Administrative Litigation, Rad: 11001-03-15-000-2018-02151-00(PI), 2018)

Regarding the cause that determines the loss of the investiture for not taking possession of the office

within eight days following the date of installation of the chambers, the Council of State issued a statement, outlining three aspects that must be analyzed to determine the constitutionally established cause:

(i) That the accused person was elected, called to occupy a Congressional seat or was assigned one (within the framework of the Final Peace Agreement by virtue of Legislative Act 03 of 2017) (ii) That he/she has not taken possession of the office within 8 days following the date of installation of the chambers and (iii) That the lack of possession is not attributable to an event constituting force majeure (Council of State, Plenary Chamber of Administrative Litigation, Rad: 11001-03-15-000-2018-03883-01 (PI), 2019).

This cause seeks to guarantee the democratic principle of political representation, because it forces the Congressman to assume the exercise of the mandate conferred upon him by the people through their vote, under penalty of the sanction provided therein. The court states that the cause aims to guarantee the representation of the popularly elected Congressman in the face of the obligation to comply with the constitutional mandate (Cepeda Ulloa, 2012).

Regarding the improper allocation of public funds, it is not stipulated that this concept has been constitutionally or legally delimited, since the type of actions that can give shape to this cause are not detailed in an exhaustive manner. However, the concept of the Council of State, in this regard, can give a guiding light to the interpretation in relation to what it imposes as a characteristic and that must be taken into account when analyzing a trial on specific cases where the removal of office is demanded for this cause:

Indeed, for the Court, the improper use of public funds can be carried out in two different ways: directly or indirectly. It will be direct when the Congressman - with the power to regulate spending - illicitly uses public funds, either to obtain particular ends (for example, through the signing of state contracts without establishing their need, opportunity or convenience, as examined in the judgment of June 20, 2000, Files AC-9875 and AC-9876) or to order a different destination than that established in the Budget for those public funds. And indirect allocation will occur when, despite the expenditure having been ordered for the purpose provided for in the respective Budget, the Congressman promotes with his conduct a different allocation to the purpose for which they were consecrated (Council of State, Plenary Chamber of Administrative Litigation, Rad: 11001-03-15-000- 2015-00111-00(PI), 2017).

Finally, regarding influence peddling as the last cause of loss of office, it is established that it lacks a legal definition. Therefore, the concept issued by jurisprudence is taken for its understanding, theoretical foundation and scope, assuming three important aspects that make up the cause:

a) That the person exercising the influence holds or has held the status of Congressman of the Republic, which is acquired upon taking office; b) That such status or condition is invoked before the public servant, exercising in any case a psychic influence over him/her, without taking into consideration the hierarchical order existing between both; c) That money or a gift is received, caused to be given or promised for himself/herself or for a third party, with the exceptions or provisos provided for in Law 5 of 1992, regarding the actions of Congressmen in favor of their regions;¹⁷ and d) That the benefit sought by the Congressman comes from a matter that the public servant is or will be aware of. (Council of State, Plenary Chamber of Administrative Litigation, Rad: 11001-03-15-000-2018-00316-01(PI), 2019)

Considering the cause, this must suppose that the Congressman acts in a way that leads him to negotiate public appointments in exchange for financial compensation or gifts, in which he is not the only one involved, but, taking advantage of his position, he exerts influence over other public servants to achieve his goal, contravening the practice of good offices granted to him by the people when they

elect him and the constitutional and legal norm by establishing limits that he must not cross, and that by doing so he generates a legal, disciplinary and ethical judgment.

Conclusion

Related to its definition, the loss of investiture of congressmen is classified as a disciplinary sanction, but it is distinguished from other liability processes, such as criminal, electoral, fiscal liability, as well as the disciplinary process provided for in the statutes, which operates under a subjective nature, which is limited to a sanctioning judgment that does not allow a totally objective action, in order to establish the guilt of the alleged person involved, before imposing a sanction.

The loss of investiture is part of the sphere that involves the exercise of the *ius puniendi* or sanctioning power of the State, which translates into a duality of repressive systems that find justification in the purposes of the State itself (Ossa, 2000, p. 60).

It is a figure that, within the sanctions to congressmen, turns out to be the most serious, because, as a result of it, the “Political Death” is obtained. If this is decided, the Congressman can no longer hold office for life; for this reason, for some authors it constitutes a violation of fundamental rights, among the most relevant, political rights, such as the right to elect or be elected. In light of this, it has been said that this right can be limited respecting proportionality, legality and, in addition, complying with the purpose of the due process of law, pronouncements made by the United Nations Committee. With this, the Congressman has guarantees such as due process, his natural right to defense, as well as a double instance and other opportunities to challenge a ruling against him. It is also observed, within the analyzed jurisprudence, that this figure of Loss of Investiture tends to be confused with the electoral action, a situation of which both the Council of State and the Constitutional Court have established the differences, for which the first organ has said that the electoral action is of a contentious nature, while in the Loss of Investiture its genesis is Constitutional, which by means of a special Law is perfected and ultimately its knowledge is held by the Council of State, configuring a harmonious work between the two high organs.

With the use of this figure, it has been possible, to a certain extent, to purge in a perpetual manner some people who were granted at the time the trust of the majorities, and responded by transgressing the causes provided in the Constitution and its own Code of Conduct. For its part, the Court elucidates whether this figure is covered by a framework of guarantees in the course of the process. Within the requests for Loss of Investiture, in the highest percentage of cases, it was observed that the improper allocation of public funds was quite frequent, along with that of conflict of interest. Lately, it is noticeable to see how, in addition to these, the cause that Article 183.2 Superior does not mention, is played into the hands of congressmen. For example, in the case of Senators who mediated political party interests, they excused themselves when there was a debate not favorable to their political ideal, or they simply signed attendance or placed a fingerprint, but failed to carry out the vote. This constitutes a cause for non-attendance, but, apparently, the Congress of the Republic does not manage this data in an organized or transparent manner, since consulting the Congress website the attendance lists from 2014 to 2019 are empty or incomplete. Only since 2020 are more organized details found, which shows that the sanction of the Second Numeral translates into a political persecution in order to activate it, because everything remains in the Congress.

In accordance with the above, it can be concluded that those cases in which the Loss of Investiture has been determined have been thanks to the fact that the body in charge of decreeing it is totally independent of the Congress of the Republic, that is, the Council of State, the Contentious Administrative Jurisdiction. Added to this, the mechanism gives freedom to any citizen to request the action without any restriction, although it should be noted that the person requesting the Loss of Investiture must be aware of the norm or at least be advised as to the form and everything else that implies in law to request such action.

Although the causes of Loss of Investiture are exhaustive and based on objective facts, the judge, at the time of judging, is faced with subjective factors involved, as has been expressed during the development of this chapter, which reduce the effectiveness of this figure by establishing procedural forms that deal with principles and guarantees of due process of law. Thus, the Constitution defines

them expressly and at the same time provides them with multiple guarantees, which have been a factor in generating gaps at the time of decreeing it, since they tend to lose their objective nature enshrined in Article 183 Superior, which becomes an advantage for the Congressman when he finds himself immersed in a process as such, many using underhanded methods that are very far from the causes of exculpation (unforeseen circumstances and force majeure), to get away with it.

In all cases, this figure becomes a persecution by the citizen who wishes to file the claim for Loss of Investiture; in addition, it represents an economic investment to safeguard democracy, because it is not the same expense that it implies for a citizen at the time of voting, as for the one who decides to initiate the action. The expiration that also operates cannot be ignored, by virtue of the fact that it is a perennial sanction and there are no open possibilities of time to initiate the action against the Congressmen.

References

1. Agudo, M., y Vázquez, E., (2014). *Hacia una aproximación crítica entre el derecho constitucional y el derecho internacional*. Boletín de Mexicano de Derecho comparado. 47 (140). P. 395- 416. DOI: [https://doi.org/10.1016/S0041-8633\(14\)70041-9](https://doi.org/10.1016/S0041-8633(14)70041-9)
2. Alfaro Matos, Marvelio, Carrión León, Kleber Eduardo, Montecé Giler, Salomón Alejandro, & Meléndez Carballido, Rogelio. (2020). Los presupuestos de la actividad de los tribunales: garantías para el debido proceso penal. *Revista Universidad y Sociedad*, 12(5), 165-171. ISSN 24152897
3. Arévalo, J., Angarita, G., & Jimenez, W., (2013). *Reformas electorales y coherencia ideológica de los partidos políticos en Colombia, 1986-2013*. Revista Mexicana de Ciencias Políticas y Sociales. 58 (218). P. 233-269. DOI: [https://doi.org/10.1016/S0185-1918\(13\)72298-0](https://doi.org/10.1016/S0185-1918(13)72298-0)
4. Bolaño, P., Palma, O, Galán, J., & García, Y., (2023) *Incidencia de la interpretación constitucional en la garantía de los derechos emergentes en Colombia*. Juridicas CUC. 19(1). P. 365-390. DOI: <https://doi.org/10.17981/juridcuc.19.1.2023.13>
5. Cepeda Ulloa, F. (2012). *Perdida de la investidura, 1991 - 2011: una herramienta eficaz contra la corrupción de los congresistas, diputados y concejales*. Editorial Universidad del Rosario.
6. Consejo de Estado, Sala Plena de lo Contencioso Administrativo, (21 de junio de 2017). Rad: 11001-03-15-000- 2016-01503-00(PI), 2017 [M.P.: Moreno, C] Recuperado de: [https://www.consejodeestado.gov.co/documentos/boletines/PDF/11001-03-15-000-2016-01503-00\(PI\).pdf](https://www.consejodeestado.gov.co/documentos/boletines/PDF/11001-03-15-000-2016-01503-00(PI).pdf)
7. Consejo de Estado, Sala Plena de lo Contencioso Administrativo, (21 de julio de 2015). Rad: 11001-03-15-000-2014-02130- 00(PI), 2015 [M.P.: Arenas, G] Recuperado de: [https://www.consejodeestado.gov.co/documentos/boletines/PDF/11001-03-15-000-2014-02130-00\(PI\).pdf](https://www.consejodeestado.gov.co/documentos/boletines/PDF/11001-03-15-000-2014-02130-00(PI).pdf)
8. Consejo de Estado, Sala Plena de lo Contencioso Administrativo, (4 de octubre de 2018). Rad: Rad: 11001-03-15-000-2018-02151-00(PI), 2018 [M.P.: Marín, M] Recuperado de: <https://www.consejodeestado.gov.co/documentos/boletines/239/11001-03-15-000-2019-03996-00.pdf>
9. Consejo de Estado, Sala Plena de lo Contencioso Administrativo, (28 de mayo de 2019). Rad: Rad: 11001-03-15-000- 2018-03883-01(PI), 2019 [M.P.: Hernández, W] Recuperado de: <https://www.consejodeestado.gov.co/documentos/boletines/239/11001-03-15-000-2019-03996-00.pdf>
10. Consejo de Estado, Sala Plena de lo Contencioso Administrativo, (28 de marzo de 2017). Rad: 11001-03-15-000- 2015-00111-00(PI) ,2017 [M.P.: Suárez, R] Recuperado de: [https://www.consejodeestado.gov.co/documentos/boletines/PDF/11001-03-15-000-2015-00111-00\(PI\).pdf](https://www.consejodeestado.gov.co/documentos/boletines/PDF/11001-03-15-000-2015-00111-00(PI).pdf)
11. Consejo de Estado, Sala Plena de lo Contencioso Administrativo, (30 de julio de 2019). Rad: 11001-03-15-000- 2015-00111-00(PI) ,2019 [M.P.: Palomino, C] Recuperado de : [https://www.consejodeestado.gov.co/documentos/boletines/PDF/11001-03-15-000-2015-00111-00\(PI\).pdf](https://www.consejodeestado.gov.co/documentos/boletines/PDF/11001-03-15-000-2015-00111-00(PI).pdf)
12. Constitución Política de Colombia [C.P] (1991). URL: http://www.secretariasenado.gov.co/senado/basedoc/constitucion_politica_1991.html

13. Constitución Política de Colombia [C.P] (1991). Artículo 184 [Título VI] URL: http://www.secretariassenado.gov.co/senado/basedoc/constitucion_politica_1991_pr006.html#184
14. Corte Constitucional, Sala Plena. (14 de julio de 1994). Sentencia C-319 [M.P.: Herrera, H] Recuperado de: <https://www.corteconstitucional.gov.co/relatoria/2006/C-319-06.htm>
15. Corte Constitucional, Sala Plena. (11 de marzo de 2003). Sentencia C-207 [M.P.: Escobar, R] Recuperado de: <https://www.corteconstitucional.gov.co/relatoria/2019/C-207-19.htm>
16. Corte Constitucional, Sala Plena. (7 de mayo de 2015). Sentencia SU264 [M.P.: Ortiz, E] Recuperado de: <https://www.corteconstitucional.gov.co/relatoria/2015/SU264-15.htm>
17. Corte Constitucional, Sala Plena. (30 de octubre de 2019). Sentencia SU264 [M.P.: Lozarazo, A] Recuperado de: <https://www.corteconstitucional.gov.co/relatoria/2015/SU264-15.htm>
18. Maldonado, J. A. V. (2013). *Hacia un modelo de atención a la discapacidad basado en los derechos humanos*. Boletín Mexicano de derecho comparado, 46(138), 1093-1109. DOI: [https://doi.org/10.1016/S0041-8633\(13\)71162-1](https://doi.org/10.1016/S0041-8633(13)71162-1)
19. Mira, J., Pérez-Jover, V., Lorenzo, S., Aranez, J., & Vitaller, J., (2004), *La investigación cualitativa: una alternativa también válida*. Atención Primaria. 34 (4), 161-166 Doi: [https://doi.org/10.1016/S0212-6567\(04\)78902-7](https://doi.org/10.1016/S0212-6567(04)78902-7)
20. Mocoeroa, J. M. (2014). *El juicio político como “Medida de salud pública”*. Cuestiones constitucionales, 30, 123-149. DOI: [https://doi.org/10.1016/S1405-9193\(14\)70461-5](https://doi.org/10.1016/S1405-9193(14)70461-5)
21. Nardiz, A. R. (2020). Participación y gobierno:: la democracia participativa como herramienta contra la corrupción. El caso colombiano. In *Transparencia y participación para un Gobierno Abierto*. (pp. 65-86). Wolters Kluwer.
22. Pererira, L., y Herrera, H., (2014). *Conjeturas sobre el derecho social y la salud en Venezuela*. Revista Latinoamericana de Derecho Social. 18, 3-27. DOI: [https://doi.org/10.1016/S1870-4670\(14\)70163-0](https://doi.org/10.1016/S1870-4670(14)70163-0)
23. Pérez, F. (2020). *La evolución jurisprudencial del derecho del acusado a la última palabra*. Ius et Praxis. 26(2), 320- 332. DOI: <https://doi.org/10.4067/S0718-00122020000200320>
24. Ramirez, V., (2016). *Democracia y Sociedad*. Estudios políticos. 38, 143-162. DOI: <https://doi.org/10.1016/j.espol.2016.06.006>
25. Sandoval, R., (2022). El debido proceso en la jurisdicción penal y el estado de derecho en El Salvador. *Revista electronica Direiro e Sociedade*. 10 (3). 163-186. DOI: <https://doi.org/10.18316/redes.v10i3.10729>
26. Schettini, P., y Cortazzo, I., (2015). Análisis de datos cualitativos en la investigación social Procedimientos y herramientas para la interpretación de información cualitativa. <http://sedici.unlp.edu.ar/handle/10915/49017>
27. Serrano, A., (2015). *La participación ciudadana en México*. Estudios Políticos. 34, 93-116. DOI: <https://doi.org/10.1016/j.espol.2015.05.001>