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Editorial

We are pleased to share the first issue of the year 2025 of the Law and International Politics magazine, which is integrated by important scientific texts that provide legal, political and philosophical overviews and guidelines that allow us to observe the social and global dynamism for the growth of knowledge in the areas of law, business and politics. It is important for this edition the scientific approaches that the authors do not provide through the different visions that are integrated into this issue, the intention is to provide a multifaceted scenario that guides us to deepen the analysis of the agendas of legal-political actions for the world.

The first text that composes this edition investigates the efficiency of public policies on women and gender equity, with an introduction to the public policies from the classic documents of the study of these planning instruments; then several types of digitized tools will be applied, such as two semi-structured interviews for public policy makers and focus groups, a survey for the general population and finally a comparative matrix of the public policies of the two territorial entities.

The second article outlines a critical review of the right to the city from a women's rights perspective. The first part of the article discusses the importance of the conceptual contributions of the various currents of feminist theory for the formulation of the right to the city and, in the second part, presents a brief overview of the main international milestones on the right to the city for women that have been developed since the formulation of the "European Charter of Women in the City" (1995) to the more elaborate proposal on the right to the city at the Fifth World Social Forum (2005).

The third research work analyzes the normative development of the protected legal right "Protection of Information and Data" included in Title VII-Bis of the Criminal Code, Law 599 of 2000 between 1991 and 2021, with special emphasis on Law 1273 of 2009, which typified computer crimes or cybercrimes and seeks to fill previous legal gaps with which probable deficiencies immersed in the norm and that affect the economic and social order are embodied, to this extent, it is recommended to update the normative set to effectively face the challenges posed by computer crime in Colombia.

The fourth scientific manuscript in this edition analyzes statistical underreporting or undisclosed criminality, a term used in criminology to indicate the rate of non-reporting of victims of a criminal act, directing the analysis to establish how the management of the hidden figure also prevents the identification of actors generating violence in the case of individuals or criminal structures.

The fifth scientific article discusses the importance of the implementation and enforcement of the General Law for the Timely Detection of Cancer in Children and Adolescents, a significant step in the protection of the health and well-being of Mexican children and adolescents with cancer. Through an exploratory qualitative research, the method of legal dogmatics was used in the legislative framework of Mexico, explaining from the hermeneutic the historical process of the right to health and complementing it with the doctrine and jurisprudence of the Supreme Court of Justice of the Nation relevant to the subject in question, confronting the results with the current panorama in the protection of the right to health.

Finally, the sixth manuscript analyzes the social factors that influence the productive development of small enterprises in Viterbo, Caldas, Colombia, in the

context of a changing global economy. With a mixed methodological approach that seeks to identify shortcomings and formulate strategies to improve competitiveness in public policies.

We hope that this is another edition to your liking.

Dr. Roberto García Lara, Mtro Jorge González Márquez
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EFFICIENCY OF PUBLIC GENDER POLICIES FROM 2021 TO 2023 IN BARRANCABERMEJA AND SABANA DE TORRES, SANTANDER, COLOMBIA

EFICIENCIA DE LAS POLÍTICAS PÚBLICAS DE GÉNERO DE 2021 AL 2023 EN BARRANCABERMEJA Y SABANA DE TORRES, SANTANDER, COLOMBIA

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ABSTRACT

Keywords:

public policy, women, gender
equality, methodology.

This thesis is aimed at investigating the efficiency of public policies on women and gender equality in the District of Barrancabermeja and the Municipality of Sabana de Torres in the department of Santander, having an introduction to the journey of public policies based on the documents classics of the study of said planning instruments; Afterwards, several types of digitalized tools will be applied, such as two semi-structured interviews for public policy makers and discussion groups, a survey for the general population and finally a comparative matrix of the public policies of the two territorial entities. It is important at the end of this research to solve the following questions: are public policies really efficient in the territories? Do local public policies contain all the necessary minimum requirements? Based on the hypothesis raised in this final project (FP), it was confirmed that public policies require greater regulatory rigor in the country and that, consequently, it is necessary to issue statutory and regulatory standards on this topic, to avoid the use of public resources in long-term planning tools that do not have the minimum elements necessary for their implementation; On the other hand, the National Planning Department (DNP) of Colombia, being the first authority on planning issues, leads a real methodological process in these instruments.

RESUMEN

Palabras clave:

política pública, mujer, equidad de
género, metodología.

Este artículo científico va dirigida a investigar la eficiencia de las políticas públicas de mujer y equidad de género del Distrito de Barrancabermeja y el Municipio de Sabana de Torres en el departamento de Santander, teniendo una introducción en el recorrido de las políticas públicas a partir de los documentos clásicos del estudio de dichos instrumentos de planeación; después se aplicaran varios tipos de herramientas digitalizadas como dos entrevistas semiestructuradas para los formuladores de las políticas públicas y los grupos de discusión, una encuesta para población general y por ultimo una matriz comparativa de las políticas

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públicas de los dos entes territoriales. Es importante al finalizar esta investigación solucionar los siguientes interrogantes: ¿realmente las políticas públicas son eficientes en los territorios? ¿las políticas públicas locales contienen todos los requisitos mínimos necesarios? A partir de la hipótesis planteada en este proyecto final (PF), se ratificó que las políticas públicas requieren de un mayor rigor reglamentario en el país y que por consiguiente, se hace necesario que se expidan normas estatutarias y reglamentarias en este tema, para evitar el uso de recursos públicos en herramientas de planificación de largo plazo que no cuentan con los elementos mínimos necesarios para su implementación; por otro lado que el Departamento Nacional de planeación (DNP) de Colombia, siendo la primera autoridad en temas de planificación lidere un proceso real metodológico en estos instrumentos.

Introduction

This research is aimed at analyzing and identifying the degree of efficiency of the public policy on women and gender equity in the District of Barrancabermeja and the Municipality of Sabana de Torres in the Department of Santander; throughout the history of mankind and since the birth of public policies, several studies, follow-ups and evaluations of the errors and successes of these long-term planning tools have been carried out. Since the 1991 Constitution, Colombia has been implementing this tool more frequently at the national, departmental and a few years ago at the local level, without having a regulation on the competence of those who have the obligation to formulate them and even more to implement them. If we keep in mind that Law 617 of 2000, presents a categorization from the 6th category to the special category for Colombian municipalities and, for example, we have that the unqualified municipalities must be subordinated to the governorates in education issues; with this article we intend to analyze the development of the same policy in a special category entity such as Barrancabermeja and a 6th category entity such as Sabana de Torres. At the end of this research, it is important to solve the following questions: Are public policies really efficient in the territories? Do local public policies contain all the necessary minimum requirements?

Initially I choose this research topic of scientific article, because I was a teacher of the subject of design, formulation, implementation, monitoring, evaluation and restructuring of public policies at the University Institute of Peace (UNIPAZ) for the career of social work and because I accompanied several formulations of public policies in the department of Santander, as the departmental public policy of youth (participant), the public policy of youth of Barrancabermeja (methodological consultant), in the public policy of sport in Barrancabermeja (participant), among others. It is important to mention that I am passionate about the subject and that on the other hand I am concerned that the national government does not regulate this type of long-term planning instruments, therefore, I hope to generate a holistic view of the subject taking as a starting point two similar public policies in two different territories.

Public policies in Colombia have had a very varied application throughout the territory, in other words, they have been formulated with diverse methodologies and in many cases have been a way of wasting resources since in practice no specific budgets or clear implementation elements are contemplated for each one of them.

Taking into account structures such as the five steps: "identification and definition of the problem, formulation of alternatives, adoption of an alternative, implementation of the selected alternative and, finally, evaluation of the results obtained (Barbosa Jaimes, 2024). Over time, international cooperation agencies, headed by the UN, UNDP and, in Colombia, the National Planning Department (DNP), have led the way in the formulation of public policies; they have institutionally addressed the issue.

This research seeks to determine the efficiency of the public policies on women and gender equity in force in Barrancabermeja and Sabana de Torres - Santander, Colombia, through the development of three specific objectives: i) To identify the methodologies for the formulation of public policies, ii) To analyze the documents of the public policies on women and gender equity in Barrancabermeja and Sabana de Torres, and iii) To apply the instruments or tools of social intervention to analyze the efficiency of the public policies on women and gender equity

The document has been structured in two fundamental parts, in addition to the introduction at the beginning of the document; the first part (section 2 of the document) deals with the theoretical framework of the research, presenting here a historical

overview of public policies, some current theoretical references and the legal framework surrounding the public policy process; the second part (section 3 of the document) presents the empirical framework, which consists of a general contextualization of the environment in which the research was carried out, the presentation of the methodological framework implemented, the main results, conclusions and recommendations arising from the study.

The last parts of the document contain the bibliography, glossary and annexes that support the research carried out.

Theoretical Framework

This document has three important theoretical sections, in a first approach the content of the historical journey of public policies, addressing three basic texts to start a solid research, the first book is a synthesis of Luis Aguilar in the book called "The Study of Public Policies", which summarizes from several theorists the conception of public policies, a second document of the same author "The Implementation of Public Policies" and finally we have Joan Subirats and his contribution with the book "The instruments of the policies, the public debate and the evaluation process", from where we rescue the specific topic of the evaluation of public policies.

History of Public Policies

The following is a synthesis of three of the most significant documents on public policies in history, which provide a historical overview of their conception and operation.
The Study of Public Policies

In order to understand the applicability of public policies, it is first of all necessary to make a theoretical journey through the passage of time on the conception of the study of the science of politics; we could mention that one of the most revealing documents written on the subject of public policies is by the author Harold Lasswell in 1971 "orientation towards public policies", a text that compiles a systematic analysis of the differences between the social sciences or psychological sciences and the appropriation of the sciences of public policies. A great point of this theorist is to recognize that not only political scientists could generate elements of analysis to generate actions of the State that mitigate constant problems of society and it is necessary to refer to the subject of game theory that was created by mathematicians and economists, such as John Nash and Newman; which sought to approximate the understanding of human rationality or the ways in which in hypothetical scenarios decisions could be made by leaders with good or bad results. But with the aim of limiting the response options and getting ahead of them, taking advantage of them as in a psychological chess game, which starts from the understanding of an economist and a mathematician to synthesize probable responses to moments of crisis, war or exponential development.

Now, in the specific issue of the translation of these actions of the state through public policies, we could identify that they are the sum "when we speak of public policies we mean government decisions that incorporate the opinion, participation, co-responsibility and money of the private sector, as citizens, voters and taxpayers" (Aguilar Villanueva, 1992). This statement, although very succinct, expresses much of the simplicity in how it is grammatically composed. If we analyze the phrase, we have as a first stage the issue of a government decision and this materializes from the public agenda, is catapulted from the discussion groups or target population as needs and finally is incorporated into government program proposals at present. Further on, it refers to

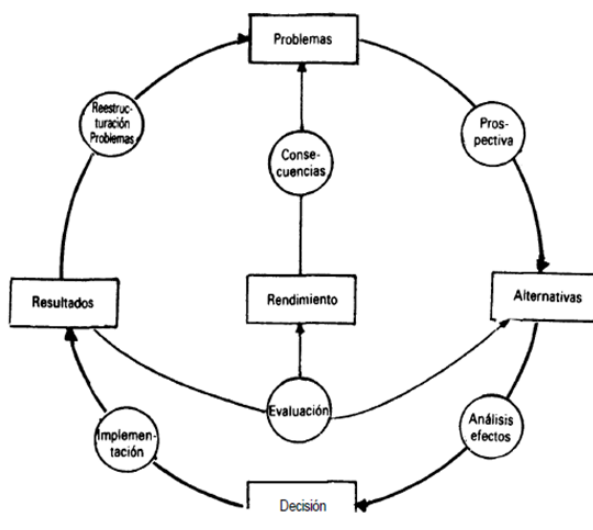
participation, but seen from the civic action that promotes ideas of needs and possible solutions to social problems, which on many occasions produces the creation of activism sensitized by the discourse. When it mentions the issue of co-responsibility, it indicates the responsibilities shared by the parties to a given problem or need and which should be promoted to generate a response from the state. Finally, the private sector refers not only to corporate social responsibility, but also to the contributions made by all citizens as private individuals through taxes to feed the state apparatus for the so-called redistribution of income.

After understanding the need for data we must understand the need to recognize the real problem that we intend to mitigate, in this sense it is important to mention the work of psychologists and psychiatrists who from the study of their field of knowledge can address and abstract from the sectoral, population or differential groups an approach to the source of their problems in a much more assertive way, in the one to one; as noted in the document when it asks What would be the choice of problems? and relates Freud and Harry Stack Sullivan to the premise of the importance of understanding human behavior for the prioritization of problems.

Now, after understanding the need for the sciences to study public policy, it was necessary to trace the route that would lead to the famous endless cycle of public policy, let us address one of the most recognized and raised in the text by Carlos Ruiz Sanchez.

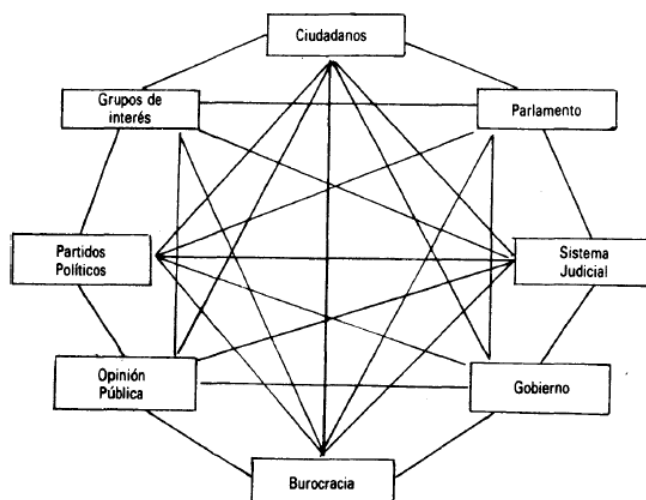
Figure 1

Outline of public policy analysis



Note. Source: Dunn. (N. J.).

Before concluding this first section, it would be interesting to review two graphs, one that simplifies the public policy cycle or "in which a public policy is understood as a sequential model, a cycle or model by stages, not closed in the strict sense, but which places those responsible for public policies in a frame of reference in their actions" (Barbosa Jaimes, 2022) starting from the moment after the problem is included in the public agenda as a significant problem for its mitigation or elimination from society; especially reviewing the thematic analysis in prospective that identifies situations taking into account science, technology, economy and social elements in order to decompose into its parts in the possible solutions and results of the application in the above terms.

Figure 2*Relevant actors in the Public Policy formation process*

Note. Frederick (1986).

This second graph shows the interrelation of the actors in the public policy cycle and has a supremely high level of relevance if we want to address public policies, because there is no public policy without a public to whom it benefits or with whom it relates.

Implementation of Public Policies

The analysis of this document first requires us to review what is meant by implementing and the term is found in the first title of the book, which indicates that it is the realization of actions previously identified and with pre-established objectives; I believe that a significant contribution and updating, is that the implementation of a public policy is the implementation of the results of a whole previous process of the public policy formulation cycle and I would like to bring to this argument another of the classics of public policy Carlos Ruiz Sanches and his steps for the formulation of policies:

1. Identify and define the problems.
2. Perception of current or future problems.
3. Select solutions.
4. Establish objectives or goals.
5. Pre-selection of immediate means.
6. Implementation

Bearing in mind these steps (and remembering that Lindblom included the public agenda as the beginning), it is important to understand that public policies at this level have had a long journey of legitimization, research, analysis, problematization, prioritization of actions, identification of resources and finally the beginning of implementation.

The classics mention three types of study groups of public policies, one is the one that analyzes the theory of organization, which is limited to understanding how the public policy was implemented and what modifications the public administration had to implement for its action; another study group of public policies in their implementation is the analysis of judicial decisions regarding the results or possible effects that the implementation is presenting in any of its stages and finally the study group of the relationship in the articulation of government entities not only at the local, departmental, regional or national level. To reflect "Analytical approaches constitute the lenses through which we view our public policies. If they provide us with distorted images, it is unlikely

that our work can effectively contribute to a better understanding and resolution of major public problems." (Betancur, 2024)

Another important element in the implementation of public policies is the issue of classifying them, according to Luis Aguilar's text and taking up the suggestions of Braybrooke, Lindblom and Wildavsky, there should be two main elements. On the one hand, the size of the change required for implementation, which suggests that a public policy with structural changes will not be as effective as a public policy with gradual changes. The other type of classification is the degree of agreement on the goals and those involved in the process, referring to the fact that it is not only enough to have a very complete public policy, but it is also necessary to consider the public servants who apply it and the co-responsibility with society.

"Process knowledge asks how policies are made and carried out. On the other hand, the intelligence in the process considers necessary the information in front of such process, it wonders what else should be known regarding this problem in order to determine possible solutions." (Mendoza, 2024)

Method

Empirical Framework

Our empirical framework will have a contextualization where you can find general data of the context of the research as a reference of the territorial entities where it will be developed, also a methodological design where you will find the characteristics of the sample and the tools that will be used in the research, the following section will have the result where the synthesis of the data collected will be annexed, then we will have the discussion where we will develop the arguments based on the research process, then we will find the general conclusions that will allow us to recognize if the hypothesis can be solved or not and finally we will have the subjective recommendations of yours truly.

Contextualization

The department of Santander is located in the Andean region of Colombia and its capital is Bucaramanga "The city of parks", Santander has a territorial extension of 30,537 km² and has a population density of 2,306,455 inhabitants (divided into 51% women and 49% men), consisting of 7 provinces and 87 municipalities. The department of Santander is bordered on the north by the department of Cesar and northern Santander, on the east by the department of Boyacá, and on the west by the Magdalena River. (Gobernacion de Santander, 2024)

With reference to the above data we have our 2 municipalities prioritized for research in the province of Yariguíes, on the one hand, Barrancabermeja, the so-called oil capital that over time has been subject to a hydrocarbon extractive economy and houses the country's largest refinery ECOPETROL S.A.; it is territorially divided into 7 municipalities and 6 townships 213,061 inhabitants (divided into 51% women and 49% men) with a total land area of 1,154 km². (Alcaldia Distrital de Barrancabermeja, 2021)

On the other hand, we have the municipality of Sabana de Torres with a territorial division of 12 neighborhoods (urban area), 9 human settlements, 7 populated nuclei and 13 villages and measures about 1,428 km²; it has a population density of 27,845 inhabitants (divided into 49% women and 51% men). (Alcaldia de Sabana de Torres, 2020)

These prioritized municipalities have the particularity of having a large number of people in the single registry of victims, so the implementation of public policies is very useful for targeting and benefiting the most affected population groups such as women.

Methodological Design

The instruments, times, population and other elements of the method used in this FP are presented, which correspond to the different elements that have given rise to the development of the research exercise through a series of instruments and methodologies that seek to contribute to answer the two study questions.

Variables

Theoretical variables: Formulation of public policies

Operational variables: level of satisfaction with the CPs of the formulator and the population, type of implementation approach taken into account Implementation elements (strategic axes, plans, programs, projects or actions), types of methodological structures of the documents, amount and method of investment, method of legitimization applied and profiles of the formulating team.

Sample

For the development of the study, a sample of twenty-six people per territorial entity was taken, distributed as follows: a) 20 women residents in each of the territories under study, b) 5 leaders belonging to the women's social processes in each territory, and c) 1 professional belonging to the formulation team of each policy. The sample is detailed below according to the instrument applied:

Interview Population: Formulator of public policy for women and gender equity in Barrancabermeja and Sabana de Torres

Sampling/Selection criteria: A semi-structured interview will be conducted

Sample: 1 for each policy

Interview Population: Women's and gender equity public policy discussion groups

Sampling/Selection criteria: A semi-structured interview will be conducted

Sample: 5 for each policy

Population survey/questionnaire: Women

Sampling/Selection criteria: Survey/questionnaire will be applied

Sample: 20 women from the municipalities of Barrancabermeja and Sabana de Torres

Comparative matrix: Woman

Sampling/Selection criteria: A comparative matrix of public policies on women and gender equity will be applied

Sample: 1 for each municipality

Figure 3
Comparative matrix

Nombre de la política Pública	Población Objeto/temática	Elementos del Marco lógico	Enfoques Orientadores	Planes	Componentes/Estrategias	Programas	Proyectos	Fuentes de Financiamiento

This tool was designed to analyze the meeting points of the two public policies in order to reference elements of value in the possible errors and successes in their implementation

Procedures

For the development of this FP, 4 moments will be taken into account, aimed directly at complementing the specific objectives:

Moment 1: Conduct a PP count, review basic literature and analyze the different forms of PP formulation at the time of its conception.

Moment 2: Review PP formulation tools in Colombia and Latin America by means of the postulates of the DNP.

Moment 3: Conduct an analysis of the results of the application of instruments to the CPs, relating the comparative matrices of information on elements such as types of CPs, implementation elements, etc.; the surveys/questionnaires/interviews directed at the formulator and the people who participated in the formulation and execution of the CPs. By means of digital forms.

Moment 4: Analyze the tools applied for data collection and generate significant contributions to the efficiency of Public Policies.

Results

The results in reference to the specific objectives of the FP are as follows

On the Identification of Methodologies for Public Policy Formulation

Three useful, comprehensive and effective methodologies were identified for the formulation of public policies in any context: on the one hand, there is the method designed by the UN through the UNDP, another significant method was developed by the DNP in Colombia, and finally we have the methodological design created by international cooperation agencies with a human rights approach.

On the Analysis of Public Policies on Women and Gender Equity in Barrancabermeja and Sabana de Torres Santander

From the use of the comparative matrix (see annex G), in a first review it is that despite the fact that both public policies for women and gender equity are a year apart in terms of formulation, in the Sabana de Torres policy, we found more inclusive elements in gender issues than in the Barrancabermeja policy, with a little more research we found that for the district the LGBTIQA+ public policy is formulated (agreement 063/2023), which complements the gender issue that is complete in the Sabana de Torres policy.

For the results of the comparison in terms of the logical framework and approaches, the public policy of Sabana de Torres has many more elements than that of Barrancabermeja, such as the human development approach, differential approach and territorial approach; in the specific topic of the logical framework for the district of Barrancabermeja, fewer elements are recognized such as objectives, strategies and actions, and for Sabana de Torres, we have the Constitutional Framework, Legal Framework, Conceptual Framework, Rights, Rights Approach, Diagnosis, Components and Objectives and Action Plan.

For the analysis of the plans column, both have an action plan, but for the district of Barrancabermeja an additional equal opportunity plan is prioritized; for the other components and strategies the municipality of Sabana de Torres has many more elements of law that guarantee the gender issue in reference to the public policy of the district of Barrancabermeja.

Finally, in the analysis of the financial issue, the two public policies do not provide fixed resources for their implementation and, on the contrary, it is left open to the current president to prioritize the percentage he/she deems appropriate.

On the Application of Instruments for the Analysis of the Efficiency of Public Policies in Barrancabermeja and Sabana de Torres

Semi-structured interview for formulator in Barrancabermeja.

According to the survey, the formulator mentions that the methodology was built by the operator in conjunction with the community, and that no pre-established methods were taken into account by any competent entity such as the DNP.

The formulator emphasizes the exchange in the field and the permanent listening with the population targeted by the public policy. And in the second question about the resources, he mentions that they were taken from the mayor's office, but does not specify from which budget item they come from.

The question of redirecting the resources invested in the female population by all the sectors was not taken into account, but at the time of implementation it is known that all the sectors must invest due to its condition of cross-cutting policy.

The formulator mentions that they did apply the data collection method by means of a survey to two types of population, the focus group and the general population.

The formulator is not very clear about the logical framework question, but mentions that 7 axes of intervention were presented. In summary, the question about the profiles mentions one in postgraduate and two in undergraduate with a social focus, with an absence of professionals in areas of knowledge of administration or economics.

The method used is that of gaps, which is the presentation of general data on an issue compared to the perception of those directly affected. For the second question on efficiency/effectiveness, it is necessary that the sectors provide complete and disaggregated information to identify how efficient/effective the implementation has been.

Semi-Structured Interview for Formulator in Sabana de Torres

In our first question, the formulator mentions that the timeframe was met and that the formulation period was 6 months, and that the methodology was provided by the operator.

The elements that the formulator of the process highlighted were the large number of women participants and the fact that the mayor's office officials, on the other hand, were not involved in the process.

In the question on the resources allocated for the execution of the policy, the formulator mentions that no specific resources were identified and that it is the responsibility of the administration to include its own annual budget for its execution.

For the next question, the formulator mentions that satisfaction surveys were applied to the focus groups. On the other hand, it mentions that the logical framework adapted was that of the public policy on women and gender equity of Bogota.

For the question of which professional profiles participated in the construction of the public policy, it mentions 2 but does not specify which ones. Mention for the next question that if a general input tool was built.

Finally, the formulator mentions that in order to analyze the efficiency/effectiveness of the public policy, welfare indicators should be reviewed from a gender perspective to identify the situation of women.

Semi-Structured Interviews for Target Population or Focus Groups in Barrancabermeja

Our result of the semi-structured interview shows that for the focus group sample in Barrancabermeja there are 2 women with postgraduate degrees and 3 undergraduates. For the second question on behalf of who participates, three mentioned that they represent social organizations and two in their own name.

For the question whether they are satisfied with the products of the public policy on women and gender equity in a range of 1 to 10, the average is 6.8%; in the question what would they improve in the process of building the public policy, improve the dissemination of the benefits of the policy, consider and highlight the distinctive characteristics of coastal women, improve the spaces for participation, that the implementation be transversal and finally that it be flexible for possible changes in the social context.

In response to our question about whether they have been able to appreciate the actions of the public policy, the discussion group mentions that it is not possible to make it fully visible due to the bureaucracy that is handled by the territorial entity; on the other hand, they mention that due to the absence of a prioritized budget it cannot be made visible, and the last observation mentions that the public policy on women and gender equity facilitated the process administratively.

For our question about what knowledge can be contributed to improve the formulation, the discussion group mentions that it should be much more participatory, that in many occasions there are replications that are not contextualized and cause administrative errors, and finally, it is suggested that the formulation of public policy should have a tool that focuses on what it is intended to address and be faster.

Semi-Structured Interview for the Target Population or Focus Groups in Sabana de Torres

This interview first analyzes the level of schooling of the members of the focus group, one of whom is a councilwoman in Sabana de Torres, but the highest level of knowledge is technical. In the second question, it indicates whether it participates in the formulation on its own behalf or on behalf of a social organization and all of them are part of social organizations.

In reference to the question of satisfaction about public policy by listing from 1 to 10 points, they answered 1, 5, 5, 5, 6, and 7 which on average is 4.8 is the score of perception of satisfaction of public policy.

In the question about the construction process that would improve, the focus group mentions that the policy should be complied with, that support should be given against gender violence, that the knowledge of the focus groups should be taken into account and the most mentioned is the generation of more projects for women.

For the question if it is easy to appreciate the actions of the public policy, the discussion group mentioned by two members that it is not appreciated, two that it is possible to appreciate the actions and one that is waiting for an update to improve the implementation process.

For the last question, it is indicated what contributions have been made to improve the formulation process, one mentions to continue participating, another to be more inclusive, the next to improve the formulation methodology and finally to have more women with a higher level of knowledge participating in the formulation.

Women's perception survey in Barrancabermeja

For this survey, closed questions were asked, the first of which asked whether the public policy on women and gender equity was known and, with great concern, more than 55% of the women surveyed did not know about it. The next question asks if they know the actions taken by the mayor's office to benefit their population, and 60% say they do not know.

The next question asks whether the respondent is satisfied with the actions carried out by the mayor's office for the female population, and 45% of respondents said they were not satisfied at all. For the question "How many activities have you participated in in the mayor's office for the female population," 88.9% have participated in 1 to 5 activities.

The last question is about the participation of the female population in the formulation of the public policy for women, and 65% of them mentioned that they would participate.

Perception Survey of Women in Sabana de Torres.

The first question for the population of women in Sabana de Torres is whether they are aware of the public policy on women and gender equity, with the highest response being 60% who say they are aware of it.

The second question on whether they know what actions the municipality of Sabana de Torres carries out for the female population, 40% of the women mentioned that they do not know.

On the question "Are you satisfied with the actions of the municipal mayor's office in the area of women?", 30% of the respondents said that on a scale of 1 to 5, the answer is 3. When asked how many activities they have participated in, 78.9% mentioned 1 to 5.

And the last question on whether they would participate in public policy formulation activities, 78.9% mentioned that in a range of 1 to 5, the answer is 5.

Discussion and Conclusions

With regard to public policy formulation methodologies, a wide range of instructions can be found in the methods analyzed, which, if put into practice correctly, could mean the construction of more solid and effective planning instruments; in any case, since these methods are subject to the will of those in power and their government teams, who in some cases lack the necessary technical knowledge, they repeatedly make mistakes in the policy formulation process.

Thus, it is necessary that the legislature discusses and determines through a statutory law of the republic the regulation around the formulation of public policies in the country, ensuring the mandatory application of a common method, the harmonization

with other planning instruments and the standardization of how, when, where, why and for what of the policies.

In the analysis of the two policies under study, it is worth mentioning that, despite the fact that in both cases options for improvement were identified, which in light of their execution have revealed errors that directly affect the fulfillment of the objectives set, the public policy document of the Municipality of Sabana de Torres, being a municipality of a lower category, could be considered better structured than that of the District of Barrancabermeja. The above reiterates the need to have clear guidelines and mandatory application for territorial entities in the formulation of public policies in the country.

When reviewing the results of the analysis of the effectiveness of the policies, considering the opinion of the social actors consulted, the above statements make sense, taking into account, for example, that the formulators themselves claim to have developed a method without a clear theoretical basis and not to have defined in the policy document a clear way of financing the strategies and actions established; in the case of women leaders and the community in general who participated in the consultation, a high percentage of them do not directly perceive the policy implementation actions; however, when asked about their intention to participate in a new policy formulation process, a large percentage indicates that they are highly interested in participating.

This research allowed ratifying the hypothesis raised by demonstrating the inefficiency and partial or total absence of the requirements of public policy documents in Colombia; identifying that, regardless of the category or the economic and social development of the territories, the same technical, political and methodological mistakes are usually made during the public policy formulation processes.

This demonstrates the urgent need mentioned above to regulate the formulation of public policies at the national level to determine the legal parameters and competencies to be taken into account by entities of the national government or the territorial level in the development of each type of policy and the obligation to harmonize them with other territorial planning instruments.

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THE ANONYMOUS IS FEMININE: A CRITICAL REVIEW OF THE ARTICULATION BETWEEN WOMEN'S RIGHTS AND THE RIGHT TO THE CITY

EL ANÓNIMO ES FEMENINO: UNA REVISIÓN CRÍTICA DE LA ARTICULACIÓN ENTRE LOS DERECHOS DE LAS MUJERES Y EL DERECHO A LA CIUDAD

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ABSTRACT

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In the following pages, a critical review of the right to the city will be outlined from the perspective of women's rights. The first part of the article discusses the importance of the conceptual contributions of the various currents of feminist theory for the formulation of the right to the city, and the second part presents a brief overview of the main international milestones on the right to the city for women that have been developed from the formulation of the "European Charter for Women in the City" (1995) to the more elaborate proposal on the right to the city at the V World Social Forum (2005), through the review of the documents of the Habitat I, Habitat II and Habitat III Conferences and, mainly, the proposal of the "Charter for the Right of Women to the City" developed within the framework of the World Forum of Women held during the celebration of the Universal Forum of Cultures (Barcelona, July 2004).

RESUMEN

Palabras clave:

derechos de las mujeres, derecho a
la ciudad,
teoría feminista

En las siguientes páginas, se esbozará una revisión crítica del derecho a la ciudad desde la perspectiva de los derechos de las mujeres. En la primera parte del artículo se plantea la importancia de los aportes conceptuales de las diversas corrientes de la teoría feminista para la formulación del derecho a la ciudad y, en la segunda, se presenta un breve recorrido por los principales hitos internacionales sobre el derecho a la ciudad para las mujeres que se han desarrollado desde la formulación de la "Carta Europea de las Mujeres en la Ciudad" (1995) hasta la propuesta más elaborada sobre el derecho a la ciudad en el V Foro Social Mundial (2005), pasando por la revisión de los documentos de las Conferencias Hábitat I, Hábitat II y Hábitat III y, principalmente, por la propuesta de la "Carta por el Derecho de las Mujeres a la Ciudad" elaborada en el marco del Foro Mundial de las Mujeres desarrollado durante la

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celebración del Fórum Universal de las Culturas (Barcelona, julio 2004).

Introduction

Feminist Theory, Women's Rights and the Right to the City: Theoretical Considerations

More than forty years of feminist theory in studies on the city, urban planning and urban architecture, remove the floor of the epistemological structures that support the thinking, planning and construction of cities in which, until today, the hegemonic weight of the "patriarchal reason" is expressed in an extremely forceful way.

Indeed, several feminist philosophers have described the eminently androcentric and sexist quality of scientific thought. Feminists call this hegemonic and dominant way of thinking "patriarchal reason". Celia Amorós (1991) has proposed a profound characterization of patriarchal reason, referring mainly to modern philosophical science as an eminently patriarchal, misogynist and sexist discourse which, in addition, has been capable, over the last three centuries, of scientifically substantiating the patriarchal social order (the expansion of patriarchal reason to practically all world societies has been carried out through the processes of colonization).

In this sense, the sexist quality that characterizes modern philosophical and scientific thought, manages to construct and reinvent, at different historical moments, an ideology that symbolically and scientifically bases male superiority as natural and exalts female inferiority based, mainly, on the universal maternal discipline over women, due to which they maintain a way of being and being in the world extremely close to nature and, therefore, exempt from reason; women are, from this perspective, a kind of 'cosmic teat'. The critical alternative proposed by feminist thinkers and philosophers, in particular, consists in irrationalizing modern philosophical foundations in order to disarticulate the ordered set of meanings on which the order of power inherent to patriarchal reason is based.

María-Ángeles Durán (2008) states, with great common sense, that:

There are very few publications on the city and architecture made *from* the perspective of women, and we all agree on that. But hardly anyone dwells on the fact that the publications that do exist on city and architecture, to which we turn to form or understand ourselves and to make decisions, have been written *from the male perspective*, even most of those that define the relationship between the city and women. (p. 22)

This does not mean, obviously, that it is not possible to find more distant antecedents of women who have theorized about the city, urban planning and urban architecture (Durán herself makes an interesting journey in this regard since the late nineteenth century), although it is true that the irruption of feminist theory in academic proposals and analyses of this nature has been more recent.

In the same sense, the presence of women only began to be significant in the areas of urban management, design and planning in the second half of the twentieth century, coinciding with the expansion of women's possibilities for participation in institutions linked to the public-political-productive space, as well as with the identification of the third wave of feminism (Durán, 2008). In this regard, Teresa del Valle indicates that "the consideration of the city from the gender systems, in which the spatiotemporal methodological strategy could be framed, is still in its beginnings" (Del Valle, 1996, p. 98).

Indeed, the theoretical contributions of feminism, in each and every one of its currents, represent an interdisciplinary theoretical-practical proposal of proven academic interest to address new readings of the discussions on social and economic inequalities, taking into account the differential impact of the patriarchal system in

societies and its determining influence on the development processes of societies and cities.

Feminist theory has been constituted as a multi, inter and transdisciplinary theoretical *corpus* whose main core is the critique of *patriarchal reason* that seeks to demonstrate and explain the subordination of women within the framework of a foundational system of power relations between the sexes; that is, feminist theory "is the categorization of reality based on the feminist interpretative framework and (is) the interdisciplinary theoretical corpus that gives meaning to that interpretative framework" (Cobo, 2015). Feminist theory and its various currents have been making considerable contributions to the critical positions that propose new paradigms of social intervention, postulating the inclusion, among others, of the gender category in them.

Therefore, from its first critical elaborations to the present day, feminist theory has played a fundamental role not only in showing the evident subordination of women in very diverse societies and cultures, but also in offering a theoretical and practical framework with sufficient explanatory capacity for the phenomenon of subordination derived from the ideological construction of sexual difference.

The analysis of male domination, essentially historical in nature, has been (and is) the point of fusion in which the various feminist currents converge and its theoretical explanation constitutes the hard core of feminist theory from which a series of analytical categories and notions are developed that, in recent decades, have gained strength and academic validity in the field of social sciences as well as in the questioning of the hegemonic positivist tradition which, in this case, widely characterizes the epistemological principles of architecture and urbanism and their predominant use in the planning and design of cities (with the exception of the so-called "critical paradigm" also existing in these sciences).

Moreover, feminist theory stands out for its radically critical essence, questioning not only the social structure where the system of patriarchal domination is constantly reproduced and renewed, but also the classical (and not so classical) narratives on the ways of constructing knowledge and, moreover, claiming from the various scientific disciplines the social relevance of the study of patriarchal relations of domination as a problem of sufficient and evident importance.

Indeed, as Elizabeth Gross (1986) notes, one of the fundamental efforts of feminist theory is thus to "shake off all the social, political, scientific, and metaphysical underpinnings of patriarchal theoretical systems" (p. 88) so that traditional narratives, discourses, and methods are subjected to "feminist critical scrutiny" (p. 89). Thus "the unspoken basic assumptions of patriarchal theories, the ways in which they develop and acquire importance, their use of criteria and methods of inclusion and exclusion are now beginning to be analyzed from feminist perspectives" (p. 89) calling into question much of the foundational mortar of the sciences.

In this way, feminist theory is concerned with studying and analyzing both women's issues and the multiple aspects of the life of societies potentially susceptible to analysis, as well as revisiting traditionally accepted notions and structures of scientific knowledge; according to Gross (1986) this critical exercise leads to questioning "both the content and the structures of discourses, disciplines and institutions, attempting to present alternatives or develop them where they did not yet exist" (p. 90). The same author also develops the idea that feminist theory becomes a critical project with a clear anti-sexist essence that, in addition, goes further and proposes "the right to different paradigms and theoretical tools and perhaps also a reconceptualization of the whole system of acceptable theoretical knowledge and methods" (Gross, 1986, p. 92).

In short, feminist theory brings to the sciences not only new problems of analysis that are currently acquiring high social relevance, but also new ways of interpreting and developing critical readings of social structures with a discursive perspective that articulates categories and notions with sufficient explanatory capacity and, undoubtedly, less suspicious of biases derived from the preeminence of *patriarchal reason*. This contribution is fundamental for the analysis of approaches to the right to the city from the perspective of women's rights, and is what Durán (2008) claims when he highlights not only the blatant male tradition in studies on the city and urbanism, but also the peculiar and hegemonic male presence in cities through icons, images, languages and architectural and urbanistic forms.

This masculine sense is the one that seemed to prevail in Henry Lefebvre, first, and David Harvey, later, when enunciating their postulates on the right to the city; in their arguments, the modification of the relationship between social classes in the public space is given preeminence, mainly as a constituent part of the hard core of the recovery of the city for the people, its transformation and recreation (Harvey, 2008) in the face of the massive commodification of urban space and life in it. A warning is found in Shelley Buckingham (2010):

If we accept that people are not neutral and socially constructed through gender categories, and we understand that space is also a social production and simply does not exist (Koskela, 1999), then we can recognize that space is not neutral (Fenster, 1999; Martínez, 2009) and that it must be analyzed considering the different actors and functions that participate in the creation of daily life. This is the key to understanding the particularities of women's right to the city. (p. 60)

Tovi Fenster (2010) develops an interesting feminist critique of Lefebvre's first postulates on the right to the city and evidences the presence of *patriarchal reason* in them since they focus on the space of the public and, rather, refer to the idea that Buckingham questions: the non-existence of a "singular homogeneous human prototype that can serve as a basis for defining what people's *needs* are" (Fenster, 2010, p. 59).

Indeed, Fenster (2010) identifies in the Lefebvrian right to the city the absence of questioning patriarchal power relations "as one of the dominant factors that affect the potential for realizing the right to use the city and the right to participate in urban life" (p. 68) since it forgets the necessary reference to the impact on the life of the collectivity of one of the most important hierarchizing dichotomies that characterize the power structure in the patriarchal system; that is, the one referring to public vs. private space, giving preeminence to the former in its formulation of the right to the city.

Also Teresa del Valle (1996), following the geographer Dolores Hayden, makes a brief critical statement to the postulates of Lefebvre and Harvey (including Castells and Gordon); she emphasizes that "none of these works take into consideration the situation of women as salaried workers or as domestic workers, nor the spatial inequalities to which they are subjected" (p. 98) and reinforces the need for these postulates to be articulated with the theoretical contributions of feminism since "only in this way will it be possible to make a feminist critique of the spatial design of cities and the distribution of services within them" (p. 98). In any case, Del Valle (1996) recognizes the articulated existence of two patterns of urban space configuration: on the one hand, the one corresponding to the capitalist system and, on the other, the one that responds to gender constructions; both systems maintain a profound relationship with the past and present forms and ways in which land use and urban property tenure systems are defined.

Indeed, the public, political and economic spheres have been secularly vetoed for women who, according to the feminist interpretation of the patriarchal social order, were rationally ascribed and confined to the private sphere. As feminist theorists have amply

demonstrated, the logic of the patriarchal system has historically articulated two well-defined spaces, delimited and assigned to men and women in a differentiated manner: public space and private space. In this way, women are excluded from the citizen premises and will not feel part of the state pacts until much later. Subsequently, the discourses of modernity and scientific construction during the nineteenth and twentieth centuries contributed to legitimize this dichotomy, making the private the non-state space par excellence and, therefore, the space where the regulatory norms of life in society (citizens' rights) do not enter to govern the inter-generic relations that are considered more characteristic of the private sphere.

From these theoretical frameworks, the feminist proposal is ready to include in the postulates of the right to the city the links between the enjoyment and appropriation of public and private spaces; in these reflections, housing -as the private space par excellence of women-, its location, design and organization, acquires a central role. According to the feminist interpretation, women's free enjoyment of public spaces in the city has been secularly regulated by the patriarchal social order and their segmented and differentiated use of private spaces has been associated with the sexual division of labor, issues that limit the extension of the right to the city and that have been brought to the fore by feminist theorists in the last four decades.

Teresa Del Valle (1996) explains this theoretical position:

In general, and taking into account socio-cultural gradations, it can be seen that the construction of urban space is more oriented towards keeping women in spaces destined to family roles than to promoting their incorporation into society in general. (p.97)

According to Del Valle (1996), then, the delimitation, structuring and valuation of urban spaces are defined by the gender-based power relations characteristic of the patriarchal social order and, in this sense, public space appears foreign and strange to women. This implies the fact that "generalizations about women, whether to place them inside or outside, stereotype and reduce the knowledge of their movements between and within spaces, and in general, the being of women in social life" (Del Valle, 1996, p.109).

In short, the hierarchical structure characteristic of the social and historical gender order in a given community tends to delimit the forms and ways in which women and men use and recreate urban space, both private and public, in such a way that changes in this order lead to changes in the arrangement and distribution of urban spaces. In this way, the rupture with the gender symbolic order would lead to what Del Valle (1996) calls "new spaces with characteristics of social change" (p. 129) which, in the case of women, appear when they massively and collectively occupy the public space, either temporarily or definitively.

Method

A Brief Overview of the Main International Milestones on Women's Right to the City

In 1976, the First United Nations Conference on Human Settlements (known as Habitat I) was held in Vancouver (Canada); in its Declaration and Plan of Action, apart from some tangential and specific mentions of women's participation in decision-making on the management and planning of human settlements, there are no recommendations that could account for women's unequal access to the goods and resources of cities (both private and public); rather, the basis of its proposals evidences a profoundly family-oriented approach.

The 2nd United Nations Conference on Human Settlements was held in Istanbul (Turkey) from June 3 to 14, 1996. The high-level meeting adopted two documents of particular importance for cities and, in general, for the many different types of human settlements in the world: the Istanbul Declaration and the Habitat Agenda (which includes a Plan of Action). While the Declaration makes virtually no reference *stricto sensu* to gender inequalities and their relationship to the differential life chances and enjoyment of women and men in cities, the Habitat Agenda devotes more space to "equality between men and women" in its Chapter III "Commitments" and in its Global Plan of Action.

In addition, the Preamble of the Habitat II Agenda takes as precedents the Beijing Conference (1995), the Cairo Conference (1994) and the Vienna Conference (1993), all of which were particularly important for the expansion of the international framework for women's rights and gender equality, although not strictly binding for the national regulations of the countries. Point 15 of the Preamble insists on the need to recognize the role of women in human settlements and echoes the unequal gender relations that have a differential impact on women compared to men, mainly in terms of access to housing and decision-making spaces in the management of settlements (Habitat Agenda, 1996); however, among the Principles and Objectives of this document, there is no explicit mention of the importance of considering women's rights and the secular factors of inequality derived from the patriarchal structure of societies in the definition of the design and management of human settlements, in the sense indicated above and described through feminist criticism, despite the fact that various women's organizations presented the so-called "European Charter of Women in the City" (1995) at the Conference.

Throughout 1994 and 1995, the Equal Opportunities Section of the Commission of the European Union co-financed a line of research promoted by a working team made up of various European women's organizations (City & Shelter of Belgium, FOPA Dortmund of Germany, Groupe Cadre de Vie of France, PRAXIS of Greece and SEIROV-NIROV of The Netherlands) which resulted in the European Charter for Women in the City (1995):

To conceive a new philosophy in urban planning, probably to make a constructive contribution to a real democratic debate that takes into account the needs and different expectations of citizens, both women and men. Efforts to revitalize cities must converge to create new political and economic priorities aimed at increasing social harmony. The issue of the moment is to recreate spaces and create social ties that increase equal opportunities for women and men in rural and urban life. (p. s/n)

The document based its existence on the need to make women visible in city decision-making and urban planning, on the specific impact on women of living conditions in cities, on the evident discrimination against women in the design of urban spaces (both private and public) and on the need to break with the sexual division of labor as a way of structuring spaces in cities, among others, in order to propose a series of twelve fundamental points:

1. Women in the city and active citizenship (...).
2. Women in the city and decision-making and equality in democracy (...).
3. Women in the city and equal opportunities (...).
4. Women in the city and participation (...).
5. Women in the city and daily life (...).
6. Women in the City and Sustainable Development (...)
7. Women in the city and Safety and Mobility (...).
8. Women in the city and the right to habitat and housing (...).
9. Women in the city and gender issues (...).

10. Women in the city, education and practical application at the local level (...).

11. Women in the city and the role of the media and the transmission of experience (...).

12. Women in the city and action networks (...). (European Charter for Women in the City, 1995, p. s/n)

Monique Minaca (1998), one of the participants in the working team that elaborated the European Charter for Women in the City, explained the situation of women's rights in the city:

The situation has not evolved much; it remains stagnant, both within education and within the various policies of the city due to the fact that the various actors and professionals, mostly male, continue to perpetuate static, rather archaic situations and reproduce family stereotypes. Indeed, the social evolution of women remains little taken into account or is still absent from urban planning and city management issues. At best, it can be observed that the issue of violence is beginning to emerge and be the subject of consideration. (p. s/n online)

These were the premises that led the work team to become interested in women's right to the city through an action-research process that would make it possible to counteract the invisibility of women in city planning processes, to give greater space to the contributions of feminist theories on urban issues, and also to ask that feminist contributions could contribute to thinking about the city from the perspective of women's own experiences. In addition, it was insisted that:

The involvement of women as well as the consequence of the recognition of their know-how in everyday life, really taken into account in the conception, organization and management of the city, would become in a tangible way the fair expression of women's full and complete citizenship. (Minaca; 1998: s/n online)

A few years later, in 2004, several feminist organizations drafted the Charter for Women's Right to the City within the framework of the World Women's Forum held during the Universal Forum of Cultures (Barcelona, July 2004); the preliminary ideas were that this document could be presented at the World Urban Forum, also to be held in Barcelona in September 2004. According to Ana Milena Montoya (2011), already during the 3rd World Social Forum in Porto Alegre (2003), the social organizations gathered there had drafted the first version of the "World Charter for the Right to the City", which was subsequently revised and given its final form at the 5th World Social Forum (Porto Alegre, 2005).

The Charter for Women's Right to the City of 2004 (2012):

It aims to emphasize the pending challenges to achieve the equitable and democratic cities we all aspire to. It also takes up the *European Charter for Women in the City* (1995) and the declarations of the *Meeting "Building Cities for Peace"* and the *Montreal Declaration on Women's Safety* (2002). (p. 199)

The document reviews the main problems faced by women in cities and organizes them into two main areas; on the one hand, those related to women's participation in the democratic management of cities (which includes participation in local management and planning, as well as in social control and public spending). And, on the other hand, women's relationship with the budgets of a sustainable city (which includes, among others, women's access to public services in the city, safety, mobility, environment and access to housing).

These same axes are developed in the document in the form of proposals that are specified in the following summary of our own elaboration:

democratic management of the territory: affirmative legislation, recognition of women's and feminist organizations as local actors for dialogue,

institutionalization of equality mechanisms in cities, guaranteeing women's participation in decision-making and management spaces, transformation of the public-private dichotomy and the resulting sexual division of labor, gender budgeting, making visible the differential use of time between women and men and elaborating urban quality of life indicators with a gender perspective.

sustainable cities: housing tenure and access to urban services, safe public transportation and adequate mobility of women in the city, safety and non-violence based on gender in cities, and cultural transformations that lead to subvert the subordination of women based on gender relations.

The following year, within the framework of the 5th Porto Alegre World Social Forum held in January 2005 in Porto Alegre (Brazil), the final version of the "World Charter for the Right to the City", which had been the subject of earlier reflections and versions since 2003, was drafted. The document includes non-discrimination based on gender or sexual orientation in its definition of the right to the city, as well as the principles of equity and social justice as part of the collective right to the city; it also assumes equality and non-discrimination based on gender as a principle and strategic foundation of the right to the city, and endorses the mandates contained in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and in the IV World Conference on Women (Beijing, 1995).

In the various articles that make up the body of rights integrated into the right to the city, beyond the use of inclusive (non-sexist) language, some proposals can be identified that are related to the postulates contained in the Charter for Women's Right to the City: political participation and affirmative policies (Point 3, Art. VIII, Part II), public transportation and mobility taking into account differential needs based on gender (Point 1, Art. XIII, Part III), access to housing and urban property (Point 4, Art. XIV, Part III), access to shelters and social housing for women victims of gender violence (Point 5, Art. XIV, Part III) and equal right to work and provision of public care services (Point 4, Art. XV, Part III).

However, other proposals linked to women's right to the city do not appear with sufficient specificity in the 2005 "World Charter for the Right to the City" document, despite the fact that, as Enrique Ortiz Flores (2006) -who was the President of the Habitat International Coalition precisely during the period in which the Charter text was produced- indicates, this document "is an initiative that arose from organized civil society and that has taken a long process of discussion to enrich and strengthen the proposal" (p. 17). Among the most notable absences are those referring to the recognition of women's and feminist organizations as local actors for dialogue, the institutionalization of local equality mechanisms, the transformation of the public-private dichotomy, the visibility of the differential use of time, the elaboration of urban life quality indicators with a gender perspective, and the urgent and necessary cultural transformations to subvert the subordination of women based on gender power relations.

For Shelley Buckingham (2011), also a member of Habitat International Coalition, there are five prioritized aspects of common feminist demands for the "World Charter for the Right to the City" (safety, public infrastructure and transportation, proximity, breaking the public-private hierarchical dichotomy, and participation). However:

Some of the points mentioned above have been included in the World Charter for the Right to the City. However, they are more related to accessibility to services and less to the equal participation of women in the creation of urban spaces or to the questioning of persistent gender inequalities. Likewise, there is still a lack of broad discussions that include the gender perspective in the debates that followed the creation of the Charter (...). Women should be included in participatory

planning processes that shape the debate on the right to the city, as they represent a general group of intersecting identities that experience the city in different ways. Although there are differences in the particularities of the needs and uses of different groups of women, the common elements mentioned above should be incorporated into all global discussions about the right to the city. (Buckingham, 2011, pp. 63-64)

In October 2016, the Habitat III Conference was held in Quito (Ecuador) with the generic slogan "Innovation and urban solutions" whose main objective was the definition of a new urban agenda that would take up the proposals of Istanbul (Habitat II, 1996). Prior to the Conference, a series of ten "urban dialogues" were held to discuss the contents of the new urban agenda to be adopted at Habitat III. A review of the results and conclusions of some of these dialogues shows the inclusion of some aspects related to the right to the city, but practically none of the documents consulted refer to the feminist demands articulated around the "Charter for Women's Right to the City" and the importance of taking into consideration the impact of gender relations and their influence on people's lives in cities.

Ana Falú (2015), in her presentation at the web conference "The gender agenda in the face of Habitat III" organized by the UN Women Training Center, raised the need to "rethink the planning of cities from the perspective of women" based on the question "how does the sexual division of labor that persists between men and women, and access to urban goods, affect the planning of cities and neighborhoods and its impact on daily life?". Their response supported the idea that the urban issues to be discussed at Habitat III should take into account three fundamental aspects: on the one hand, accessibility to transportation and services in the city; on the other hand, the characteristics of urban equipment and the design and use of public space in a differential manner between women and men. And finally, the issue of violence and discrimination against women in public spaces in cities. In addition, it proposed a series of indicators with a gender perspective to be incorporated into public projects and policies (2015):

- Status and position of women
- Situation in relation to the Territory
- Services, Transportation, Equipment
- Changes in the division of labor. Economic activities
- Access to and control of economic and social resources, education, health, culture, etc
- Availability of time for women
- Decision-making (in life cycles, including your sex life and body management)
- Social and Political Participation. Participation in Local Governments (p. y/n)

Finally, the New Urban Agenda resulting from Habitat III, included several issues related to "achieving gender equality and the empowerment of all women and girls" (UN, 2017, p. 3), to "promoting the development of integrated age- and gender-sensitive housing policies and approaches in all sectors" (including an "age- and gender-sensitive" tenure regime) (p. 14), to "the establishment of well-designed networks of streets and other public spaces (...) and free of crime and violence, in particular free of sexual harassment and gender-based violence" (p. 30), an issue repeatedly called for by the feminist associations that promoted the "Charter for Women's Right to the City", to "age- and gender-sensitive participatory approaches in all phases of urban and territorial planning and policy-making processes" (p. 28) as well as to promote "access for all to safe, affordable, accessible, accessible, sustainable, age- and gender-sensitive land and maritime transport and urban mobility systems" (UN, 2017, p. 28).

Discussion and Conclusions

Some Final Considerations

Feminist theories bring new perspectives to the right to the city and openly present the critique of the traditional consideration of urban space as something neutral for planning and enjoyment based on the premise, already expressed by Shelley Buckingham (2010) and Tovi Fenster (2010), that it is not possible to think neither of a neutral human prototype nor of a neutral urban space that responds to such categorization.

The gender-based power relations that structure patriarchal hierarchies in the current social order shape the forms and ways in which people use and enjoy the city. The inclusion of feminist approaches and approaches are highly strategic -mainly those referring to how such relationships constitute everyday lives- and, therefore, become more than necessary and urgent in the design and planning of cities, as well as in recent formulations of the right to the city.

The proposals expressed by women's and feminist organizations interested in new urban planning and architectural visions refer to the two main hierarchical dichotomies that sustain the patriarchal social order: the division between the public and private spheres and the sexual division of labor. According to feminist theorists of the city, both dichotomies organize urban space in such a way that it expresses, maintains and reproduces the gendered social order in both public and private spaces. Breaking these dichotomies is therefore a key issue for the reconfiguration of cities in the 21st century.

Indeed, according to Paula Soto (2011), it is necessary to take into account that:

Beyond the body, the material and symbolic sites of power multiply: workplaces, domestic spaces, places of recreation, shopping centers, squares, the neighborhood, the community; all of them can be analyzed as geographical variations of masculinity, femininity and their meanings (Massey, 1993; McDowell, 2000). (p. 13)

For several decades, feminist theorists who have been studying urban issues have proposed various options for subverting the gendered social order that is reproduced in these spaces. The "European Charter for Women in the City" (1995) and the "Charter for Women's Right to the City" (2004) are some examples of how it is possible to integrate the feminist perspective and women's rights in the planning and management of cities. However, seven years after the Third United Nations Conference on Sustainable Urban Development and Housing (Habitat III), it can still be said that women, their interests, their experiences and their daily demands are relegated by the preeminence of *patriarchal reason* and the masculinist bias of urban studies and public policies and, beyond these, of international regulations for human settlements.

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THE PROTECTION OF INFORMATION AND DATA (TITLE VII-BIS CRIMINAL CODE) AND ITS EVOLUTION IN COLOMBIAN ECONOMIC CRIMINAL LAW 1991-2021

DE LA PROTECCIÓN DE LA INFORMACIÓN Y DE LOS DATOS (TÍTULO VII-BIS CÓDIGO PENAL) Y SU DESARROLLO NORMATIVO EN EL DERECHO PENAL ECONÓMICO COLOMBIANO 1991-2021

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Abstract

Keywords:

Economic criminal law, information and protection of data, cybercrimes, cybercrimes and normative development.

This document provides a detailed account of the research findings contained in the Doctoral Thesis, which is framed within the scope of Colombian economic criminal law. It analyzes the normative development of the legally protected interest "Protección de la Información y de los Datos" Título VII-Bis del Código Penal, Ley 599 de 2000 between 1991 and 2021, with particular emphasis on Ley 1273 de 2009, which typified computer crimes or cybercrimes and sought to address previous legal gaps. The research results show that the legislation has been insufficient and delayed in meeting the real needs of society, as these crimes affect both fundamental rights and the economic structure of public and private entities. The current regulations have not been effective, since before 2009 such conduct was sanctioned under ordinary rules, which led to legal gaps that still persist. Through a qualitative and historical-hermeneutic approach, encompassing the study of laws, case law, conventions, public policies, and international treaties adopted by Colombia, the interpretation of deficiencies, mismatches, and legal gaps in the previous regulatory framework is deepened. This allows for the identification of the challenges and limitations in the legal protection of information and data within the context of Colombian economic criminal law. Finally, the probable shortcomings embedded in the regulation, which affect the economic and social order, are set out. In this regard, it is recommended to update the normative framework to effectively address the challenges posed by computer crime in Colombia.

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Resumen

Palabras clave:

derecho penal económico, protección de la información y de los datos, delitos informáticos, cibernéticos o cibercrímenes y desarrollo normativo.

Este documento expone de manera detallada los resultados de la investigación contenida en Tesis Doctoral, la cual se inscribe en el marco del derecho penal económico colombiano, en la cual se analiza el desarrollo normativo del bien jurídico tutelado "Protección de la Información y de los Datos" inscrito en el Título VII-Bis del Código Penal, Ley 599 de 2000 entre 1991 y 2021, con especial énfasis en la Ley 1273 de 2009 que tipificó delitos informáticos o cibercrímenes y buscó subsanar vacíos legales previos. Se evidencia en el resultado investigativo que la legislación ha resultado insuficiente y tardía frente a las necesidades reales de la sociedad, porque estos delitos afectan tanto derechos fundamentales como la estructura económica de entidades públicas y privadas, y que las normas vigentes no han sido efectivas, pues antes de 2009 se sancionaban con normas ordinarias, lo que generaba vacíos jurídicos que aún persisten. A través de un enfoque cualitativo y de análisis histórico-hermenéutico que abarca el estudio de normas, jurisprudencia, convenios, políticas públicas y tratados internacionales adoptados por Colombia, se profundiza en la interpretación de las deficiencias, desfases y vacíos legales presentes en el marco normativo previo, permitiendo así, identificar los retos y limitaciones en la protección jurídica de la información y los datos en el contexto del derecho penal económico colombiano. Finalmente, se plasman las probables carencias inmersas en la norma y que afectan el orden económico y social, en esta medida, se recomienda actualizar el conjunto normativo para enfrentar eficazmente los retos que plantea la criminalidad informática en Colombia.

Introduction

This article poses as a research question: what has been the normative development regarding the protection of information and data (Title VII-bis Criminal Code) in Colombian economic criminal law from 1991 to 2021? Thus, the study focuses on the normative and complementary legislative evolution with the inclusion of Law 1273 of 2009 in the Penal Code (Law 599 of 2000) as Title VII-Bis, which typified computer crimes, cybercrimes or cybercrimes in the Colombian territory. This analysis examines how the aforementioned reforms have made it possible to punish criminal conduct associated with the misuse of ICTs, which were not specifically regulated by criminal law.

Initially, the classification of punishable conducts or those criminal acts that involve the intervention, manipulation and interaction with electronic devices for data transmission is conceptualized. These take place when some people take advantage of the opportunity and arbitrarily enter or remain in computer systems for the purpose of committing acts that violate fundamental rights and, on other occasions, attack the economic structure of private and public organizations, generating significant consequences in both areas. On this subject, Acosta, M., Benavides, M., and García, N. (2000) in their article entitled computer crimes, organizational impunity and its complexity in the business world, state that computer crimes "are illicit acts committed through the inappropriate use of technology, infringing on the privacy of third parties' information". Further on, Donna (2010) states that this branch of law should be studied together with crimes that harm or endanger the regulatory activity of the State in the economy and the strengthening of commercial activities, the exchange of goods and services, openness to learning and effective access to technological knowledge. In addition, Hernández (2009) warns that computer crimes can affect the integrity, confidentiality and availability of computer systems, a situation that was raised in the 2009 regulatory initiative, which consisted in building a specific legal asset and defining guiding verbs emanating from technological progress and computer interaction with human beings, which leads to attempt to aggravate the penalties in currently typified conducts, and in other matters it intends to regulate behaviors not contemplated in the ordinary criminal law, transferred from the growing criminality, not only with the conducts related to the use of computer devices, but those behaviors considered collateral to achieve the normative-punitive level equal or better to international standards, with significant advances in terms of control and punishment of offenses committed with the use of computer systems and the manipulation and/or trafficking of personal data.

The study is based on theories that highlight the complexity and multi-faceted nature of this type of crime, underscoring the need to adapt the legal framework to the challenges posed by criminality in the digital and globalized environment; Witker (2006) analyzes how economic globalization has facilitated the expansion of criminal organizations that operate transnationally, taking advantage of legal loopholes, inadequate criminal policies and deficiencies in criminal systems in some States, which leads to crimes such as human trafficking, drug trafficking, money laundering and cybercrime operating in multiple jurisdictions with relative impunity. Also, Montalvo (2021) in "Delincuencia y delitos transnacionales facilitados por la globalización", shows that the phenomenon of global integration intensifies the operation of transnational criminal organizations.

The general objective of the research is to analyze the development and significant changes in the regulations and jurisprudence, with respect to the legally protected right "On the Protection of Information and Data" (Title VII-Bis Penal Code) from 1991 to 2021. Prior to Law 1273 of 2009, computer crimes in Colombia were treated under the category of "crimes against economic patrimony" (Nieto & Mejía, 2009). As pointed out by Correa and Davara (2017) the absence of a specific criminalization for conducts such as phishing resulted in the imposition of minimal penalties, evidencing the insufficiency of the legal framework to face the challenges posed by technological crimes in a globalized environment, where criminal networks take advantage of both technological advances and cross-border economic flows. Then, four specific objectives are developed: first, to identify and describe the genesis of the legally protected good in the constitutional sphere through a historical and comparative analysis; second, to analyze the normative development and legislative reforms that have influenced its configuration within the legal system; third, to examine the relevant jurisprudence issued by the high courts regarding its interpretation and application; finally, to evaluate the normative advances in the field of information and data protection in the context of domestic economic criminal law, identifying the main contemporary challenges.

As a preamble to the literature review (Chapter II), the aim is to contextualize the reader on the genesis and scientific development of electronic devices for data transmission, exploring both their historical evolution and the periods in which they emerged, as well as the advances in computer science and systems, both globally and regionally. It will also address the origin and expansion of the Internet and ICTs, the growth of which has led to the emergence of new forms of crime. The conceptualization and classification of computer crimes or cybercrimes are discussed in depth, highlighting their impact on privacy and economic assets, among other legal assets, which will allow a more solid understanding of the approach proposed in this work. Together with the background, the different theoretical contributions that support the study will be illustrated through an exhaustive analysis, with the purpose of identifying the development of the legal and complementary normative framework of the protected legal right.

Subsequently, the categories and/or types of computer crimes or cybercrimes identified to date at the global and regional levels will be discussed and conceptualized, as well as the organizations that protect individuals against illegal conduct known as computer crimes, and the origin, concept, background and evolution of economic criminal law at the global and regional levels will be explained, highlighting the close relationship between the development of information technology and the need to update regulatory frameworks. In this context, the importance of Title VII-Bis of the Colombian Criminal Code is highlighted as a regulatory response to the challenges posed by computer crime in an increasingly digitalized society.

Justification

In Colombia, within the context of the Colombian criminal economic scientific knowledge whose legal and complementary normative development is based on general rules and principles that radiate in the structure of the punitive dogmatic-legal framework, has drawn the attention of authors such as Acosta, (2020) who examines the evolution and

effectiveness of the national legislation in the face of this problem that requires having as a starting point to know which were the first criminal conducts of this type. Therefore, it is considered that they originated in the early 90's, a period in which computer technology was introduced in Colombia and the marketing of software and hardware began, consequently, the behaviors that violate the legally protected good intensified to a great extent with the manipulation of computer instruments and tools and the consequent coexistence with the Internet in almost all parts of the Colombian territory.

In view of this need and based on the coexisting criminal procedural moment in our society, the legislator observes the need to issue complementary regulations to punish disruptive behaviors that violate the confidentiality, integrity and availability of computer systems incorporated in the collective imagination, as computer crimes, cybercrimes or cybercrimes; behaviors that take place with the intervention, manipulation and interaction of ICTs, whether in workplaces, homes, schools and other places, where individuals with advanced knowledge or not in computing, arbitrarily enter computer systems in an abusive way, with the firm idea of committing illegal acts against the economic structure, private and public organizations, companies and/or one or more individuals, as stated by Acosta, Benavides, Merck and others (2020).

Since 2009, anomalous behaviors, product of technological progress or the so-called cybercrimes, computer crimes or cybercrimes are initially regulated through Law 1273 of 2009, which attempts to provide possible solutions to affectations derived from illicit conducts linked to the business, industrial and commercial context. This sanctioning normativity of common or ordinary character that, in turn, faces criminal manifestations studied from the theory of crime intrinsically framed in the framework of nuclear Criminal Law, which partially fills the legal normative gap related to criminal behaviors that still persist with the use (sometimes incorrectly) of ICT, generating with this, legitimacy in its protection through the Colombian Criminal Law (Vargas, C., 2018).

According to Arévalo, S. (2021) in his document "Prevention of computer crimes", illicit conducts arising with the Internet especially affect minors and violate their rights, which shows the need to update Colombian legislation to respond to new forms of criminality such as cyberbullying, grooming, phishing, child pornography, sexting and skimming, emphasizing the importance of prevention, for which he provides information on tools and methods of protection against these computer crimes. Camargo, L. (2021), in "Regulación en Colombia de los delitos informáticos" (Regulation of computer crimes in Colombia), explains the evolution and conceptual framework of these conducts, where he states that ICTs have facilitated the commission of these crimes and generated a wide field of risks, for which he proposes to define and catalog them as computer fraud, computer sabotage, possession of malicious software, unauthorized access and disclosure of secrets, identity theft, computer espionage, illegal access to computer systems, data scams, among others. It shows that, for the authorities, it is difficult to prove the commission of these cybercrimes and the presentation of innumerable setbacks to collect evidence, since the aforementioned punishable conducts, can be executed quickly and easily, this also complicates identifying the person responsible for the act. Finally, it identifies factors that increase the vulnerability of users to cybercriminals, such as carelessness, failure to take minimum precautions (e.g. antivirus), the use of weak passwords and connection to public networks for transactions. As Miró (2012) points out, criminal behaviors committed through information and

communication technologies are part of the current criminological reality, highlighting the emergence of new ways to violate the privacy and property of individuals, using social engineering, especially through crimes such as computer fraud like Scams (with loss of money), Hoax (when there is only deception), Phishing (theft of information), Pharming (directing to a fraudulent website), these forms of cybercrime arise in order to take advantage of the transnationality of the Internet to attack patrimonial and personal interests through cyber-racism or cyber-terrorism.

It should be noted that the study developed in this thesis is closely related to Colombian economic criminal law, since its main focus will be consolidated in the protection of information and data and its regulatory development in the field of Colombian economic criminal law from 1991 to 2021. Therefore, it is relevant to know that in our legal environment there is reference to the concept of this branch of punitive law, proposed as the set of rules protecting the legal good of the economic order of the States, which strictly speaking should be understood as the legal regulation of state interventionism in the economy, (Agustia, J., and Vargas, M., 2019) and which aims to provide a solution to the conflicts arising within the scope of production, distribution and access of traders, manufacturers and consumers of goods and services, considering that its intention is aimed at generating balance between the unlawful commission and its subsequent punishment or sanction. Abadías, A., and Bustos M. (2020) in the work "Temas prácticos para el estudio del derecho penal económico" tells us: "This specialty of law has the function of protecting society from corporate crimes, tax crimes, fraud, crimes against property, against consumers, illegal party financing, bribery, embezzlement, administrative malfeasance, money laundering, influence peddling, corporate corruption, pyramid schemes" and that in addition, economic criminal law studies the criminal liability of legal persons, although the typification is incorporated in the nuclear criminal law with the additions already known, the usual procedures for the prosecution of those responsible require the prosecuting entity and the investigators assigned to each case to have their own knowledge in the computer discipline.

On the other hand, it is inferred that the regulation incorporated into ordinary criminal law in 2009, related to the aforementioned protection of information and data, cannot be understood as an instrument that discourages business, commercial or industrial development of society. Ortiz de Urbina, E., (2020) states that by specifying the criminal types, the unlawfulness and punishment corresponding to such conducts, a legitimization is sought on the part of the sanctioning law of an ethical-legal type. In this sense, economic criminal law and ordinary criminal law pursue regulatory purposes, therefore, the legitimacy of the former will be valid in the provision that satisfies the criteria of legitimacy of the latter, in terms of the culpability of the perpetrator, since the unjust in one, must be in the same plane and / or sense of the other to entail, consequently, an equitable and fair sanction before society.

The contribution and relevance for the academic community is significantly given by analyzing in a comprehensive manner the regulatory evolution and the criminal protection of information and data between 1991-2021, in terms of the regulatory framework, the issuance of laws and other complementary rules, especially with regard to the protected legal right: "On the Protection of Information and Data" (Title VII-bis of the Colombian Criminal Code). This analysis, which covers both the legislative development and the doctrinal and jurisprudential perspectives, provides valuable inputs for academia and the formulation of

public policies, by showing situations in which economic criminal law protects, protects and provides legal certainty, through the punishable normative set as a result of the systematic development of this aspect of law. Consequently, the gaps, gaps and challenges in the legislation will be identified in the face of the rise of this behavior and globalization; since its relevance lies in checking how the legal response has been insufficient to face the new forms of technological criminality and thus, contribute to the structuring of the methodological procedure proposed, so that it adds important input to advance socially in the emerging punitive identification within the cybernetic community, where the use of electronic and computer tools and devices of all kinds is essential.

The personal reasons that lead to the choice of this research topic consigned in the doctoral thesis in Economic and Business Law, is given thanks to the importance of raising awareness in the collective imagination of those who are interested in the impact and digital development in our territory, which managed to transform from the 90s, the physical and real social environment to become virtual, since electronic devices are part of the daily life of human beings and the use of them, which in most cases due to carelessness of users lead to generate threats and vulnerabilities, affecting their economic assets, companies and / or economic groups.

Methodology

In order to develop the parameters outlined and following the line of reasoning of the methodological approach, it is essential that the strategic framework of the research be coherent and practical to effectively address the problem and achieve the proposed objectives. In this sense, the research design is part of the qualitative paradigm, which focuses on understanding and exploring the punitive normative reality regarding the protection of information and data in accordance with the provisions of Title VII-bis Penal Code, in the context of Colombian economic criminal law between 1991 and 2021. From an interpretative and naturalistic perspective, the approach seeks to capture and describe social, cultural and human phenomena in their natural context, avoiding reducing them to numerical variables. Arias (2012), in the work: "The Research Project: Introduction to Scientific Methodology", argues that in documentary and bibliographic research, the basic analysis consists of breaking down the information into main and secondary ideas, to identify links and implications and, at the same time, to translate or decipher the meaning of these, perceiving the events in an accurate way. He also notes that bibliographic research is a documentary design that relies on secondary sources, such as books and articles, to systematically collect, select and analyze information. Along the same lines, Hernández-Sampieri, Fernández-Collado and Baptista-Lucio (2014) in the sixth edition of "Research Methodology" argue that the qualitative approach resorts to data collection without numerical measurement to discover or refine research questions in the process of interpretation. Consequently, within the research work, we will proceed to compile and analyze the normative instruments issued by the Colombian legislator with regard to the normative development of the protected legal right.

The non-experimental cross-sectional design selected in this process is appropriate and leads to define the paradigm of analysis that arises to understand the phenomena that

concern economic criminal law. An explanatory approach is adopted, aimed at identifying and analyzing the possible shortcomings of the ordinary criminal law that underlies the recognition and application of economic criminal law in the area of information and data protection. This type of research is relevant because it studies new or little explored phenomena, focusing on the details and particularities, so that finally, solid and determinant conclusions are generated on the issue under study.

As a complement to this methodological process, the application of the historical-legal and legal exploratory methods is added to this research, where the first one allows focusing the research question on the evolutionary succession of the general aspects of the normative development of the protected legal right "Of the Protection of Information and Data", analyzing the succession of legal provisions and other complementary norms typified in Title VII-Bis Penal Code (Law 599, 2000).

Thus, the historical-logical method is a tool that allows understanding the object of study in its historical evolution, highlighting its general aspects and development trends, which is essential to reveal the genesis and evolution of legal institutions and norms, as well as to understand the formation of legal systems, as Villabella (2020) points out, it is essential to understand the origin and evolution of legal institutions and norms, as well as to identify the trends and transformations that have shaped legal systems.

On the other hand, the legal exploratory method is oriented to the analysis of normative issues that have not been studied or are new, allowing the identification of gaps and aspects not previously addressed in the law, and providing a preliminary vision that can later be deepened by means of descriptive or explanatory approaches. This methodological combination will make it possible to unveil a comprehensive and critical view of the shortcomings, gaps or legal flaws that the standard may have when it comes to applying it to reality.

The target population of the research study comprises the set of regulations and their legislative development from 1991 to 2021 on the subject of information and data protection. In order to collect the data and information necessary to achieve the objectives set, we initially resorted to specialized sources such as academic databases, scientific journals, graduate papers and monographs, among others. In the same way, information was compiled from primary sources such as the Political Constitution of Colombia of 1991, Law 599 of 2000, Law 1273 of 2009 and Law 1581 of 2012 and other complementary norms, added to the Gazettes of the Congress of the Republic and bulletins of the Constitutional Court, from which the jurisprudence was extracted (Sentences or Rulings) as well as the Treaties and Conventions ratified by Colombia and the public policies related to data protection. All of the above, available and without restriction in accordance with the provisions of Law 1712 of 2014, which deals with transparency and the right of access to public information in Colombia. In addition, relevant information published on the websites of international, regional and local organizations that deal with issues related to economic criminal law and cybercrime will be consulted.

The information collected was obtained through the analysis of primary and secondary documentary, bibliographic and electronic sources using tools called data recording cards, and then proceeded to directly observe the data, in accordance with Marshall and Rossman (1989), which implies a systematic observation of "events, behaviors and artifacts in the social scenario chosen to be studied". After the application of this

technique, we proceed to elaborate the structured templates that consolidate the clear and objective information, which will be processed, thus achieving the expected results that will be incorporated in the corresponding research work.

During the conduct of the research, probability sampling is used, resorting to the representative selection that has given rise to the normative development of the legal property related to the object of study, which offers a better opportunity to create a reliable and representative sample and thus achieve greater precision in the results, this, this is in accordance with Salamanca-Crespo and Martín-Crespo (2007) who state that probability sampling is "the best way to obtain data" since they are "decisions made in the field, since we want to reflect the reality and the diverse points of view of the participants, which are unknown to us at the beginning of the study". This approach allows a deep and contextualized understanding of the phenomena studied. In conclusion, the adequate and congruent selection of information on the population required in this research work, especially in relation to the legal field, requires careful consideration in the management of current regulations, since the legal framework establishes principles such as transparency and restricted circulation of data, ensuring that the collection, processing and use procedures respect fundamental rights and protect the privacy of individuals, which reinforces the ethical validity of the research product.

Results

In order to achieve the expected results in this qualitative research, we resorted to the process of categorizing the information collected, since this procedure allows us to identify relevant themes, recurring events and patterns of ideas within the data, facilitating their analysis and interpretation. Categories function as conceptual groupings that bring together elements with common characteristics, which helps to reduce, organize and structure the information in a way that makes it more manageable and understandable for the researcher. Thus, categorization is consolidated as an essential cognitive and organizational process, which involves classifying and grouping concepts or information according to shared criteria or characteristics, optimizing the approach and understanding of the phenomenon under study. This position is supported by Lakoff, (1987) in his work "Fundamental women, fire and dangerous things" who argues that categorization is an active and fundamental process for thought, perception, action and language, every time we understand or produce statements, we are using linguistic and conceptual categories, and in this dynamic, flexible and experience-dependent process, prototypes play an important role since they open a door to the complex and realistic understanding of the human mind.

Based on the above approach and considering the need to structure the analysis of the research development, the application of the categorization process is proposed in order to broadly address the regulatory, technological and legal aspects involved.

Categories

Category 1: Development of the protected legal right "of information and data protection" (1991-2021)

Subcategories:

- a) *Constitutional Development.* This refers to the set of constitutional provisions designed to protect the guarantees and rights of individuals, especially with regard to possible violations of human dignity and other fundamental rights. It is provided for in Articles 15, 21, 42, 44 and 74 of the Magna Carta of 1991.
- b) *Regulatory development.* It refers to the evolution of regulations such as Laws, Decrees and other provisions regarding the protection of information and personal data, driven by the need to adapt and appropriate laws to technological advances and new forms of crime, thus ensuring the protection of fundamental rights related to privacy and the handling of personal data. Other standards include: Law 527-1999; Law 599-2000; Law 679-2001; Law 962-2006; Law 1032-2006; Law 1266-2008; Law 1273-2009; Law 1336-2009; Law 1581-2012; Decree 1727-2009; Decree 2952-2010; Decree 1377 of 2013.
- c) *Jurisprudential development.* It is materialized with the issuance of Rulings or Judgments of the Constitutional Court in judicial decisions, emphasizing the right to the protection of personal data and the right to Habeas Data, which has been decisive in defining the prerogatives of the holders of personal data to know, update and rectify their information in public and private databases. Some examples are: T-414/1992; SU-082/1995; C-748/2011; T-050-2016 among others.
- d) *Development at the level of international treaties and agreements ratified by Colombia.* It reflects the commitment of the Colombian State to the protection of personal data and privacy by adapting its legislation to the demands of the contemporary global digital environment in the face of infringement by cybercriminal gangs, by adhering to the Budapest Convention, and thus guaranteeing respect for fundamental rights related to personal information in a global context.
- e) *Development of internal public policies.* The development of Public Policies in Colombia, which refers to the issue of information and data protection (1991 and 2021) has evolved through the CONPES 3920-2018 documents that established the national policy for data exploitation (Big Data), the CONPES 3701-2011 "Policy guidelines for cybersecurity and cyber defense", the CONPES 3854-2016 that establishes the "National policy for digital security" and the CONPES 3995-2020 on the "National policy for trust and digital security in Colombia".

Category 2: Analysis of the legal protection of information and data

Subcategories:

- a) *Protection of information and data.* It is the set of skills, measures and regulations to protect personal and sensitive information against unauthorized access, theft and in general any act of insecurity or compromise of personal or business information. The above, in order to take measures to protect its integrity against manipulation or attacks with malware or computer viruses.

- b) *Data classification*. Process by which personal data or data of a private or public organization are organized and categorized according to their level of sensitivity, confidentiality, importance or relevance. This is fundamental for information management and cybersecurity, allowing to determine which protection measures should be applied to each type of data, with regulatory compliance and international standards that ultimately mitigates and identifies the risk associated with loss or unauthorized access to information.
- c) *Data security*. It is the practice of protecting digital information against unauthorized access, theft and in general other threats throughout its life cycle, since its purpose is to identify who can see or manipulate the data, limiting access to authorized persons through authentication and authorization, thus safeguarding the integrity, confidentiality and availability of the data.
- d) *Technology and crime*. They refer to the confluence between criminal activities and technological advances insofar as they may affect the security, privacy, intellectual property or assets of individuals, companies or States. This makes it necessary to develop regulations and research protocols to prevent and combat vulnerabilities in computer systems and interconnection networks.

Category 3: Economic crimes

Subcategories:

- a) *Analysis of economic crimes related to technology*. The analysis identifies common crimes committed for economic purposes with the intermediation of technological devices to affect the assets of third parties, highlighting the need to develop effective strategies to combat such criminal behavior in an increasingly digitalized world.
- b) *Impact of economic crimes on economic assets*. This refers to the negative impact they can have at the moment of affecting both the microeconomic and macroeconomic levels, so that these actions have consequences on the assets of individuals, companies and States, as well as the economy in general, leading to a lack of confidence in financial institutions and in the economic system and, at the same time, having repercussions on direct and indirect foreign investment.
- c) *Influence of globalization on the emergence of new crimes*. It occurs within the processes of globalization and the way they have facilitated the creation and expansion of new forms of criminality, with the intervention of ICTs which have provided spaces for the growth of organized criminal networks operating internationally through the Internet, where globalization has created new markets for illicit goods and services, such as drugs, weapons and human organs trafficking, among others.

Category 4: Economic criminal law

Subcategories:

- a) *Contextualization of economic criminal law in the Colombian legal framework*. It focuses on the protection of supra-individual legal assets, such as the economic and social order, through criminal sanctions, achieving through economic criminal law, the guarantee and security in commercial interactions between individuals and sometimes between the State and other actors, against situations

related to criminal activities against the economic heritage, the economic and social order and public administration.

- b) *Relationship of economic criminal law with computer crimes and/or cybercrimes.* It is based on the confluence between criminal activities that affect the economic and social order and those committed through the use of ICTs, which ultimately have a direct impact on the economic assets of individuals, companies and the State, making it necessary to develop effective, efficient and relevant legislation.
- c) *Influence of economic criminal law on globalization and technology.* It manifests itself in how economic criminal law must protect the economic order in general against the threats (unfair and fraudulent practices) posed by both globalization and ever-evolving technologies, which must include legal regulation of economic activities and protection against those forces that have transformed the criminal landscape as the world has become more interconnected and digitized.

Data Analysis

In order to achieve the objectives outlined in this research, the documentary review and analysis technique was implemented as the main method for the collection of information. According to Corbetta (2007), who states that documentary analysis is one of the most appropriate tools for data collection in documents or judicial material, due to its nature, since "a document is an informative material about a certain social phenomenon that exists independently of the researcher". This technique enables a systematic and rigorous approach to the reality studied, facilitating the interpretation and understanding of the facts through the analysis of primary and secondary sources, which is especially relevant when dealing with legal or institutional issues. Marshall and Rossman (1989) define data analysis as "the systematic description of events, behaviors and artifacts in the social setting chosen to be studied". Therefore, it follows that once the corresponding technique focused on exploring the legal implications aimed at observing the regulatory changes is applied, the corresponding records containing clear and objective information will be prepared in order to achieve the goals set.

The following steps were carried out:

First. Compilation and organization of data and information, which consists of relating the constitutional precepts; as well as the regulations (laws and decrees) issued by the legislator and the national government, before and after the enactment of the Political Constitution of 1991; the relevant jurisprudence; public policy documents (CONPES documents); and the treaties and agreements signed by the Colombian State. These contextual and normative aspects are extracted from primary sources such as the Political Constitution of Colombia, Colombian Penal Code, complementary laws, jurisprudential review of the Constitutional Court, which will serve to support the present proposal and the methodological planning with which a chronological classification will be elaborated, with the purpose of organizing the data collected in a timeline, identifying the most important legislative and jurisprudential milestones.

Second. A content analysis was performed, where the legal precepts of each relevant law or ruling were examined in detail, identifying changes and developments in the protection of information and data.

Third. The trends, progress and normative development in terms of the legally protected good were analyzed and identified.

Fourth. A comparison was made with international standards, where Colombian regulations were contrasted with instruments ratified by Colombia regarding data protection, information and computer crimes.

Fifth. A statistical analysis was carried out, where descriptive data on the application of these norms in the context of economic criminal law in Colombia were examined.

Sixth. The interpretation of results and evaluation of the findings in the context of Colombian economic criminal law was carried out, analyzing the effectiveness and implications of the regulatory changes until 2021, achieving through the analysis with a qualitative approach to know how the new criminal types were implemented in the punitive legislation, in order to verify if they have responded effectively to counteract the criminal actions in our territory.

Conclusions

The implications of this doctoral thesis highlight the need to strengthen and update the Colombian regulatory framework to meet the challenges of cybercrime and data protection in the digital era, which requires revising legislation and adopting international standards that allow more effective and coordinated responses. The research also highlights the need to articulate public policies, international cooperation and criminal strategies that adapt to technological dynamics, providing valuable inputs for academic debate and training in economic criminal law, motivating legal operators and legislators to rethink the role of economic criminal law as a tool for social and economic protection in a context of future digital and global transformation.

Thus, the product of the investigation evidences the normative development of the protected legal right: "Of the Protection of Information and Data" in the context of Colombian economic criminal law, from 1991 to 2021, which has undergone a progressive evolution aimed at addressing the challenges of cybercrime, however, the growing global and local concern about the increase in cybercrime, suggests the need for a continuous review and strengthening of the legal framework to adequately protect fundamental rights and the economic structure of organizations, as there are still significant challenges that can be exploited by organized crime, which has prompted the creation of standards and mechanisms for the protection of personal information and data, as well as challenges arising from the rapid evolution of ICTs, artificial intelligence and the massification of electronic devices. Despite these challenges, the protection of rights such as privacy, good name and Habeas Data are constitutionally guaranteed and regulated by norms that require the proper handling of information in both the public and private sectors.

It is concluded that the regulatory development around the protection of information and data, shows that it has evolved in a limited way in legal response to the challenges posed by cybercrime, as it needed the jurisprudential way and constant interpretations to achieve reach the challenges presented and the new illicit modalities, this is reflected in the socio-legal study (2019) ten years after the enactment of the Law on computer crimes in Colombia (Law 1273 of 2009) where it is shown that, although this law represented a step forward in

the protection against cybercrime, there is still a need to continuously update and strengthen the legal framework to ensure effective protection against new forms of crime, thus consolidating the role of the law as an essential instrument for the defense of fundamental rights and the stability of the economic order in the digital environment.

Finally, it is important to highlight that the comparative analysis of regulatory frameworks for the protection of personal data in Latin America reveals that, in the digital era, this issue has acquired an unprecedented relevance, driving the countries of the region to develop and strengthen specific regulations aimed at safeguarding the privacy and rights of their citizens in the face of technological challenges and new threats in the handling of personal information, as Argentina was a pioneer with Law 25.326 of 2000, which is being revised to align with the European General Data Protection Regulation (GDPR). Brazil enacted the General Data Protection Law (LGPD) in 2018, inspired by the GDPR, and elevated data protection to a fundamental right in its Constitution in 2022. Chile is reforming its legislation to adapt to international standards. Ecuador implemented the Organic Law on Personal Data Protection in 2021. In Mexico, there are two fundamental laws that regulate the protection of personal data, each focused on different areas, a Federal Law for the Protection of Personal Data in Possession of Private Parties (LFPDPPP of Jul-5-2010) and another, General Law for the Protection of Personal Data in Possession of Obligated Subjects (LGPDPPO of 2017), Peru, has the Law for the Protection of Personal Data (LDPD) No.29733 of 2011 (effective-2013). Paraguay implemented Law 6.534 of 2020 "On Protection of Personal Credit Data" (effective Oct-28-2020). Uruguay has Law No. 18.331 on Personal Data Protection and "Habeas Data" Action. Venezuela presents a particular case, since it does not have a specific law for the protection of personal data. However, it does have the Law on the Protection of Privacy of Communications, which seeks to protect the privacy, confidentiality, inviolability and secrecy of communications between persons.

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**THE HIDDEN FIGURE ON CITIZEN SECURITY: IMPACT ON PUBLIC
POLICY MANAGEMENT AND CITIZEN SECURITY MODEL IN THE
MUNICIPALITY OF COMAYAGUA, HONDURAS**
**LA CIFRA OCULTA EN LA SEGURIDAD CIUDADANA: IMPACTO SOBRE LA GESTIÓN
DE POLÍTICAS PÚBLICAS Y MODELO DE SEGURIDAD CIUDADANA EN EL MUNICIPIO
DE COMAYAGUA, HONDURAS**

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ABSTRACT

Keywords:

hidden figure, black figure, dark figure, security model, public policy, citizen security.

The hidden figure, also known in criminological contexts as the dark figure of crime, statistical underreporting, or unreported criminality, refers to the rate of crime victims who choose not to report the incident to the authorities. In several countries, this phenomenon is used as a critical input in the design and structuring of development plans, public policies, and citizen security strategies. While some efforts aim to estimate the scope of the hidden figure through surveys that address the nature of the crime, the actors involved, and the reasons for non-reporting, others seek to reduce its prevalence by promoting actions that encourage reporting. This article focuses on the municipality of Comayagua (Honduras) and aims to assess the level of awareness regarding the hidden figure among both citizens and institutions—the latter through a literature review. The study includes an analysis of the behavior of the hidden figure and examines how underreporting can negatively affect public safety and social coexistence. It also explores the motivations behind citizens' reluctance to report crimes, highlighting how the lack of public understanding leads to the formulation of public policies that lack clarity and objectivity in addressing issues that impact community safety. The analysis further demonstrates how the mismanagement of the hidden figure hinders the identification of violence-generating actors, whether they be individuals or organized criminal structures.

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RESUMEN

Palabras clave:

cifra oculta, cifra negra, cifra oscura, modelo de seguridad, política pública, seguridad ciudadana.

La cifra oculta, la cifra negra, la cifra oscura o bien llamada en algunos escenarios como el subregistro estadístico o también criminalidad no revelada, es un término utilizado en la criminología para señalar la tasa de no denuncia de personas víctimas de un hecho delictivo. En algunos países la cifra oculta es utilizada para el diseño y estructura de planes de desarrollo, política pública y estrategias de seguridad ciudadana. Mientras que algunos buscan conocerla mediante la aplicación de encuestas contemplando las generalidades sobre el delito, actores y motivos por los que no se denunció; otros buscan su reducción y desarrollan acciones para incentivar a la denuncia. Este artículo se enfocó en el municipio de Comayagua (Honduras) buscando medir el conocimiento tanto en los ciudadanos como de las instituciones, esta última, mediante una revisión de la literatura, a la vez que se realizó un análisis del comportamiento de la cifra oculta y cómo la no denuncia puede afectar la seguridad y convivencia ciudadana, de igual forma, cuáles son las motivaciones de los ciudadanos para no instaurarlas y como su desconocimiento conlleva a la generación de políticas públicas con falta de claridad y objetividad para atacar las problemáticas que afectan la convivencia y seguridad ciudadana. Se direccionó el análisis para establecer cómo el manejo de la cifra oculta también impide identificar actores generadores de violencia tratándose de individuos o estructuras delincuenciales.

Introduction

The different phenomena that affect citizen security in the countries are delimited by the actions and activities of the authorities. The pressure exerted on criminal acts at the level of prevention, deterrence and crime control, is transversalized by the capacity of police and judicial institutions in technical and operational matters, whose planning is largely given by the statistics obtained from the occurrence of these incidents and their decrease or increase in a given time and place (Norza, Ruiz, Rodriguez and Useche, 2011). Similarly, the UNODC relates its importance, determining that "Crime analysts, in addition to identifying trends and patterns, use data to make recommendations on where and when to place personnel and how best to use resources" (United Nations Office on Drugs and Crime, 2022).

In addition to the above, the community's perception of the capacity of the institutions and their effectiveness in guaranteeing public tranquility is also present in this same context. This subjectivity is framed by the tendency to feel insecure despite the efforts of the police authorities and the results achieved with the deployment of operations and activities related to the police function. According to Pérez Pinzón and Pérez Castro (2009, p. 167) this feeling of insecurity relates to "...an internal state that measures its degree of potential to be a victim of a crime", and is related to the means of attention and access to reporting that are available to citizens; which, in a large percentage of cases of crimes that occur daily, do not come forward to report the incident to the competent authority.

The present study seeks to analyze in the municipality of Comayagua (Honduras) that dark figure of crime (CO hereafter), also known as *cifra negra*, *cifra oscura*, or hidden criminality; the aim is to capture the balance between objective, subjective and unknown aspects that directly affect citizen security and prevent, by a wide margin, the dynamic work of the police authorities, to the extent that they do not know the causes of the failure to report crime, in addition to the responsibility framed in the construction of an integral security policy that goes beyond the planning of the service based on crime statistics, but that can also focus on other citizen security strategies that improve the perception and take more into account this CO.

The literature review focused on public policies in the area of citizen security built and applied in the municipality of Comayagua in the last five years, as well as on the verification of files generated at the national level that would give an account of the CO and the development of actions to emphasize mitigation or citizen incentive to report acts of violence or crimes. On the other hand, to identify national and international support institutions for the analysis and studies on crime and the crimes of greatest impact that affect public safety and tranquility in the municipality of Comayagua, in order to make a general description of the elements and characterization of the crimes that are most frequent and of most interest to security agencies and law enforcement institutions.

Objectives

General Objective

To analyze how the lack of knowledge of CO affects the design of public policies and how this phenomenon impacts citizen security in the municipality of Comayagua - Honduras.

Specific Objectives

- Identify what is the CO in Comayagua in the 2019-2024 period and what would be its main motivations.
- Establish if in the municipality of Comayagua there are or have been designed public policies that include CO information.
- To determine if there is recent literature on CO in the municipality of Comayagua.

Method

For the development of this article it was necessary to apply a quantitative-qualitative method (Hernández, Fernández and Baptista, 2020) of an exploratory and statistical inference type (González and González, 2020), through access to information obtained from primary sources that would make it possible to establish whether the population of the municipality of Comayagua in Honduras has been consulted by any of the authorities to identify the level of reporting established by its citizens, what could be the motivations for not reporting and the possible repercussions of CO in their community. Likewise, if the authorities in a direct contact (documented), have sought to obtain knowledge of the crimes that most affect citizens in their daily lives and what are the priorities in coexistence and citizen security on which the security agencies should work. Therefore, in order to consolidate information on OC, a primary measurement instrument was designed and applied that included a series of closed questions to reveal data on victimization and state response to crime, in addition to finding out whether the authorities have been made aware of the possible involvement of criminal actors (criminal structures or delinquents) that affect citizen security in this population.

On the other hand, this research also focused on the review and study of recent literature on CO in the country and especially in Comayagua and how the authorities have used this knowledge for the design of strategies and public policies to improve citizen security and the perception of security.

Finally, a random review was conducted of police doctrine on CO in Honduras, regulations, documents, manuals and others that would allow establishing the management of CO as a guiding element for the design of public policies and strategies focused on improving security and coexistence, as well as a review of the existence of methods or mechanisms for measuring the level of reporting, online platforms for reporting, plans or programs to encourage reporting and thus the search for and minimization of the impact of CO.

Results

At a general level in the Latin American and Caribbean region, the improvement of police image and confidence in institutional capacity has a broad influence on the decrease in crime (2%), more than on the increase in the number of police officers (0.3%) (Jatman and Anauati, 2019). This generates an important reflection on the object of scrutinizing the CO, given the institutional capacity not only to address the control of the incidents presented, but also to generate and facilitate channels of proximity to citizens. These channels allow for an accurate knowledge of this situational reality and optimize the operational, investigative and community planning of police institutions. All this, with

the purpose of improving the reporting and accurate follow-up of criminal incidents; both in the prevention of impunity and in the territorial and public administration spheres.

In the case of Honduras, according to Pérez, Pizzolito and Plutowski (2021), citizen security has been affected by the general victimization figures, which have increased since 2010 with 14% and reached 25% by 2021. These figures obtained from the sampling of 1,500 people via cell phone indicate that one out of every four Hondurans was a victim of a crime. This general research evidenced in the "AmericasBarometer Report 2021", shows a panorama that warns about citizen security and possible measures that should be taken in a contingent manner in the face of its increase; however, it does not specify the type of crime and does not report on the jurisdiction in which the survey was conducted, therefore, the determination of the OC is complex in terms of space and modality, being fundamental inputs to determine the circumstances of victimization and the type of victim; a situation that likewise disorients in the good planning and configuration of a much more solid security policy.

This aspect, in the specific case of the city of Comayagua, reflects the paradigm of citizen security, where police service planning is established in compliance with national objectives and policies, although distanced in the particular aspects of each region to articulate much more objective actions in order to really impact the genesis of crime. The victimization surveys carried out correspond to a general but not sectorial sentiment. This makes it difficult to take administrative and security actions to prevent and control crime, whether individual or collective, and to improve citizen confidence in the institutions to report crime, mainly the National Police, and to have more solid tools to focus the service and reduce CO.

On the other hand, the data reflected in the "Citizen Perception Survey on Insecurity and Victimization in Honduras 2019" presented in June 2020 by the National Violence Observatory (ONV), provides interesting data on subjective citizen security, obtained from the application of three thousand questionnaires distributed in the 18 departments that make up Honduras. For the specific case of Comayagua, this sample presents a victimization rate of 10.8%, interpreted as the number of respondents who have claimed to have been victims of a crime during 2019 (Instituto Universitario en Democracia, Paz y Seguridad, 2019). Of this percentage, 89.4% of people did not report the crime, compared to 10.6% who did report it to the authorities. This CO determined for the year 2019 in the city of Comayagua, directly reflects the fragile line that measures the capacity of the institutions to plan strategies that are articulated with the needs of the community, the increase of confidence in the actions for the prevention and prosecution of crime, the management of resources by the public administration, as well as those related to social reintegration processes and legislation.

The data included in this last perception survey, published for the city of Comayagua, have been provided in a broad but not detailed perspective, which makes it difficult to delve into the details of the crimes that were committed and were not reported to the competent authority. In the same way, results point to the economic difficulties and the corruption associated with the bad governance as the main causes of the insecurity phenomenon. However, it would be useful to specify the parameters under which citizens affirm this situation, as well as specific indicators or results regarding the management of those in power and/or authorities with respect to structural aspects that significantly affect the development of the city of Comayagua and have a direct impact on security factors, such as investment in infrastructure, control of public space, land use planning and security management in areas with suburban communities. According to Sanz and San Juan Guillen citing Crowe (2000) and Crowe and Zahm (1994), this approach is known

as Crime Prevention Through Environmental Design, aimed at solving problems related to urban safety, arguing that environmental conditions provide opportunities for the commission of crimes or other undesired behaviors, related to the quality of life (Vozmediano and San Juan, 2010).

It is important to analyze the gap in the way the CO obtained is managed and the approach it is given to determine inter-institutional strategies to minimize it and prevent criminal phenomena, which implies, in the first case, improving the credibility of the institutions in providing timely and effective attention, strengthening the bonds of trust and proximity; and, in the second case, developing planning based on the real needs of the communities and necessarily involving the entire state apparatus, not only in terms of security, but also in social, economic and cultural development.

The point is that in order to improve the planning of the police service, much more exhaustive data is required to align the feelings of the citizens with the distribution of the different administrative and operational actions that are carried out to guarantee better citizen security. Therefore, perception and victimization data are fundamental to plan an effective and close service to the citizen, also facilitating the impact on the reduction of incidents caused by the lack of local or state management due to the lack of an adequate infrastructure. In this regard, a study by Leticia Salomón in four cities in Honduras: La Ceiba, Tegucigalpa, San Pedro Sula and Danlí, mentions that the perception of security is determined by the institutional capacity to resolve the conflict posed by crime at three levels: major, intermediate and minor, the latter being the one that most affects citizens because it is directly linked to the spatial positioning of crime in the streets (Salomón, 2004).

Therefore, the insecurity figures represented in the feelings of citizens (subjective security) and the sectoral approach to the control of the occurrence of cases and incidents in certain jurisdictions (objective security) allow an important alignment in the institutional margin of maneuver to meet citizen demand and contribute to the reduction of the gap that separates reality from perception and its direct impact on the increase or decrease in the CO of crime.

General Analysis of the Instrument

The survey was designed with 16 questions aimed at getting to know different aspects of the respondents and was applied to 90 citizens of the municipality of Comayagua in Honduras. Demographic data, victimization, level of reporting, motivations for reporting or not, level of trust in the authorities and considerations in CO were taken into account in this article, yielding the following results:

Regarding gender, the instrument had a participation of 57% men (51) and 43% women (39), with respect to the age of the respondents, 31 people were between 25 and 35 years old, 25 of them were older than 45 years old, 19 were between 18 and 25 years old, while 15 people were between 35 and 45 years old. The middle socioeconomic stratum was marked by 65 people, 18 people (Table 1) considered themselves to be in the low stratum, while only 7 people indicated belonging to the high stratum. Regarding the activity or occupation of the respondents, 15 indicated that they were students, 15 were employed, 16 were self-employed, 17 were unemployed, 1 was a pensioner and 26 of them indicated that they were engaged in other activities.

Table 1
Respondents by gender, age, and socioeconomic status

Genre	Age	Socioeconomic stratum							
		High		Under		Medium		Total	
Man	18 and 25 years old	0	0,0%	3	3,3%	4	4,4%	7	7,8%
	25 and 35 years old	1	1,1%	7	7,8%	10	11,1%	18	20,0%
	35 and 45 years old	1	1,1%	1	1,1%	7	7,8%	9	10,0%
	Over 45 years old	3	3,3%	2	2,2%	12	13,3%	17	18,9%
Total		5	5,6%	13	14,4%	33	36,7%	51	56,7%
Woman	18 and 25 years old	1	1,1%	2	2,2%	9	10,0%	12	13,3%
	25 and 35 years old	1	1,1%	2	2,2%	10	11,1%	13	14,4%
	35 and 45 years old	0	0,0%	1	1,1%	5	5,6%	6	6,7%
	Over 45 years old	0	0,0%	0	0,0%	8	8,9%	8	8,9%
Total		2	2,2%	5	5,6%	32	35,6%	39	43,3%
	18 and 25 years old	1	1,1%	5	5,6%	13	14,4%	19	21,1%
	25 and 35 years old	2	2,2%	9	10,0%	20	22,2%	31	34,4%
	35 and 45 years old	1	1,1%	2	2,2%	12	13,3%	15	16,7%
	Over 45 years old	3	3,3%	2	2,2%	20	22,2%	25	27,8%
Total		7	7,8%	18	20,0%	65	72,2%	90	100,0%

To the question: Have you been a victim of any crime in the last five years? 43 people out of the 90 respondents answered YES while 47 people answered NO. Of the persons who reported having been victims of a crime, 20 indicated that they were affected on one occasion, 17 indicated that they were affected on 2 occasions, 4 persons were victims of a crime on 3 occasions and only 2 persons stated that they were victims of 4 and 5 crimes in the last five years.

With regard to reporting the cases in which they were victims, 55% did not report the events in which they were affected, while only 7 of them reported only one case to the authorities, only 9 people went to the authorities to report the total number of cases in which they were involved and 26 people said they did not report the respective cases to the authorities.

The balance of the number of incidents in which people were victims of crime in the last 5 years in the municipality of Comayagua is 75 in 43 people (*1.7% of cases per person*) who claimed to have been victims of criminals, however, only 9 of them indicated that they reported all cases, equivalent to 14 reports (*8 of a single case, 1 of two cases and 1 of four cases*). Likewise, 8 people indicated that they denounced the event in which they were affected.

Statistical Analysis

The analysis was carried out in a descriptive manner in order to evaluate the expected proportions to identify the level of reporting by their citizens, what could be the motivations for not reporting and possible repercussions of CO in their community. Likewise, to know if the authorities, in a direct (documented) contact, have sought to obtain knowledge of the crimes that most affect citizens. For the treatment of the information, the data were analyzed using the IBM - SPSS version 25 statistical software. The observed frequencies of each respondent's question were established, after which the observed and expected frequencies were used and a significance value of ($\alpha=0.05$) was used.

Table 2
Total variance explained

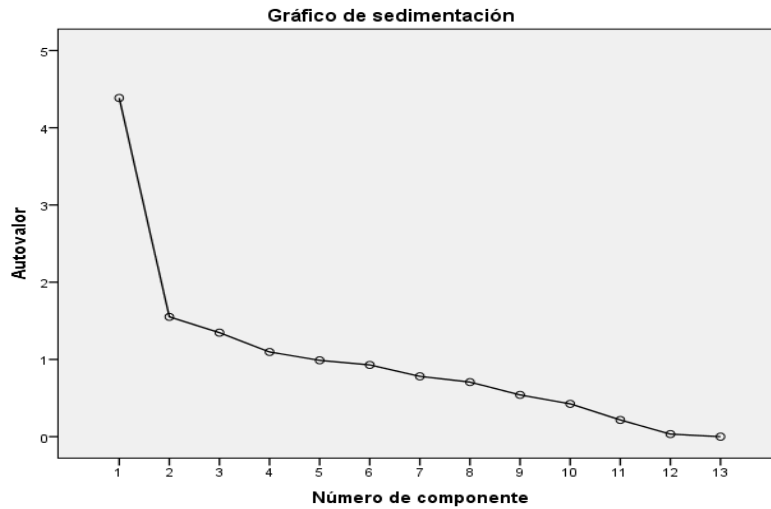
Component	Initial eigenvalues			Extraction sums of squared loads			Rotational sums of squared loads		
	Total	% variance	accumulated	Total	% variance	accumulated	Total	% variance	accumulated
1	4,386	33,736	33,736	4,386	33,736	33,736	4,325	33,268	33,268
2	1,551	11,932	45,668	1,551	11,932	45,668	1,502	11,554	44,822
3	1,347	10,358	56,026	1,347	10,358	56,026	1,408	10,828	55,649
4	1,097	8,435	64,461	1,097	8,435	64,461	1,145	8,811	64,461
5	,988	7,602	72,063						
6	,929	7,147	79,210						
7	,781	6,007	85,217						
8	,707	5,435	90,653						
9	,541	4,159	94,812						
10	,425	3,269	98,081						
11	,216	1,664	99,746						
12	,033	,254	100,000						
13	-1.02E-12	-7.86E-12	100,000						

Note. Extraction method: principal component analysis. Results obtained using IBM-SPSS version 25 software.

The total variance explained measures the proportion of the variability of the data that is captured by the components extracted in a factor analysis (IBM, 2024). In the analysis performed, four principal components were obtained with eigenvalues greater than 1, indicating that these factors explain a significant amount of the variance in the data (Minitab, 2024).

The first component accounted for 33.74% of the total variance. This component reflects the strongest influence on the variables analyzed, implying that there is an underlying pattern that affects a significant portion of the respondents' answers. The second component explains 11.93% of the accumulated variance, which brings the percentage of variance explained to 45.66%. The third component explained 10.35%, accumulating 56.02% of the variance explained. Finally, the fourth component explained 8.43%, raising the accumulated variance to 64.46%.

The result indicates that these four components explain more than 64% of the total variability of the data, which implies a clear and stable factorial structure. This level of explained variance suggests that respondents' answers are influenced by well-defined common factors and that the structure of the data is adequate for factor analysis. The reduction of dimensionality through these components facilitates the interpretation of the underlying patterns and allows us to identify the key factors that explain reporting decisions and the perception of citizen security in Comayagua.

Figure 1*Analysis of the sedimentation graph.*

Note: Results of the extracted components. Obtained through DATAtab.

The sedimentation plot is a visual tool to identify the optimal number of factors to extract in a factor analysis, based on the decrease in eigenvalues. In the analysis performed, the sedimentation plot showed a clear "elbow" after the fourth component, suggesting that only four factors have a significant influence on the data (DATAtab, 2025).

The horizontal axis of the graph shows the components, while the vertical axis shows the eigenvalues of each component. The first eigenvalue reflects a steep drop compared to the second component. The third and fourth components also have eigenvalues greater than 1, confirming their relevance to the model. From the fifth component onwards, the eigenvalues are less than 1 and show a gradual decrease, indicating that these factors do not contribute significant variance and are therefore not useful in explaining the data (Floyd and Widaman, 1995).

The interpretation of the sedimentation plot suggests that the first four factors explain a substantial part of the variance and that additional components would only add noise to the model. This pattern indicates that the factor structure is robust and that the model is optimally simplified by retaining four components. The consistency of the drop in the graph also supports the validity of the factor analysis and the stability of the identified patterns. The selection of four components for interpretation ensures a balanced representation of the variability of the data, without over-fitting the model.

Table 3
Component matrix-a.

Component matrix^a				
	Component			
	1	2	3	4
Did you report or denounce these crimes to the authorities (police, prosecutor's office, etc.)?	,957			
Did you report or denounce these crimes to the authorities (police, prosecutor's office, etc.)?	,957			
Have you been a victim of a crime in the past five years?	,912			
In this period of time, how many times have you been a victim of a crime?	-,884			
How do you consider the level of handling given to your complaint by the authority?	-,640			
Do you consider that the complaint would have had any impact on the resolution of the crime?	,542	,359		
Do you consider that the lack of reporting contributes to impunity in your community?		,716		
Do you think the complaint could have adversely affected your safety or that of your family?		,565		-,438
Do you consider that the lack of reporting affects the management of the police service and other authorities?		,563	,365	
What level of confidence do you have in the authorities to properly handle a crime report?			,736	
Have you ever met someone who decided not to report a crime?	,429		,555	
You reported the crime, what was the main reason?				,675
In your opinion, what are the main barriers that prevent people from reporting crimes?				,516

Note. Extraction method: principal component analysis. a. 4 components extracted.

According to García, Gil and Rodríguez (2000), the component matrix shows the correlations between the variables and each of the factors extracted in the factor analysis. This matrix allows us to identify which variables are most associated with each component, facilitating the interpretation of the underlying patterns in the data. (Ledesma and Valero, 2007).

In the analysis conducted, the first component presented a high loading for the variable "Did you report or denounce these crimes to the authorities?" indicating that this variable is strongly explained by the first factor. The variable "Have you been a victim of any crime in the last five years?" suggests that the first component is related to reporting behavior and victimization experience.

The second component showed a high loading for the variable "What level of trust do you have in the authorities to adequately handle a complaint?". This indicates that this component is associated with trust in institutions.

The third component reflected a high loading for the variable "You reported the crime, what was the main reason?", suggesting that this component is linked to the reasons behind the decision to report or not.

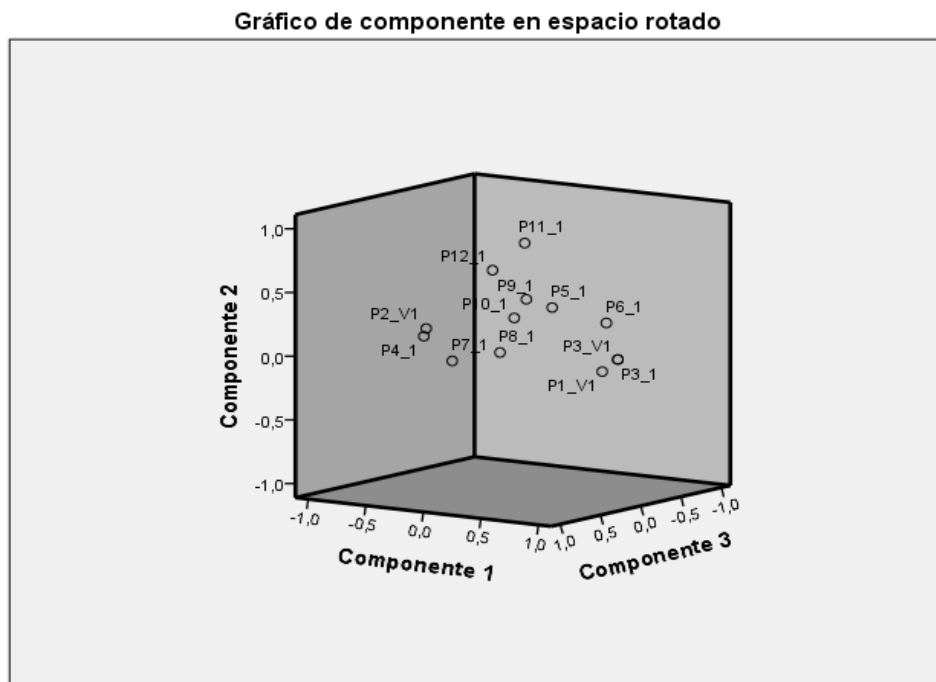
The fourth component showed a high loading for the variable "Do you think that reporting could have negatively affected your or your family's safety?", indicating that this factor is related to the perception of personal risk in reporting.

The structure of the component matrix reveals that reporting decisions, trust in authorities and fear of reprisals are the key factors explaining respondents' answers, highlighting the consistency and relevance of the factor model.

In Rotation are methods to show associations of variables that are not directly clear. (Figure 2)

Figure 2

Analysis of the sedimentation graph.



Note. Results obtained using the Varimax rotation method.

Rotated Component Matrix Analysis

The rotated component matrix is obtained using the Varimax rotation method, one of the most popular, which minimizes the number of variables that have high loadings on each factor and simplifies the interpretation of the factors. (Kaiser, 1958); facilitating the interpretation of the factors by maximizing the loadings of the variables on a single component and minimizing the loadings on others (Kline, 2014). This process clarifies the relationships between variables and underlying factors. (Table 4).

In the analysis, the variable "Did you report or denounce these crimes to the authorities?" in the first component confirms that this factor is strongly associated with reporting behavior. The variable "Have you been a victim of any crime?" also had a high loading on the first component, suggesting that this factor reflects victimization experience and reporting behavior.

The second component showed a strong association with the variable "What level of trust do you have in the authorities?" indicating that this factor is related to the perception of trust in institutions.

The third component reflected a high loading for the variable "You reported the crime, what was the main reason?" implying that this factor is linked to the motivations behind the decision to report or not.

The fourth component showed a clear association with the variable "Do you think the whistleblowing could have negatively affected your safety?" indicating that this factor is related to the perceived risk of whistleblowing.

The Varimax rotation allowed a better interpretation of the factors, showing a clear factorial structure where reporting decisions, trust in authorities and perceived risk are the main dimensions explaining the behavior of the respondents.

Table 4
Component matrix-a

Rotated component matrix ^a				
	Component			
	1	2	3	4
Did you report or denounce these crimes to the authorities (police, prosecutor's office, etc.)?	,957			
Did you report or denounce these crimes to the authorities (police, prosecutor's office, etc.)?	,957			
Have you been a victim of a crime in the last five years?	,905			
In this period of time, how many times have you been a victim of a crime?	-,881			
How do you consider the level of handling given to your complaint by the authority?	-,647			
Do you consider that the complaint would have had any impact on the resolution of the crime?	,564		-,354	
Do you consider that the lack of reporting contributes to impunity in your community?		,842		
Do you consider that the lack of reporting affects the management of the police service and other authorities?		,631		
What level of confidence do you have in the authorities to properly handle a crime report?			,814	
Have you ever met someone who decided not to report a crime?	,358	,360	,495	
Do you think the complaint could have adversely affected your safety or that of your family?		,358		-,576
You reported the crime, what was the main reason?			-,444	,557
In your opinion, what are the main barriers that prevent people from reporting crimes?				,555

Note. Extraction method: principal component analysis. Rotation method: Varimax with Kaiser normalization. a. The rotation has converged in 7 iterations.

Discussion

Having as reference the results of the Municipal Observatory of Coexistence and Citizen Security of Comayagua, embodied in its bulletin (2017), making the documentation of incidents or occurrence of crimes in this municipality during the years 2016 and 2017 respectively, showing the analysis of results on the reduction or increase of crimes of greater impact such as theft, personal injury and homicide, in addition, it points out the increase in citizen complaints especially in relation to cases of theft with 42.5%. However, its results do not identify the CO of the municipality with which to develop actions to reduce crime problems affecting the community.

For the online platform NUMBEO (2024), which compiles and provides data on different aspects including citizen security, based on results from the last three years, the

municipality of Comayagua has a crime rate of more than 75% and within the parameters studied there is no information on the rate of non-reporting or the aspects that would be generating the lack of reporting.

On the other hand, the local observatory of violence in Comayagua, in the last bulletin published in 2013, studies conducted by the National Autonomous University of Honduras in coordination with the University Institute for Democracy, Peace and Security (IUDPAS), sought through the structuring of information, to improve the characterization of violence in this municipality by generating analysis of crimes of homicide, personal injury, deaths from external causes, traffic accident deaths and sexual violence among others, processed by various official institutions. (UNAH, 2025).

In a more recent study, published in 2019 by the University Institute on Democracy, Peace and Security (IUDPAS) of the National Autonomous University of Honduras (UNAH) articulated with the National Democratic Institute, indicated that at the general level in Honduras for the year 2018 only 22.4% of people who were victims of a crime reported the fact officially to the authorities, which frames a CO of 77.6% for the country in 2018. (UNAH, 2018).

For the case of the present research article, the application of the measurement instrument in the municipality of Comayagua, in a time window between 2019 and 2024, 47.78% of the surveyed population reported having been victims of a crime, while 52.22% reported not having been victimized in this period of time.

Of the 47.78% of the victims who grouped together 75 crimes, only 18.67% took the case to the authorities so that the respective investigations could be carried out and the authorities could structure knowledge to attack the problems occurring in the municipality, registering them for statistical analysis.

For Buendía and Medina (2020), in their indication of how to conclude with an estimate of CO in the municipality of Comayagua, they used their proposed formula accepted and recognized in criminology studies for the rate of reporting and non-reporting and as a result of the survey they took the reported cases subtracted from the estimated cases in the instrument, obtaining a total of 61 non-reported cases that allow concluding that 81.33% of crimes are not reported by citizens to the authorities.

Figure 3

CO calculation for Comayagua

$$C.O (\%) = \left(\frac{\text{Delitos NO denunciados}}{\text{Delitos total estimados}} \right) \times 100$$

$$\text{Cifra Oculta Comayagua Honduras} = \left(\frac{61}{75} \right) \times 100$$

$$\text{Cifra Oculta Comayagua Honduras} = 81,33\%$$

Note. Result hidden figure Comayagua 2019-2024. Formula proposed by Buendía and Medina (2020),

Conclusions

The identification of CO through the application of the proposed methodology yielded 81.33% and, as a result of the statistical inference, citizens consider lack of trust in the authorities, poor response or reaction to reported cases and fear for their personal safety as the main aspects of their non-reporting.

It is important to mention that, in the review of the bibliography in the municipality of Comayagua, it was not possible to establish clear parameters for the inclusion of CO in the development of public policies for citizen security, nor was it possible to obtain information related to strategies to reduce non-reporting rates.

Despite the above, documents were found in the country where actions taken to obtain CO and some studies that have addressed the issue in general, although there are also CO statistics for 2019 showing results that indicate that only 10.6% of the population victims of crimes in Comayagua would be reporting to the authorities. This aspect is outstanding for the alignment of research related to this criminological field, which impacts different perspectives for the construction of multisectoral public policies.

Likewise, it is important that the design and structure of victimization surveys go beyond the general aspects of citizen security in national jurisdictions, and be developed in specific regions to yield particular results and enable assertive decisions to be made regarding crime prevention and the motivation to report crime.

In this process, we must go beyond obtaining figures and percentages on the commission of unreported crimes; in this way, we substantially prevent the bias that distorts the way to obtain relevant information that allows us to really know the circumstances of mode, time and place in which they were committed; in addition to the reason why they were not reported. These parameters are essential for reorienting institutional service planning policies under focused objectives, as well as optimizing citizen service, improving the police image and restoring citizen confidence in the good public administration represented by local authorities and the correct territorial planning that minimizes the risk of crime.

On the other hand, the continuity and periodicity (at least every two years) in the application of victimization and citizen perception surveys are the basis for making the right decisions regarding crime prevention, through local strategies articulated with national objectives, also facilitating control in jurisdictions with higher crime rates.

It is important to highlight that the CO obtained from the application of the "Citizen Perception Survey on Insecurity and Victimization in Honduras 2019", is 89.4% for the city of Comayagua, being coincident with the present study, where the CO during the last five years (2019-2024) is 81.33%.

Therefore, it is necessary to design institutional strategies to strengthen confidence in reporting and improve the credibility of the actions carried out by State security agencies. These strategies require the development of a public policy to encourage reporting in the municipality of Comayagua, generating technological platforms and more dynamic mechanisms for citizen outreach, as well as developing strict protocols within the authorities to respond to cases of crime.

Finally, there is a need to conduct CO-related studies focused on investigating and analyzing violence in Comayagua in depth, indicating the proportion and origin of personal injuries committed and their consequence and impact on the reduction or increase of homicide rates.

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**THE GENERAL LAW FOR EARLY DETECTION OF CANCER IN
CHILDHOOD AND ADOLESCENCE: A SIGNIFICANT STEP IN PROTECTING
THE HEALTH AND WELL-BEING OF CHILDREN AND ADOLESCENTS
WITH CANCER IN MEXICO**

**LA LEY GENERAL PARA LA DETECCIÓN OPORTUNA DEL CÁNCER EN LA INFANCIA Y
LA ADOLESCENCIA, UN PASO SIGNIFICATIVO EN LA PROTECCIÓN DE LA SALUD Y
EL BIENESTAR DE LAS NIÑAS, NIÑOS Y ADOLESCENTES CON CÁNCER DE MÉXICO**

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ABSTRACT

Keywords:

health, childhood, constitution,
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The following article aims to highlight the importance of implementing and enacting the General Law for Early Detection of Cancer in Childhood and Adolescence, which has been a significant step in protecting the health and well-being of children and adolescents with cancer in Mexico. By employing qualitative exploratory research and utilizing the method of legal dogmatics within Mexico's legislative framework, the historical development of the right to health is explained from a hermeneutic perspective, supported by doctrinal insights and jurisprudence from the Supreme Court of Justice of the Nation on the matter, and comparing these findings to the current situation regarding the protection of the right to health. The research employed a documentary technique, gathering information from books and articles of legal relevance related to human rights and the healthcare system in Mexico. The investigation demonstrated that, in the context of a healthcare crisis and a scarcity of oncological medications, the fundamental rights of children with cancer are frequently and systematically violated. Furthermore, the General Law for Early Detection of Cancer in Childhood and Adolescence serves as an indication of an ambitious response to the nation's requirements in the realms of public health and human rights. In this context, it is crucial to enact this law to prioritize childhood cancer management, reduce mortality rates, and ensure access to treatments, providing a tangible source of hope for those affected.

RESUMEN

Palabras clave:

El presente artículo pretende demostrar la importancia de la implementación y puesta en marcha de la Ley General para la

alud, infancia, constitución,
derechos humanos

Detección Oportuna del Cáncer en la Infancia y Adolescencia, un paso significativo en la protección de la salud y el bienestar de las niñas, niños y adolescentes con cáncer de México. A través de una investigación cualitativa de carácter exploratorio se empleó el método de la dogmática jurídica en el marco legislativo de México, explicando desde la hermenéutica el proceso histórico del derecho a la salud y complementándolo con la doctrina y jurisprudencia de la Suprema Corte de Justicia de la Nación relevantes al tema en cuestión; confrontando los resultados con el panorama actual en la protección del derecho a la salud. La técnica de investigación empleada fue la documental, recabando información de libros y artículos de relevancia jurídica sobre los derechos humanos y el sistema de salud en México. El estudio pudo advertir que ante la crisis del sector salud y el desabasto de medicamentos oncológicos los derechos fundamentales de los menores con cáncer son violados de manera constante y sistemática. Así mismo, es evidente que la Ley General para la Detección Oportuna del Cáncer en la Infancia y la Adolescencia refleja una ambiciosa respuesta a las necesidades del país en materia de salud pública y derechos humanos. En este contexto, se considera la necesidad de ponerla en funcionamiento para abordar al cáncer infantil como una prioridad, reducir la mortalidad, ofrecer tratamientos y una esperanza tangible de vida.

Introduction

The recognition of the right to health is a historically complex and lengthy process, which has culminated in its consolidation in the legal and contemporary sphere. Luigi Ferrajoli (2014) highlights how historically the institutionalization of fundamental rights in constitutions has been the corollary of various struggles and revolutions against oppression and discrimination, oriented towards the protection and defense of the weakest, "always conquered as limitations of correlatives of power". In the Mexican context, the social conquests achieved in the Mexican Revolution led to the constitutional text of 1917, in which the protection of health was constitutionalized as a social right, and since then the State has acquired the obligation to guarantee the prerogatives inherent to this right.

However, the country is going through a critical conjecture regarding the right to health, facing significant challenges to guarantee it to the entire population, despite the fact that it is enshrined both in constitutional norms and in international treaties ratified by Mexico. The discrepancy between what is stipulated in the Constitution and the effective reality is evident in the limited accessibility to health services for the entire population. The transition from Seguro Popular to the Instituto de la Salud para el Bienestar (INSABI) in 2019, disarticulated the financing mechanisms with which all types of cancer in childhood and adolescence were insured, and the way in which oncological medicines were acquired, which caused thousands of girls, boys and adolescents with cancer in the country to be left without access to health services.

The indifference and lack of commitment on the part of government authorities to recognize and enforce fundamental rights, including the right to health, has led to a recurrent violation of this essential right, particularly in children and adolescents with cancer, a particularly vulnerable group that seems invisible to the authorities. The families of these minors have expressed their dissatisfaction with the new drug procurement and distribution policy, which has led to a considerable increase in out-of-pocket expenses and a financial imbalance in their families. In view of this scenario, there is a need to establish specific regulations and legal mechanisms that will make it possible to vindicate and give concrete expression to the right to health.

This paper aims to highlight the relevance of implementing and activating the General Law for the Timely Detection of Cancer in Children and Adolescents, a significant step in the protection of the health and well-being of children and adolescents with cancer in Mexico. Published on January 7, 2021 in the Official Gazette of the Federation, this law represents a notable legislative advance, the result of the tireless efforts of Mexican civil society to improve the prognosis and quality of life of minors affected by cancer. The law establishes a legal framework for the early detection, treatment, follow-up and rehabilitation of childhood cancer, ensuring comprehensive, quality and universal medical care for this population group, with the ultimate goal of reducing the mortality rate associated with this disease. However, more than three years after its publication, there is no indication of its entry into force.

In order to achieve these objectives, we have analyzed Article 4 of the Constitution of the United Mexican States, which enshrines the right to health protection and establishes the corresponding measures to safeguard this right, and we have examined the evolution of this right through the norms that have been incorporated since 1990, when Mexico ratified the Convention on the Rights of the Child, as well as the 2011 reform on human rights. A reform that implied a significant and transcendental modification of the first article of the Constitution, by giving the so-called individual guarantees the status of human rights, expanding the parameter of constitutional regularity. This process has

obliged the Mexican State to guarantee, respect, protect and promote the right to health of the entire population, paying special attention to vulnerable groups.

In this context, the General Law on the Rights of Children and Adolescents in Mexico establishes a comprehensive legal framework for the protection and promotion of the rights of minors. This law is in line with national and international standards to ensure their physical, emotional and social well-being, creating a safe environment conducive to the full development of their capabilities. It recognizes minors as subjects of their own rights, which must be respected and guaranteed by the State and society.

The main criteria associated with the judicial interpretation and evolution of the lines of jurisprudence on the right to health and the principle of the best interests of the child were reviewed. This principle is fundamental at both the national and international levels, since it prioritizes the well-being and integral development of children and adolescents in all decisions and actions that affect them. It demands that their rights and needs be guaranteed and respected as a priority, ensuring that legal, administrative and judicial decisions are oriented towards the protection and promotion of their general welfare.

It is essential to consider the pronouncements of the Supreme Court of Justice of the Nation as it has allowed for reflection and understanding of the new constitutional paradigm among national and international instances, on the occasion of the 2011 reform. This reform underscores the need to strengthen the dialogue between national and international human rights law. In this environment, it is crucial to be aware of the international human rights treaties to which the Mexican State is a signatory, in order to improve the protection of the right to health and ensure a positive impact on its safeguarding.

On the other hand, the doctrine of various authors on the importance of health in people's lives as a valuable asset in itself and its incorporation process, as a human right, in the constitutional text has played a fundamental role. In order to be able to confirm that health is a fundamental right of all human beings, which is intrinsically linked to the preservation of life and taking into consideration this value, the State has the obligation to preserve it. Mainly because it is an instrumental right for the satisfaction and safeguarding of other rights, such as the right to education, recreation and the enjoyment of the environment.

The main contribution of this research lies in demonstrating that the implementation of the General Law for the Timely Detection of Cancer in Children and Adolescents is fundamental both from a public health perspective and from the perspective of fundamental human rights. The study takes on particular relevance given the current situation in the country and the constant violations of the right to health by the authorities that compromise the dignity, development and capacity of minors and adolescents with cancer, excluding them from opportunities to live a full life. The main barrier to overcoming this situation is the lack of political will to implement the General Law for the Timely Detection of Cancer in Children and Adolescents.

Method

The present research work has a qualitative approach of exploratory character that seeks to describe the social reality of the moment. For the purposes of this study, legal dogma was used to analyze the regulations in force in Mexico, especially the Constitution and the prevailing legislative framework on health and protection of children and

adolescents, highlighting the General Law on the Rights of Children and Adolescents and the General Law for the Timely Detection of Cancer in Children and Adolescents. As well as international treaties and conventions aimed at protecting the right to health ratified by the Mexican State.

To strengthen the study, the content and functionality of the norms were interpreted through legal hermeneutics in order to make an in-depth reflection on the historical process of the right to health and its observance up to the present day. The research was complemented with the jurisprudential doctrine of the Supreme Court of Justice of the Nation relevant to the issue of the right to health and the principle of the best interest of children and adolescents. In particular, to the pronouncements that have been building a doctrine that has been based on the conception of the right to health from an integral perspective, which has made it possible to understand its scope.

The research technique used was of a documentary nature, consisting of the collection of information from books and articles of legal relevance. This approach made it possible to examine the historical evolution of health, from its first conceptualizations to its constitutionalization process and its formal recognition as a fundamental human right. The detailed review of these sources provided an in-depth understanding of the impact of health in the legal sphere and its consolidation as a social right.

Results

Health is an essential good and a primordial desire of every person, being a *sine qua non* condition for the satisfaction of basic needs and the attainment of a state of plenitude. In addition to having an individual dimension, it faces a dimension that constitutes it as a social good. According to Carbonell (2012), its preservation is only possible through the efforts of the community. It is an indicator of the well-being and quality of life of the community and plays a crucial role in the social and economic progress of nations. Throughout history, it has occupied a preponderant place in human existence, constituting a state whose conservation has been the object of permanent concern and preservation.

The Importance of Health Care in Mexico Over Time

In Pre-Hispanic Mexico, the concept of health was based on the conception of an essential balance between the human being and the divine and natural forces that governed the cosmos. Disease was understood as the loss of that balance, and could be internal, caused by factors within the body, or external, caused by influences of the gods that affected the environment and people. According to Viesca (2010) society lived in a closed universe, in a "Mesoamerican world" shaped by their gods and their vision of universal order.

A holistic approach to the human being and his environment was observed. Torres (2014, p.51) that "religious, etiological, nutritional, political and social factors were seen as crucial to preserve the harmony between the individual and his environment". According to Torres (2014, p.51), there was a paradigm of duality for both health and disease, in which gods and pathologies were intrinsically linked, "the gods in the Valley of Mexico had positive and negative aspects, they could cure and protect against certain evils; sometimes, they caused disease depending on the behavior of the human being".

Figure 1

Relationship between gods and illnesses in the Valley of Mexico

Quetzalcoatl	• The good god. Cures all diseases and illnesses
Ehecatl	• Colds, rheumatism, torticollis and stiff neck and stiffness
Tezcatlipoca	• It is the night sun, it represents punishment, black magic and sorcery. Cures epidemics, calamities and madness
Tlatoc	• Death by lightning, drowning, skin diseases, scabies, buboes, contagious and incurable diseases
Xipe Totec	• Eruptions, blisters and suppuration, smallpox, apostemas, scabies, eye diseases and inflamed eyelids.
Ehecame and Tlaliques	• Gout of any part of the body, crippling and all cold palsies
Cihuateteo	• Paralysis and convulsions in children
Amimitl and Atlahua	• Dysentery and diarrhea, deadly chills and common and brain colds
Macuilxochochitl and Xochipilli	• Diseases of the secretory parts, hemorrhoids and venereal diseases
Tlazolteotl	• Seizures, death by love and dependence on each other
Tzapotlatenen	• Patroness of Physicians and Midwives
Dead body	• Snakebite poisoning and serious diseases

Note. Source: Torres (2014, pág. 53).

Religion, deeply rooted in all levels of pre-Hispanic society, played a crucial role in the sphere of public health. In the words of Chavez (1987, p. 18), "the priest and sorcerer were the only ones who fought against disease, the one appeasing the wrath of the gods and the other conjuring the action of the stars and evil spirits". It was imperative for men to watch over their health and life, considering death in battle or on the sacrificial stone not as an end, but as a step to attain cosmic spirituality. There was a system for the prevention and control of diseases, the rulers were in charge of providing good living conditions to its inhabitants, the necessary means to maintain health and a favorable lifestyle; thus ensuring social welfare and the commitment of the inhabitants of the community to comply with the established rules.

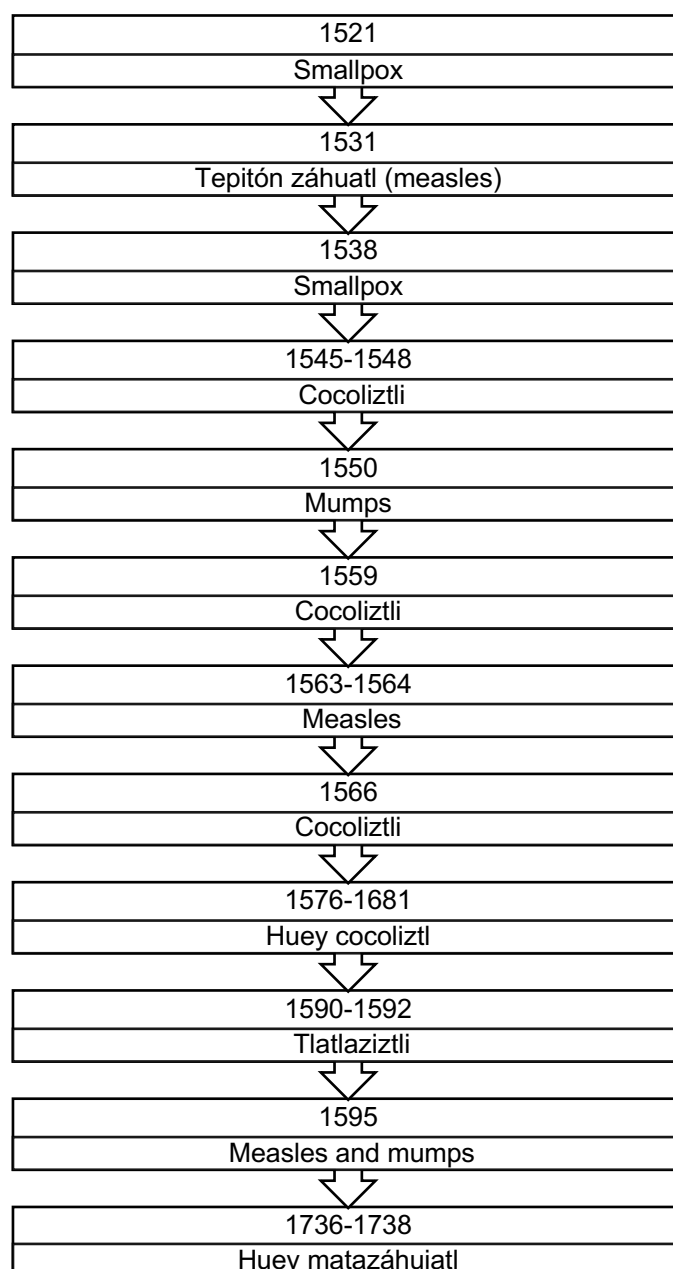
In the pre-Columbian era, medicine was a mixture of magical practices, herbalism and empirical knowledge related to human anatomy and physiology. Thanks to written sources and testimonies written by indigenous people who practiced medicine long before the arrival of the Spaniards, including evangelists and physicians who were sent to New Spain to study the medicinal resources found in these lands, it has been possible to have an idea of the Hispanic American cosmovision, its diseases, health care and healing techniques. Specifically, the Florentine Codex of Fray Bernardino de Sahagún of 1576, written a few years after the conquest of Tenochtitlán, constitutes a primordial source for the study of therapeutic strategies and medical procedures implemented by the physicians of the region.

During the 16th century, the indigenous culture had reached a level of development in the natural sciences that considerably surpassed that of Europeans. The application of botany in medicine, the profound knowledge and practical skills of indigenous physicians in the use of herbal medicine, represented significant contributions to universal medical culture. Viesca (2010) refers that in 1552, Martín de la Cruz, recognized as the first indigenous physician, wrote the oldest pharmacology book on the continent, known as the Codex de la Cruz - Badiano, translated from Latin into Spanish by Juan Badiano. This document, known as "Libellus de medicinalibus indorum herbis" or "Little Book of Medicinal Herbs", was presented as a gift to King Philip II of Spain. In it, the medicinal practice is described in detail, cataloging more than a thousand species of plants used for therapeutic purposes, as well as detailing the formulas for their preparation, methods of administration and specific curative properties.

In colonial times, the Spanish religious orders that arrived in Mexico altruistically provided the first hospital services, establishing the first sanatoriums, orphanages and shelters for the care of the sick and disadvantaged. In 1524, at the initiative of Hernán Cortés, the first hospital in New Spain was built, initially called the Hospital de la Purísima Concepción, whose original purpose was to provide medical care to combatants injured in battles. Over time, this institution expanded its services to include both Spaniards and the indigenous population. Years later, it was renamed the Hospital de Jesús de Nazareno, and as Ocharan Corcuera (2017, p.23) points out, "it is considered the oldest hospital in the American continent" and the first of 128 hospitals founded from the 16th century.

The cultural confluence resulting from the encounter between Spaniards and Indians catalyzed the spread of various pestilences and epidemics throughout Mexico that were new and unknown to the indigenous population. Ortiz (2020) describes that these diseases "decimated more than 90% of the population in less than a century". The population had no choice but to go on with their daily lives, facing disease and death caused by the constant epidemics that plagued the region. As Ortiz points out (2020) points out, on many occasions, their faith was their only defense against these evils.

Figure 2
Chronology of epidemics in New Spain



Note. Source: Ortiz (2020)

It was in the 19th century that an active search for solutions to public health challenges began to emerge, accompanied by significant scientific advances in the health field. This period marks the emergence of preventive medicine, with a growing importance of the relationship between the good condition of the people and the medical care received in the face of any type of illness. Chávez (1987) highlights the beginning, in 1804, of a mission ordered by King Charles IV to spread the smallpox vaccine throughout all Spanish-speaking regions of the continent. In the following years, campaigns were undertaken to tackle other diseases through immunization, such as rabies, poliomyelitis and tuberculosis, which were crucial against epidemics.

During the compulsory period of Independence, which lasted from 1810 to 1821, the country faced marked political instability and high morbidity, not only due to the serious wounds inflicted on the battlefield but also for public health reasons. Political and

social unrest exacerbated unsanitary conditions, providing for the rapid spread of disease. A significant event occurred in 1833 when an epidemic of "cholera mordus" struck the national territory and spread until 1851. As Passmore (1975, p. 266) points out, "the sudden onset of symptoms, their severity, high mortality and lack of effective treatment make it one of the most dramatic diseases in the history of mankind". This epidemiological outbreak seriously disrupted urban life by flooding cities with a large number of sick people, which prompted post-revolutionary governments to create health institutions to care for the population and design legal frameworks to ensure their basic needs.

Since the dawn of colonial times, care for the sick was carried out as a religious charity sponsored by the church. However, it was in the second half of the 19th century, during the mandate of President Benito Juárez García between 1855 and 1872, when the government undertook a secularization policy that stripped the church of its control over the hospitals, orphanages and cemeteries previously administered by this institution. This measure implied the cessation of charitable and beneficent assistance by the church, transferring the responsibility of caring for the health of the inhabitants to the State. In this new scenario, the State assumed the direction and management of health care services and charitable establishments in order to keep its inhabitants in good health. Public Charity, conceived by Meyer (1975, p. 9) as "a philanthropic work of the State, without being considered in any way as an obligation", did not occupy a priority position within the national public agenda.

The Magna Carta of 1857 established the acceptance of the rights of man in its first article: "The Mexican people recognize that the rights of man are the basis and object of social institutions. Consequently, it declares that all laws and all authorities of the country must respect and uphold the guarantees granted by the present constitution". However, it would lack specific provisions related to health despite the humanistic project of President Benito Juárez García, by substituting Christian charity for public assistance.

The Constitutionalization of the Right to Health

It was in the 1917 Constitution where the social guarantees were established, leaving a turning point in national history, representing a legal innovation at international level and whose legacy has transcended borders. The Mexican Revolution that lasted from 1910 to 1917 and the subsequent workers' movement responded to the yearnings for equality and social justice, raising the rights enshrined in the Constitution of 1857, fundamental rights that for more than three decades had remained in oblivion, denied by the regime of Porfirio Díaz. It demanded the recognition of work as a social right and duty, the need to guarantee social benefits, medical care, job and family security, as well as the enactment of laws to regulate working conditions. This uprising, initially conceived to overthrow the dictator and reestablish the rule of the Constitution, became a significant social movement that catalyzed important social reforms. In the opinion of Gómez (2019, p. 203), "the foundations were laid for health to be recognized after the Revolution as a strategic area for the security and welfare of the country and, therefore, as the object of broad state intervention."

The 1917 Constitution was the culmination of the revolutionary efforts to consolidate a legal framework that embodied the ideals of social justice, equality and labor rights, reflecting the demands and aspirations of the Mexican people after years of struggle. In Carpizo's words (1990, p. 21), "the Constitution of 1917 is the fruit of the first social movement that the world experienced in the twentieth century", in which a new social legal paradigm was born in Mexico: social law. This social law, according to Radbruch (1974, p. 162), far from seeking absolute equality among individuals, has as its main objective to mitigate existing inequalities, "equality thus ceases to be the starting

point of law and becomes the goal or aspiration of the legal order" Acquiring the State, as Ferrajoli (2019, p. 108) puts it, a new role and commitment to these "positive public benefit rights".

In Trueba's opinion (1980, p. 79), our Magna Carta "is the first Social Political Code of the world and a juridical presea converted into a herald of contemporary Constitutions". Health as a social right was associated with the provision of Social Security for the working class and their families and was not extended to all Mexicans. This inclusion gave rise to sections XIV and XV of article 123 of the Constitution, (2024) regarding labor and the employer's obligations to guarantee the health and life of the workers.

Article 123.

XIV.- "Employers shall be liable for occupational accidents and occupational diseases of workers, suffered by reason of or in the exercise of the profession or work they perform; depending on whether they have resulted in death or simply temporary or permanent incapacity to work, in accordance with the provisions of the law. This liability shall subsist even in the event that the employer hires the worker through an intermediary".

XV.-"The employer shall be obliged to observe in the facilities of his establishment, the legal precepts on hygiene and health, and to adapt the appropriate measures to prevent accidents in the use of machines, instruments and work materials, as well as to organize it in such a way that the health and life of the workers is the best guarantee compatible with the nature of the negotiation, under the penalties established by law".

From then on, a social transformation took place as certain conceptions that until then had been exclusively sociological in nature acquired legal significance. This process of positivization of rights, which developed in two stages, as described by Lara (2019, p. 124), "the constituent of 1857 marked a milestone in national history. Consecrating the rights of man in the Standard of Standards. Likewise, in 1917 the debates would lead to an international judicial novelty: elevating social rights to constitutional rank", which signified the transition from a State characterized by its liberal and individualistic approach to a social State based on the rule of law.

Thus, with the evolution of the social state, the aim is to safeguard the basic foundations of society, promote inclusion and protect the most vulnerable population. This process leads to a more comprehensive understanding of the human being, both in its individual and social dimension, as an active member of the community. In the words of Radbruch (1974, p. 157), "social law is the result of a new conception of man by law", by recognizing the individual not only as a subject of rights and obligations in the strict sense, but as a social being whose needs and welfare must be met by the legal order.

Health, a Guarantee of Equality for Everyone

It was not until February 3, 1983, during the six-year term of President Miguel de la Madrid Hurtado, 66 years after the promulgation of the 1917 Constitution, that health was incorporated as a guarantee of equality for all individuals within the national territory, this was achieved through the addition of a fourth paragraph to article 4 of the Constitution (2024) this was achieved through the addition of a fourth paragraph to article 4 of the Constitution, thus elevating the right to health protection to constitutional rank.

Everyone has the right to health protection. The law will define the bases and modalities for access to health services and will establish the concurrence of the Federation and the federative entities in matters of general health, in accordance with the provisions of section XVI of Article 73 of this Constitution.

It is important to note that the term "right to health" was not used, but rather "right to health protection", recognizing that health cannot be ensured only through access to medical services, but also requires a comprehensive approach that includes prevention and the family, social and community environment.

Subsequently, on February 7, 1984, the General Health Law was enacted, regulating the right to protection, establishing the bases and modalities for access to health services. This law delineated the forms of collaboration between the federation and the federative entities in matters of general health. It also defined the purposes of the right to health protection in terms of general health, the competent health authorities and the components of the National Health System, together with its objectives and coordination mechanisms.

In the following years, additional state health laws and regulations were created, leading to significant legislative and strategic changes. These initiatives contributed to the decentralization of health services and promoted greater efficiency in their delivery.

The Creation of the Social Protection System in Health in 2003

Making health a right for the entire population and the incorporation of the right to health protection in the Constitution represented a first step. However, the materialization of this right required the implementation of adequate administrative and legal mechanisms. In 2003, during the presidency of Vicente Fox Quesada, a decree was published in the Official Gazette of the Federation, (2003) the decree reforming and adding the General Health Law to create the Social Health Protection System. This reform allowed the gradual incorporation of all Mexicans without social security into Seguro Popular.

Article 77 Bis 1: "All Mexicans have the right to be incorporated into the Social Health Protection System in accordance with article four of the Political Constitution of the United Mexican States, regardless of their social condition."

Since the reform, the Ministry of Health has had the power to determine the list of essential drugs and supplies included in the Basic Health List, as well as the obligation to guarantee their permanent existence and availability.

Article 28.

For the purposes of the preceding article, there shall be a Basic List of Inputs for the first level of medical care and a Catalog of Inputs for the second and third levels, prepared by the General Health Council, to which the public institutions of the National Health System shall conform, and in which health inputs shall be grouped, characterized and codified. For these purposes, they will participate in its elaboration: The Ministry of Health, public social security institutions and other institutions designated by the Federal Executive.

Quoting Gómez (2004, p. 585), in the voice of Julio Frenk, creator of Seguro Popular, "the system of Social Protection in Health and its main operational arm, Seguro Popular, was conceived as a system in which the constitutional right to health protection is exercised equally by everyone, regardless of their employment status, income level or previous state of health. This was not the case before the reform". The primary objective of Seguro Popular was to guarantee free access to health services through a comprehensive package of services for all Mexicans who lacked social security.

As its name indicates, it was an insurance policy financed by the Federal Government and by the governments of the states, and based on socioeconomic studies, there were certain recovery fees according to the level to which one belonged. Through Seguro Popular and its Catastrophic Expense Protection Fund, we were able to provide medical services to all children and adolescents with cancer in the country. In 2005,

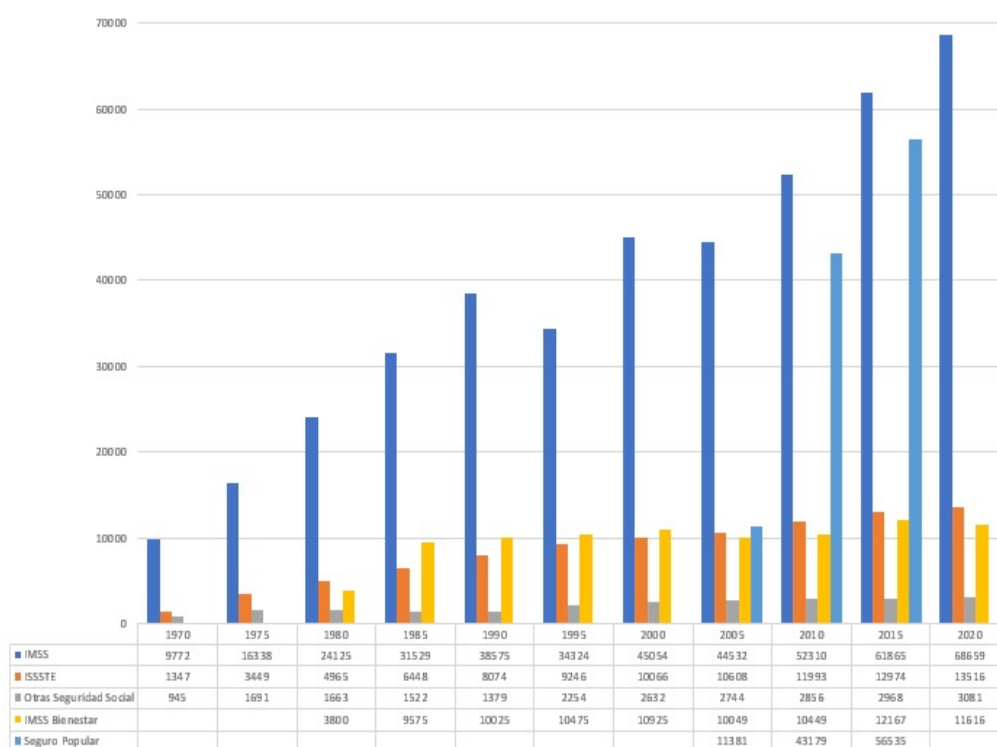
leukemia was incorporated into the Catastrophic Cost Protection Fund, followed by the inclusion of all other types of childhood cancer in 2008.

The main objective of these changes was to provide free access to health services with equity and quality, guaranteeing financial protection and universal coverage. It also sought to reduce catastrophic expenses that affected the most vulnerable population and those with limited resources. In addition, care was facilitated in various parts of the country by including a network of hospitals and clinics, improving the availability of medical services.

Gradually, according to data from the National Institute of Statistics, Geography and Informatics (INEGI), over the years there has been a progressive increase in the participation of families, accompanied by the expansion of basic coverage to include high-cost procedures, such as the treatment of childhood cancer.

Figure 3

Entitlement population (in thousands) by institution and health care coverage in Mexico from 1970 to 2020



Note. Retrieved from INEGI (2020)

Health as a Human Right

The constitutional rights reform of June 6, 2011 was transcendental and represented a moment of transformation for both society and the Mexican State. This reform was published in the Official Gazette of the Federation (2011)the amendment, published in the Official Gazette of the Federation, introduced significant changes by modifying the name of Chapter I of Title One and amending Article I of the Constitution. The main purpose of these amendments was to strengthen the system for the recognition

and protection of human rights in Mexico, thus consolidating a more robust framework for their defense and promotion.

Article one:

In the United Mexican States all persons shall enjoy the human rights recognized in this Constitution and in the international treaties to which the Mexican State is a party, as well as the guarantees for their protection, the exercise of which may not be restricted or suspended, except in the cases and under the conditions established in this Constitution.

The norms relating to human rights shall be interpreted in accordance with this Constitution and with international treaties on the subject, favoring at all times the broadest protection for individuals.

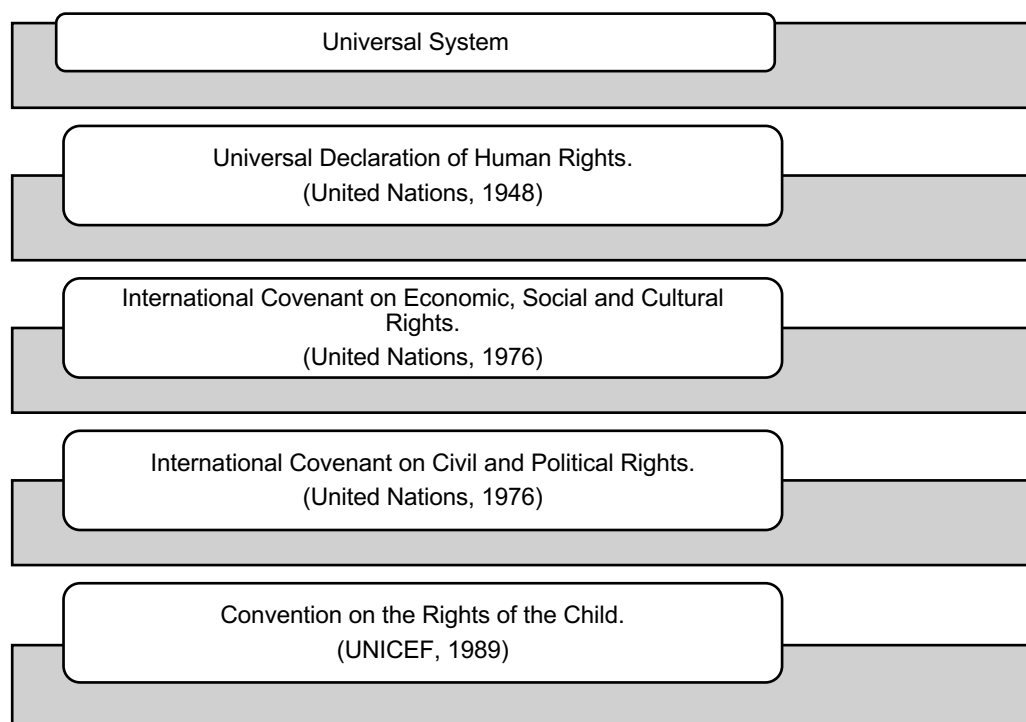
All authorities, within the scope of their competencies, have the obligation to promote, respect, protect and guarantee human rights in accordance with the principles of universality, interdependence, indivisibility and progressiveness. Consequently, the State shall prevent, investigate, punish and redress human rights violations, under the terms established by law.

Bearing in mind Fix Zamudio (1999, p. 22), "the Constitution is not and never was a rigid and invariable text, but a text open to different circumstances, actors and times". The dynamism of the Constitution has been permanent, undergoing very relevant changes in its structure throughout history. Constitutional reform in the area of human rights arose as a result of the democratic transition that Mexico has undergone in recent decades and the globalization process of recent years. This reform introduces new procedures for learning and disseminating the law, in addition to fostering a new culture of human rights.

Since the 2011 reform, Mexican constitutional law has clearly and forcefully opened up to international human rights law. The recognition of the obligatory nature of the jurisprudence of the Inter-American Court of Human Rights binding for all judicial jurisdictional bodies of the country is considered a source of law that contributes to define and explain the rights contained in international treaties, forming the inter-American corpus iuris. This has forced us to understand and follow international standards of rights protection by recognizing that international human rights treaties have constitutional rank. In the words of Carbonell (2016, p. 22), "international treaties have been an essential driver in the recent development of fundamental rights around the world." Since then, we have been learning to use not only the human rights established in the Constitution, but also those contained in all the international treaties signed and ratified by Mexico.

Figure 4

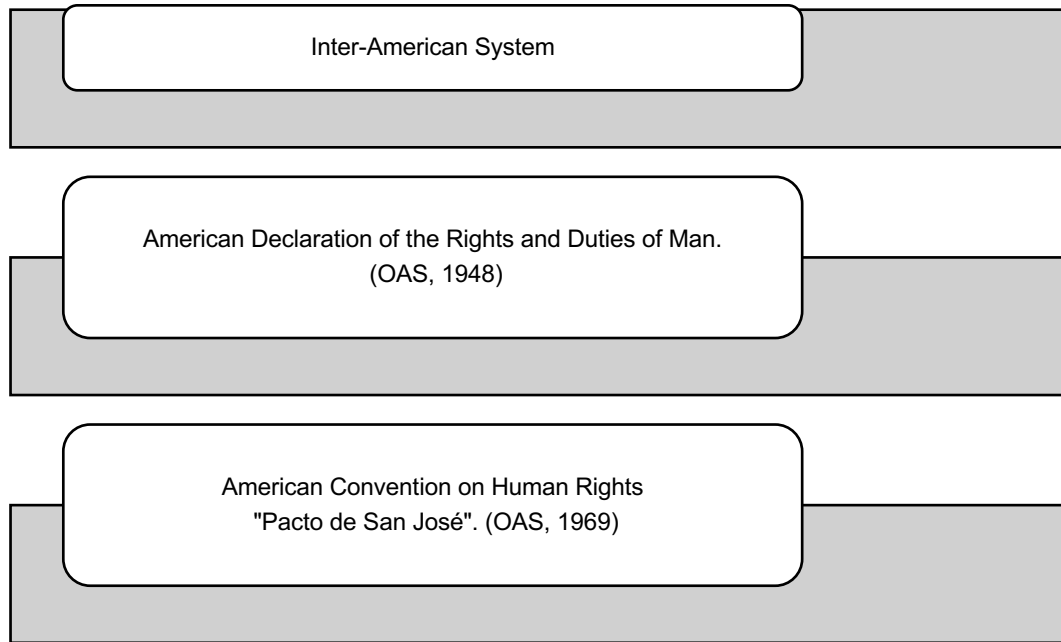
International human rights treaties in the Universal System to which the Mexican State is a party



Note. Source: Carbonell (2022)

Mexico stands out as one of the most active countries in signing and ratifying international treaties, thus demonstrating its firm commitment to international law and the principles of global cooperation. As part of this commitment, Mexico has assumed the responsibility to guarantee, promote, protect and respect the rights enshrined in more than 261 international treaties. This broad participation not only strengthens its position in the international community but also contributes to the protection of human rights and the promotion of peace, security and sustainable development worldwide.

Figure 5
International human rights treaties in the Inter-American System to which the Mexican State is a party



Note. Source: Carbonell (2022)

The protection of the right to health acquires today broader dimensions in terms of the protection referred to in the international treaties to which Mexico has subscribed. These international agreements not only establish obligations to guarantee universal access to quality health services, but also promote equity and fairness in the distribution of medical resources. In addition, these treaties emphasize the importance of adopting comprehensive public policies that address the social determinants of health. In this context, Mexico must ensure that its national legislation and practices are aligned with international standards to guarantee effective and equitable protection of the right to health for all its inhabitants.

Figure 6

International and regional treaties ratified by Mexico which guarantee the right to health

The Universal Declaration of Human Rights of 1948,
ratified by Mexico in 1948.

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, are entitled to equal social protection.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966,
ratified by Mexico in 1981.

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. Among the steps to be taken by States Parties to the Covenant to ensure the full realization of these rights are the necessary requirements for:
 - a. Reduction of mortality and infant mortality and the healthy development of children;
 - b. The improvement of all aspects of occupational and environmental hygiene;
 - c. The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - d. The creation of conditions that ensure medical assistance and medical services to all in case of illness.

The American Convention on Human Rights (Pacto San José), ratified by Mexico in 1981.

- Article 19.- Every child has the right to the measures of protection that his or her condition as a minor requires on the part of his or her family, society and the State.

The Additional Protocol to the American Convention on Human Rights in the Area of
Economic, Social and Cultural Rights (Protocol of San Salvador), ratified by Mexico in
1996.

1. Article 10. Right to Health. Everyone has the right to health, understood as the enjoyment of the highest level of physical, mental and social well-being.
2. In order to realize the right to health, the States Parties undertake to recognize health as a public good and, in particular, to adopt the following measures to guarantee this right:
 - a. primary health care, understood as essential health care made available to all individuals and families in the community;
 - b. the extension of health care benefits to all individuals subject to the jurisdiction of the State;
 - c. full immunization against major infectious diseases;
 - d. prevention and treatment of endemic, occupational and other diseases;
 - e. education of the population on the prevention and treatment of health problems, and
 - f. meeting the health needs of the most at-risk groups and those who are most vulnerable due to their conditions of poverty.

The Convention on the Rights of the Child 1989,
ratified by Mexico in 1990.

- Article 24.- States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right to the enjoyment of such health services.

Note. Source: Carbonell (2022) and the Nuevo León State Human Rights Commission.

A series of pronouncements by the Inter-American Court of Human Rights (IACHR) and the Supreme Court of Justice of the Nation (SCJN) have been applying different standards that delineate the obligations of the Mexican State as a State Party to the American Convention on Human Rights, particularly with respect to the control of conventionality. Today, the individual is recognized as a subject of international law and is protected by mechanisms adopted for his or her benefit.

The Rights of Children and Adolescents

Mexico ratified the Convention on the Rights of the Child on September 21, 1990, committing to respect, promote, protect and guarantee the exercise of civil, economic,

social and cultural rights, regardless of place of birth, sex, religion, ethnicity, social class and family status, among others. In addition, it undertook to implement all administrative, legislative and other measures to give effect to all the rights recognized in this legal framework.

Initially, Article 4 of the Constitution was limited to establishing certain duties of parents or guardians with respect to their children, until it was necessary to reform it in order to align its contents with the principles of the Convention on the Rights of the Child. The rights of children and adolescents appear for the first time in the constitutional text through the reforms published in the Official Gazette of the Federation on March 18, 1980 (1980) on March 18, 1980, which added:

"It is the duty of parents to preserve the right of minors to the satisfaction of their needs and to physical and mental health. The law shall determine the support for the protection of minors by public institutions".

- Subsequently, a second amendment published in the Official Gazette of the Federation on April 7, 2000 replaced the previous text with the following paragraphs (2000) on April 7, 2000 replaced the previous text with the following paragraphs:

"Children have the right to the satisfaction of their nutritional, health, educational and recreational needs for their integral development. Ascendant guardians and custodians have the duty to preserve these rights. The State shall provide what is necessary to ensure respect for the dignity of children and the exercise of their rights.

The State shall grant facilities to private individuals so that they may contribute to the fulfillment of children's rights".

- Finally, with the decree published in the Official Gazette of the Federation (2011) on October 12, 2011, it was reorganized and additions were made to the corresponding section of article 4^o, modifying the sixth and seventh paragraphs, remaining as follows:

"In all decisions and actions of the state, the principle of the best interest of children shall be ensured and complied with, fully guaranteeing their rights. Children have the right to the satisfaction of their needs for food, health, education and healthy recreation for their integral development. This principle should guide the design, implementation, monitoring and evaluation of public policies aimed at children.

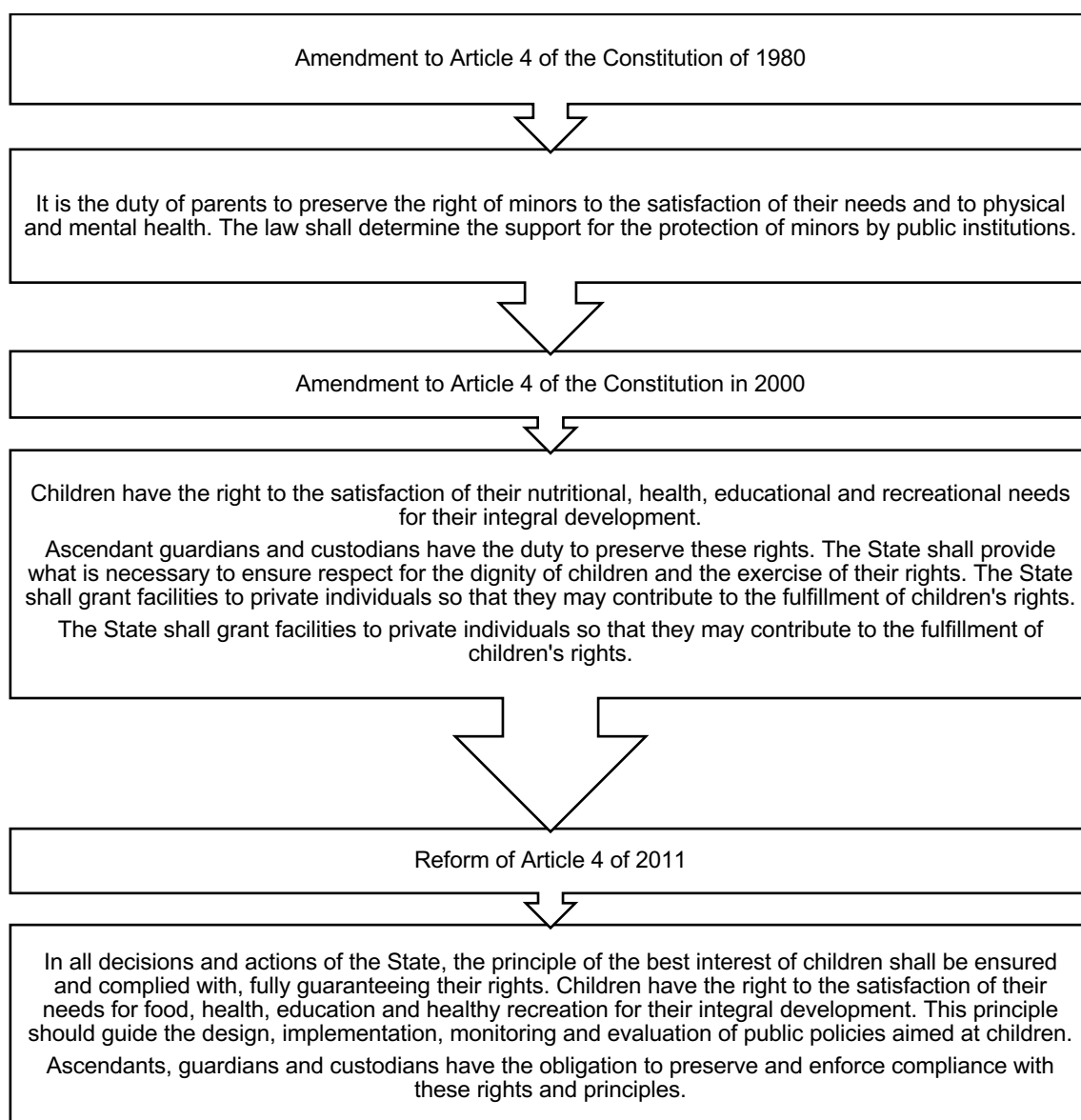
Ascendants, guardians and custodians have the obligation to preserve and enforce compliance with these rights and principles.

The State shall grant facilities to private individuals to help in the fulfillment of children's rights".

Through reforms to Article 4 of the Constitution, the significant changes that the ratification of the Convention on the Rights of the Child has brought to our country have become evident. These reforms have strengthened the legal framework for the protection of the rights of minors, ensuring that the State assumes a more proactive role in guaranteeing their fundamental rights and promoting more inclusive public policies oriented towards the comprehensive wellbeing of all children and adolescents in the country. In addition, they have promoted greater awareness and training in children's rights in both government institutions and civil society, which has contributed to a culture that is more respectful and protective of children's rights in Mexico.

Figure 7

Amendments to Article 4 of the Constitution regarding the rights of children and adolescents



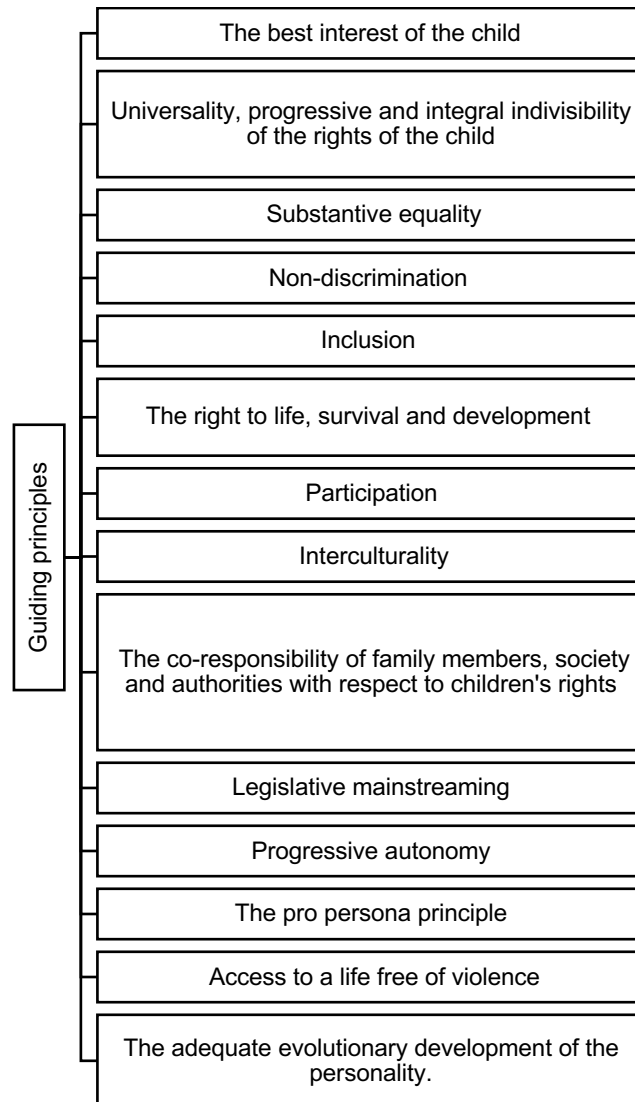
Note. Source: Fix (1999, p. 102-104)

Mexico's ratification of the Convention on the Rights of the Child laid the foundations for the creation of the Law on the Rights of Children and Adolescents, marking an important step forward and the beginning of a series of transformations, the most transcendental of which is the recognition of minors as subjects of law with their own capacities and interests. This law was enacted during the term of office of President Enrique Peña Nieto and published in the Official Gazette of the Federation on December 4, 2014 (2014). In its 20 articles, the law establishes public policies aimed at protecting their integrity and ensuring their rights. Specifically, the right to health and social security, as detailed in section IX.

"All children and adolescents have the right to the enjoyment of the highest attainable standard of physical and mental health" and to receive the provision of health care services and to free, quality medical care.

Figure 8

Guiding Principles of the Law on the Rights of Children and Adolescents

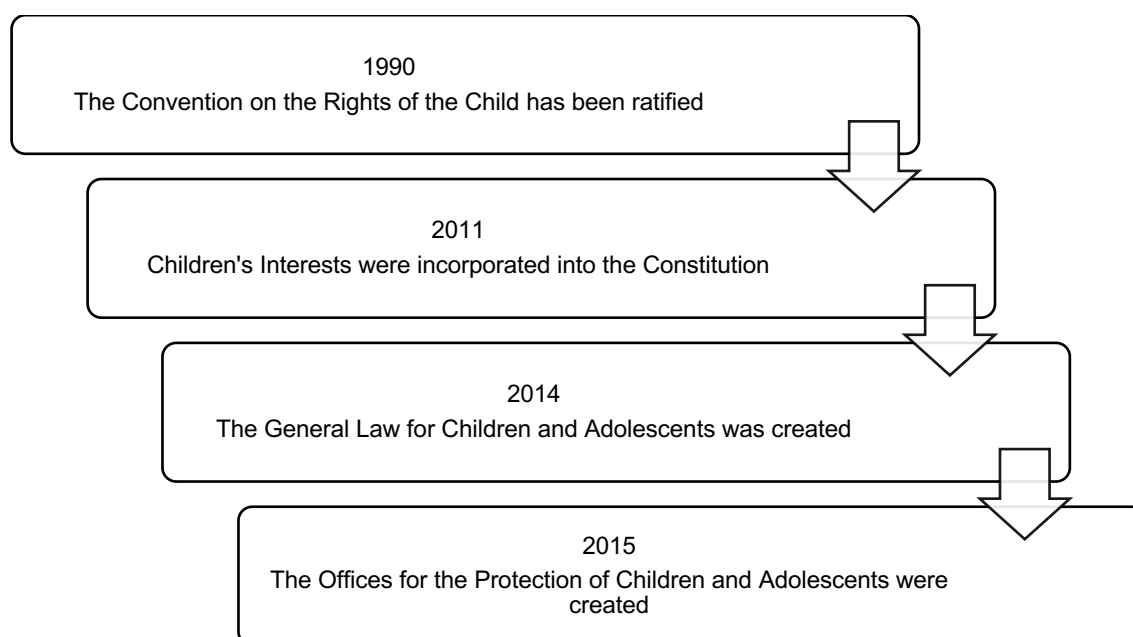


Note. Source: Law on the Rights of Children and Adolescents.

As part of that legislation, in 2015, the Offices for the Protection of Children and Adolescents were created, with the purpose of providing protection and legal representation in ministerial and jurisdictional processes, under an approach based on human rights and the principle of the best interests of children and adolescents.

Figure 8

Evolutionary development of the rights of children and adolescents in Mexico



The Crisis of the Health Care System in Mexico

As of 2020, with the beginning of President Andrés Manuel López Obrador's term of office, the Social Health Protection System, known as Seguro Popular, as well as the Catastrophic Expense Protection Fund, will be eliminated. In its place, the Instituto de Salud para el Bienestar (INSABI) was created. With the purpose of guaranteeing the right to health protection to all people without social security, offering free access to health services, medicines and necessary supplies. The transformation represented a significant change in the functioning of the health system in Mexico, centralizing the state health systems and the modification of the Health Fund for Welfare (FONSABI). It also meant the end of funding for catastrophic diseases and the discontinuation of consolidated drug purchases that had been in place since 2013.

This change caused the worst crisis in the health system and a generalized shortage of medicines throughout the country, mainly affecting people without social security who depended on the services provided by INSABI. This had a negative impact on the care of diseases such as childhood cancer and on interventions that required highly specialized care and are considered catastrophic. It has taken on alarming social dimensions, seriously affecting the health and lives of thousands of children and adolescents with cancer, who have been left in a situation of extreme vulnerability due to the loss of their social security coverage.

On April 28, 2023, the government acknowledged the failure of INSABI, which left millions of people without access to healthcare and led to the death of thousands of sick people. In response, the decentralized public agency called Servicio de Salud del Instituto Mexicano del Seguro Social, known as IMSS-Bienestar, was created. Through coordination agreements, the states cede their existing physical and human infrastructure to the Mexican Social Security Institute (IMSS) so that the IMSS can provide health services to the population without social security, in order to consolidate a policy of universal, free and quality health services.

According to the publication in the Official Gazette of the Federation on June 17 of this year, (2024) this model is present in 22 Mexican states and Mexico City. The Director General of the Mexican Social Security Institute, Zoé Robledo, informed that it has 707

hospitals and 13,966 health centers to benefit 53.2 million Mexicans, with the purpose of closing the existing gaps in order to comply with the mandate of making health a right for all.

Figure 10

Mexican states that have joined the new health system IMSS Bienestar



Note. Source: Government of Mexico (2023)

It should be noted that the Mexican State has the obligation to guarantee the integral wellbeing of all children and adolescents. The constitutional protection of their rights has evolved in recent times. The defense of human rights from the perspective of children and adolescents has its origin in the Convention on the Rights of the Child. Since its enactment, there has been a significant change from considering children and adolescents as objects of protection to recognizing them as full subjects of rights.

The pronouncements of the Suprema Corte de Justicia de la Nación (SCJN), the collegiate circuit courts, district courts and local courts have addressed fundamental and urgent aspects related to the health and life of people, developing legal standards regarding the right to health protection that states must comply with. These resolutions have made it possible to make social rights enforceable, combat structural indifference and provide for the progressive evolution of the right to health protection.

1. In the face of diseases that require the periodic supply of medicines, the State has a duty of care that must be strengthened. Thesis:1a/J. 151/2023 (11a).

- Judicial Weekly of the Federation. Digital Register: 2027440. (Suprema Corte de Justicia de la Nación, 2023)
2. The State has the obligation to take all necessary measures to the maximum of its available resources to achieve progressively its full realization. Thesis: 1a. XV/2021 (10th). Judicial Weekly of the Federation. Digital register: 2022889. (Suprema Corte de Justicia de la Nación, 2021)
 3. Medical assistance and treatment to patients who are users of an institution that is part of the national health system must be guaranteed in a timely, permanent and constant manner. Thesis: 1a. XIII/2021 (10th). Judicial Weekly of the Federation. Digital register: 2022890. (Suprema Corte de Justicia de la Nación, 2021)
 4. In the area of mental health, the principle of progressivity in the provision of medicines must be guaranteed without discrimination. Thesis: 2a. LVII/2019 (10th). Semanario Judicial de la Registro digital: 2020588. (Suprema Corte de Justicia de la Nación, 2019)
 5. In order to guarantee the right to health protection, the Mexican Social Security Institute (IMSS) must provide its beneficiaries with the medicines prescribed for them, even when they are not included in the basic list and catalog of health sector supplies. Thesis: IX.1o.1 CS (10a.). Judicial Weekly of the Federation. Digital register: 2010052. (Suprema Corte de Justicia de la Nación, 2015)

Discussion and Conclusions

Guaranteeing the right to health protection for children and adolescents with cancer has become a significant challenge for the country. Despite being enshrined in several laws, its effective implementation continues to face substantial obstacles. Largely as a result of the federal government's decision to abolish the Social Health Protection System and Seguro Popular, its implementation mechanism in 2019, and transition to the Health Institute for Wellness in 2020, without a concrete plan. The federal government's promises regarding the improvement of the health system with the IMSS-Bienestar program, which seeks to expand health coverage and guarantee better medical services, as well as an adequate supply of medicines, have been left up in the air in the face of the harsh reality facing the country in terms of health.

The disparity between what is stipulated by the Constitution and the limited accessibility of health services for the entire population, characterized by a shortage of medical services, lack of drug supplies by public institutions, delays in procedures for receiving care, and insufficient medical personnel. The effective materialization of this right in practice is not reflected, becoming an unfulfilled promise for thousands of children and adolescents affected by cancer in the country.

The Pan American Health Organization (PAHO) has indicated that cancer is one of the leading causes of death in the world among children and adolescents (2021) has pointed out that cancer is one of the main causes of mortality in the world among children and adolescents. The survival rate can be as high as 80% in countries with access to comprehensive health services, but lower in countries without such services. Dr. Roció del Socorro Cárdenas Cardós, specialist in pediatric oncology and academic at the Faculty of Medicine of the National Autonomous University of Mexico (UNAM), points out that Mexico is considered a middle-income country and "our challenge to increase survival is a real fact" (Gaceta UNAM, 2021).

Figure 11

Disparity in survival rates of children and adolescents with cancer in the Region of the Americas

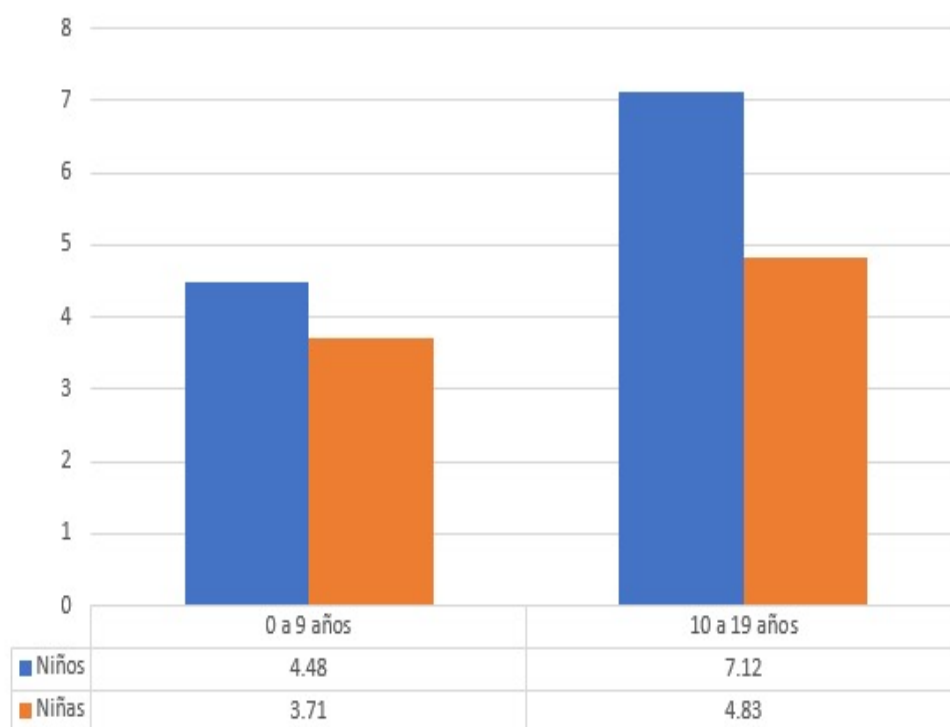


Note. Source: Pan American Health Organization (2021)

In Mexico, childhood cancer is the leading cause of death by disease among children between 5 and 14 years of age, being the second leading cause of death after accidents. This disease is considered high risk and requires specialized medical attention with costly and prolonged treatments, which vary according to the type of cancer and stage of development. According to data from the Instituto Nacional de Estadística, Geografía e Informática INEGI (National Institute of Statistics, Geography and Informatics) (2021) the percentage distribution by sex indicates that there are more deaths in boys than in girls due to childhood cancer.

Figure 12

Rate of childhood cancer deaths in 2019 per 100,000 population for each sex group and age range



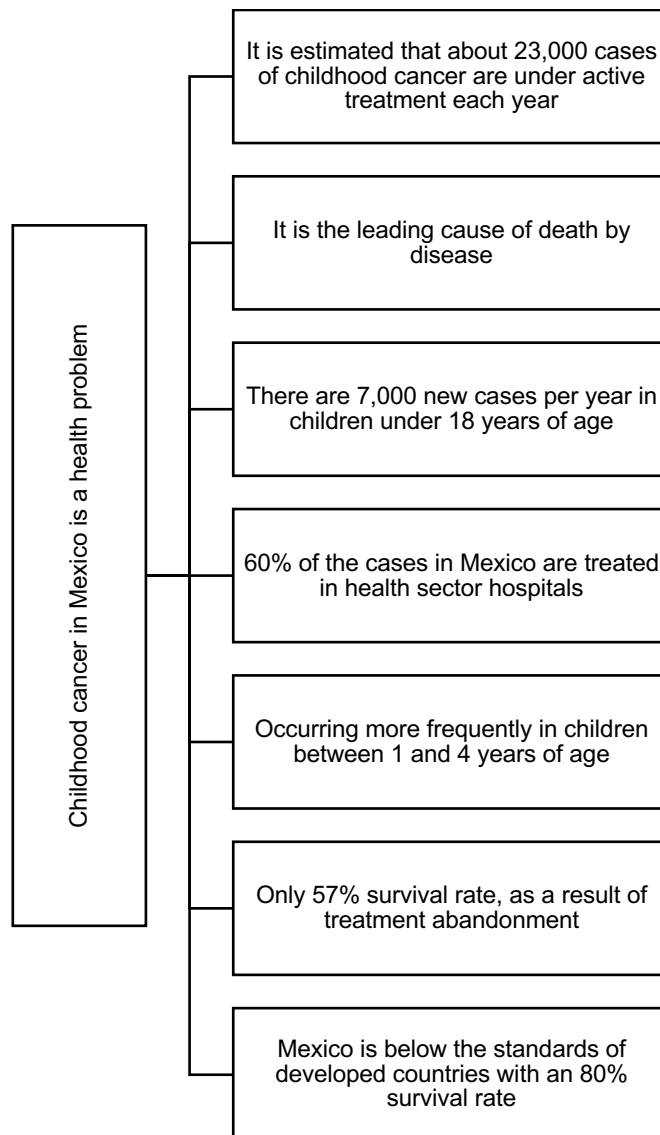
Note. Source: National Institute of Statistics, Geography and Informatics INEGI (2021)

According to data from the 2022 annual report of the Mexican Association for the Support of Children with Cancer AMANC (2023) the survival rate in Mexico barely reaches 57%, due to problems such as late diagnosis, difficulties in accessing medical care, shortage of oncological drugs and abandonment of treatment. Every year, 7,000 new cases of childhood cancer are detected, with 60% of them treated in health sector hospitals and 75% diagnosed in advanced stages.

However, although it is a serious disease, it has a much better prognosis when detected in early stages. Early detection and appropriate treatment are crucial to improve cure and survival rates.

Figure 13

Childhood cancer in Mexico is a health problem



Note. Source: Mexican Association of Aid to Children with Cancer AMANC (2023)

The failure of the Mexican State to provide adequate health care coverage to this particularly vulnerable group of the population is unacceptable. As Navarrete (1994, p. 19) states: "The State that ignores and ignores human rights violates and violates the sacred dignity that every human being possesses and that comes from the simple fact of being a human being". Although the recognition of health as a human right in the Political Constitution of the United Mexican States represented a significant advance, there is a clear need for public policies and legal mechanisms to facilitate its implementation and access. In this context, the General Law for the Timely Detection of Cancer in Children and Adolescents is a crucial tool to transform the social reality and address the challenges faced by thousands of children with cancer in the country.

Since its enactment in the Official Journal of the Federation on January 7, 2021 (2001), the law represents a significant advance in the Mexican healthcare system by creating priority screening and promotion strategies for childhood cancer healthcare. Composed of 32 articles, the law implies a comprehensive transformation in all aspects of the lives of children affected by the disease, covering multiple aspects of both public health and essential human rights. Its implementation seeks to ensure the defense and promotion of the human right to health, thus raising the dignity of Mexican children throughout the country.

Target

The General Law for the Timely Detection of Cancer in Children and Adolescents aims to reduce mortality, increase survival and improve the quality of life of patients.

Fundamental Aspects of the Law

1. Improved prognosis and survival rates: The law promotes the timely detection of cancer in childhood and adolescence, which is crucial to increase the chances of successful treatment. Early diagnosis and timely initiation of appropriate treatment significantly increase the chances of cure and prolong life with a better quality of life, thus reducing the mortality rate associated with the disease.
2. Reduction of invasive treatment: The advantage of early detection of childhood cancer is to be able to use less aggressive treatments, which improves the quality of life of patients during treatment and reduces long-term side effects that could affect their future development.
3. Treatment and follow-up: Once diagnosed, children should receive quality treatment with a humanitarian approach. In addition, post-treatment follow-up is essential to monitor possible recurrences and manage long-term side effects.
4. Health equity: The law seeks to ensure that all children and adolescents, regardless of their socioeconomic status, have equal access to all screening and timely diagnostic tests. This approach contributes to reducing health disparities and ensuring the right to health protection for all.
5. Reduce treatment dropout: Treatment abandonment and discontinuation is associated with socioeconomic factors, limited access to health services and lack of understanding about the disease and treatment. The law aims to ensure that all children and adolescents with cancer complete their treatment regimens in order to increase success rates.
6. Awareness and education: The enactment and enforcement of the law promotes awareness of the disease and the importance of its timely detection. Education and awareness programs target children and adolescents, parents, caregivers, teachers and health professionals.
7. Continuous training of medical personnel: Trained medical personnel are required for the management of childhood cancer due to the complexity and specificity of the required therapies applied to minors.
8. Promote a culture of health: The law promotes healthy practices from a very early age, fostering a culture of integral and preventive health.
9. Comprehensive support: The law promotes a comprehensive approach to health, recognizing the psychological, social and economic impact of cancer on patients and their families.

10. Right to participate: The law encourages the participation of families, community and health professionals in educational and prevention programs to create an environment in which child and adolescent health is a priority.
11. Economic impact: The implementation of timely detection programs implies an initial investment for the State, however, in the long term, the cost to the health system is significantly reduced. Advanced cancer treatments are much more costly and prolonged.
12. Promotion of research and development: Attention to cancer in childhood and adolescence can stimulate research and the development of new, more effective and less aggressive diagnostic and treatment techniques for children and adolescents with cancer.
13. Collaboration and coordination: The law promotes the creation of specific programs and the coordination between different government agencies, civil associations and society in general, in order to guarantee a comprehensive and coordinated response to the problem of childhood cancer.
14. Human rights compliance: The law ensures compliance with the human right to health for all children and adolescents in accordance with national and international standards. Reinforces the best interests of the child by ensuring that health policies and practices prioritize the well-being and protection of all children in Mexico.
15. Social impact: The implementation of the law can transform the social reality of the country, forming a society that is more aware and committed to the health of children with cancer.
16. Maintain reliable and exhaustive records: The law seeks to ensure the proper collection, management and analysis of patient data to improve the quality of care and decision making.

Challenges and Considerations

Given the current health situation in Mexico, particularly in relation to cancer in children and adolescents, there is an urgent need to improve the protection of this vulnerable population. Recognizing the existing weaknesses in the health system, it is imperative to move towards the strengthening and development of strategies that guarantee adequate care for children affected by cancer.

the General Law for the Timely Detection of Cancer in Children and Adolescents reflects an ambitious response to the country's needs to strengthen the health rights of children and adolescents affected by cancer. However, it faces great challenges, such as the adequate allocation of resources and comprehensive health coverage in all regions of the country. The success of the law will depend on the optimal use of available resources. It is the responsibility of citizens to demand that health institutions fully comply with legal provisions.

Its effective implementation is crucial to carry out all strategies aimed at reducing cancer mortality in this demographic group in Mexico. This implementation requires not only an adequate allocation of resources, but also collaboration and coordination between government institutions, non-governmental organizations and the private sector, as well as continuous monitoring of results to ensure that the objectives of the Law are met in an effective and timely manner.

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**SOCIAL FACTORS AND THEIR EFFECT ON THE PRODUCTIVITY OF
SMALL BUSINESSES: A METHODOLOGICAL APPROACH FROM THE
MUNICIPALITY OF THE VITERBO- CALDAS**
**FACTORES SOCIALES Y SU EFECTO EN LA PRODUCTIVIDAD DE LAS PEQUEÑAS
EMPRESAS: UN ENFOQUE METODOLÓGICO DESDE EL MUNICIPIO DE VITERBO-
CALDAS**

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ABSTRACT

Keywords:

social factors, productivity,
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This paper analyzes the social factors that influence the productive development of small enterprises in Viterbo, Caldas, Colombia, in the context of a changing global economy. Using a mixed methodological approach, it seeks to identify shortcomings and formulate strategies to improve competitiveness and advise on public policies. This research work is organized in several chapters in order to analyze how social factors influence the productivity of small enterprises located in the municipality of Viterbo, Caldas, Colombia. The first chapter presents the relevance of the study, highlighting its legal and social framework within the Colombian context, as well as its general and specific objectives. The second chapter presents a literature review from both an international and regional perspective, addressing the fundamental concepts of productivity and social factors, and examining how these elements are related in different contexts. The third chapter focuses on the research methodology, which employs a mixed approach (quantitative and qualitative) and a cross-sectional descriptive design. The central hypothesis holds that the appropriate assessment of social factors and the institutional support of the municipality could contribute significantly to the improvement of small business performance in the region. To this end, we will work with a probability sample composed of local government employees and owners or workers of microenterprises. The data collection instruments include surveys and interviews, which will allow the analysis of various social factors such as education, age and socioeconomic level of the individuals linked to the enterprises. With a descriptive and correlational approach, the final objective of the research is to identify how these factors can influence productive development and contribute to strengthening the entrepreneurial fabric in Viterbo, Caldas.

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RESUMEN	
Palabras clave: factores sociales, productividad, economía, competitividad, política pública.	<p>El presente trabajo analiza los factores sociales que influyen en el desarrollo productivo de pequeñas empresas en Viterbo, Caldas, Colombia, en el contexto de una economía global cambiante. Con un enfoque metodológico mixto, se busca identificar falencias y formular estrategias para mejorar la competitividad y asesorar en políticas públicas. Este trabajo de investigación está organizado en varios capítulos con el fin de analizar cómo influyen los factores sociales en la productividad de las pequeñas empresas ubicadas en el municipio de Viterbo, Caldas, Colombia. En el primer capítulo se expone la relevancia del estudio, destacando su marco legal y social dentro del contexto colombiano, además de plantear sus objetivos generales y específicos. El segundo capítulo presenta una revisión de literatura desde una perspectiva tanto internacional como regional, donde se abordan los conceptos fundamentales de productividad y factores sociales, y se examina cómo se relacionan estos elementos en distintos contextos. El tercer capítulo se enfoca en la metodología de la investigación, que emplea un enfoque mixto (cuantitativo y cualitativo) y un diseño descriptivo transversal. La hipótesis central sostiene que la evaluación adecuada de los factores sociales y el respaldo institucional del municipio podrían contribuir significativamente al mejoramiento del rendimiento de las pequeñas empresas en la región. Para ello, se trabajará con una muestra probabilística compuesta por empleados del gobierno local y propietarios o trabajadores de microempresas. Los instrumentos de recolección de datos incluyen encuestas y entrevistas, que permitirán analizar diversos factores sociales como la educación, la edad y el nivel socioeconómico de los individuos vinculados a las empresas. Con un enfoque descriptivo y correlacional, la investigación tiene como objetivo final identificar cómo estos factores pueden incidir en el desarrollo productivo y contribuir a fortalecer el tejido empresarial en Viterbo, Caldas.</p>

Introduction

This research work is structured in chapters to study the influence of social factors on the productivity of small enterprises in the municipality of Viterbo, Caldas, Colombia. The first chapter discusses the importance of the study, its legal and social context in Colombia, as well as its general and specific objectives. The second chapter reviews the literature from an international and regional perspective on the relationship between social factors and productivity, integrating key concepts such as productivity and social factors, and the third chapter focuses on the methodology, using a mixed method (quantitative and qualitative) and a cross-sectional descriptive approach. In addition, the hypothesis suggests that the evaluation of social factors and support from the municipality can improve the performance of small businesses in Viterbo. A probabilistic sample of municipal employees and local microenterprises will be used. It should be noted that the collection instruments include surveys and interviews, and the research seeks to identify social factors such as education, age and socioeconomic level, which could improve productive development. Using a descriptive correlational approach, the study seeks to profile the impact of these factors on companies.

Research Justification

This study analyzes the influence of social and economic factors on the productivity of microenterprises, highlighting the impact of cultural traditions and consumption patterns on the local economy, as well as the importance of public policies, such as flexible taxation, to strengthen these enterprises, since they represent a key source of income and employment. On the other hand, the objective is to increase sales and improve customer service, which would benefit both the company and the consumer.

Also, the study proposes marketing strategies and the use of social networks to strengthen the visibility and reputation of brands, attract potential customers and build loyalty to existing ones, thus this approach is supported by the analysis and knowledge obtained in professional training, seeking to contribute to the Administrative Science and better understand the microenterprises in Colombia, specifically in Caldas, it should be noted that the analysis includes the use of legal argumentation to break down legal problems in specific aspects, facilitating a deeper understanding of the legal context. The research aims to offer solutions adapted to current problems, linking the economic development of microenterprises with the social and regulatory context.

Chapter I. Research Approach

The problem: In Colombia, the classification of SMEs is based, according to the congress of the republic, law 905 of 2004, on assets and employees, without distinguishing the productive sector. SMEs, according to Montoya et., al (2018) represent 96.4% of companies, generate 40% of GDP and 81% of employment. However, they face major survival challenges, as only 43% of new SMEs survive over time. In 2017, 323,265 companies were created, and 96% were engaged in sectors such as agriculture, industry and services. According to Asobancaria, the growth of these companies is hampered by a lack of business management skills and resources. Common mistakes include mismanagement of resources and poor preparation. The COVID-19 crisis intensified the challenges, forcing an adaptation to online trade and new logistics strategies. They also face high national and local taxes (such as income and VAT), which complicates their sustainability.

SMEs in Colombia need to strengthen their organizational culture and innovative capabilities to compete in a saturated market. This context is particularly visible in

Viterbo, where SMEs are the main economic engine and generator of employment. The lack of structural support and training affects their competitiveness. At the theoretical level, the importance of economic institutions is recognized in the neoclassical literature, which stresses how institutional rules and interactions determine growth. Institutional theory suggests that the institutional environment and human and physical capital are fundamental to the economy (Dworkin, 2013). In Colombia, the political weight and interests of various groups affect the allocation of resources.

Research Question

what are the social factors that significantly influence the productive development of small businesses in the Municipality of Viterbo, Caldas, Colombia, and how do these variables interact to affect the growth and sustainability of these businesses in the local context?

General Objective: To analyze the social factors (economic and legal) that influence the productive development of small businesses in the Municipality of Viterbo, Caldas - Colombia.

Specific Objectives:

- To characterize the small enterprise of the municipality of Viterbo Caldas with respect to social factors. (service, commercial, association and production companies).
- To identify the social factors that influence the productive development of small businesses in the municipality of Viterbo Caldas.
- To determine how social factors influence the productive development of small businesses in the municipality of Viterbo (Caldas).
- To implement an improvement proposal for small businesses in the Municipality of Viterbo, Caldas - Colombia.

Scope: Taking into account that economic issues associated with the productivity of a municipality will be studied, it is important to understand that there is information that will not be accessible and will require the management of external factors that may not be reliable at present to carry out an analysis. However, it would seem that absolutely all businesses and in general all those that contribute to the economy will be reviewed, but this is not the case; the focus will be local, developed in the urban area and with businesses previously registered with the official entities.

That said, it is essential to give continuity to the project with the planned approach through the selected media. The active participation of the people to whom the project is addressed is expected

interview-survey and the quality of their answers, it is required to find a high level of reliability in the study and the results that can be expected from it.

A composite indicator is an aggregation of individual indicators grouped by dimensions, which aims to provide a synthetic measure of a complex problem, based on the transformation of information that allows comparing values on a fixed scale.

However, since the indicators have different measurement scales, the values are normalized by means of the Z-score, which is an appropriate standardization method for data series with extreme values. This is why such analysis will only allow access to accurate answers to a specific problem, as the answers are influenced by the human factor and part of the determinant of emissions, it is established that the scopes have a reliable degree of accuracy. The aggregation of the normalized factors is done by adding them together, due to their simplicity, ease of understanding and general application. In this

way, for the municipality, the values of each index per dimension are obtained, which when added determine the vulnerability of the analysis (Durán- Gil, 2017.P18).

Background of the Work to Be Performed

International context

This paper presents studies conducted in various countries on the impact of social networks and other factors on small businesses. One of the studies analyzes how social networks affect small businesses run by women entrepreneurs in London. According to Nwogu (2020) it is monitored that social networks have a positive impact on online sales, but also generate problems such as returns due to product errors. These drawbacks can generate additional unplanned costs for small businesses. This study highlights both the advantages and pitfalls of social networks in online commerce, providing important insights into the use of social networks.

In other research, De la O Cordero and Monge (2020) conclude that Costa Rican entrepreneurs recognize the challenges of starting a business, which include meeting economic, social and political requirements. They point out that educational level does not guarantee success, but it helps to reduce risks, therefore, this research highlights the importance of social factors in the advancement of companies and underlines the need for more research on these aspects, in addition, they highlight the relevance of labor productivity in small companies, especially in the commercial sector, and how factors such as management and labor influence productivity. According to Kazaz and Ulubeyli (2007), socio-psychological factors, such as job satisfaction and labor relations, are determinants of productivity, beyond economic factors. Also Jarkas et., al (2012) identify manpower skill and communication as key factors, while Naoum (2016) proposes to further explore optimization concepts such as lean construction. Other studies such as Kaur et., al (2016) point out that lean can improve competitiveness in industries such as apparel. In addition, productivity in SMEs is positively associated with the age of the company.

According to, Yunus et., al (2014) the educational level of employees in Colombia's manufacturing industry influences labor productivity, suggesting that improved competitiveness in this sector could be achieved with more skilled labor. Productivity must be a continuous process, and improvement is more linked to management programs than to current work practices. In addition, organizational factors such as technological innovation, innovations and the use of information technologies are key to improving production levels in SMEs. However, labor productivity depends on a complex interaction between several factors, such as the work and economic environment. According to Satish et., al (2013) it is highlighted that environmental factors, such as exposure to paints in closed environments, affect productivity. Cequea and Rodriguez (2012) identify four factors that influence productivity: individual, group, organizational and results. In Costa Rica, [8] emphasize that entrepreneurs face great challenges when starting a business and that the level of education does not guarantee success, but it does reduce the risks.

National Context

In the research entitled "Analysis of the behavior of the informal microenterprise sector in Colombia" according to Hurtado et., al (2018) seeks to raise awareness of the importance of microenterprises in the economy, there, an exploratory study was conducted with 100 informal microenterprises in Cali, using surveys to collect data. The results showed a negative estimation among the variables, highlighting that many microenterprises are not legally constituted and belong to the family business group. In addition, the study underscores the need for a more competent financial sector to support

new microentrepreneurs with financing and resources. The research also highlights that the informal environment is related to educational levels and asset management. Other research, such as Franco et. al (2021), addresses SME productivity, identifying factors such as infrastructure and motivation as key determinants.

The results of the research by Barreto et., al (2021) focus on the psychometric analysis of measurement scales, where an Exploratory Factor Analysis (EFA) was used, revealing significant correlations between items related to process efficiency and integrated management. One question was excluded because it was not relevant, and six key components were identified that explain 54% of the companies' durability. The conclusions highlight the need for companies to review their principles during crises, adapting to their environment and learning from previous experiences. It also emphasizes the importance of strengthening internal capacity to prevent irreversible crises and promote a collective and supportive approach to management. Finally, it is suggested that future research should examine the dynamics of business crises in Colombia in an interdisciplinary manner.

In addition, Peralta et. al (2021) found that many manufacturing SMEs in Colombia have low levels of competitiveness, due to the lack of training of human talent and the scarce application of innovative technologies. Also, Quiñonez and Giraldo (2019) highlighted that SMEs in Villavicencio have difficulties in following strategic plans, which affects their survival. This research underscores the need to strengthen entrepreneurial capabilities, promote sustainability and improve the competitive environment through public policies.

Local background: In research on the risk factors affecting small and medium-sized enterprises in Caldas and neighboring municipalities, several studies stand out, such as Morantes (2020) analyzed the causes of liquidation and dissolution of companies in the solidarity sector in La Dorada-Caldas, concluding that factors such as disagreements among associates and financial crisis are found.

On the other hand, Durán (2022) in his study on entrepreneurs supported by the Governor's Office of Quindío found that achievement needs were key to persistence, especially among people between 30 and 40 years old and with professional education.

In another study, Hoyos (2019) explored the factors that boosted the internationalization of industrial SMEs in the Eje Cafetero, concluding that, although these companies have managed to open up to international markets, there is a need to improve the training of managers and strengthen promotion and distribution strategies.

In summary, the studies highlight the importance of training, leadership, organizational culture and adaptability in success and sustainability.

The work of Sánchez (2022) focuses on analyzing the relationship between business dynamics, the productive structure of MSMEs and territorial development in Chinchiná-Caldas between 2017 and 2021. The main objective is to establish strategies to formalize this sector with the collaboration of the municipal administration, academia and entrepreneurs. For this purpose, a mixed methodological approach is employed, using interviews and socioeconomic mapping.

Key results include the consolidation of information that benefits MSMEs, academia and the municipality, facilitating the development of growth strategies. The creation of alliances between these actors and the generation of sustainable business ideas are highlighted. From a social perspective, the study is linked to SDG 8 on decent work and economic growth, identifying needs and designing solutions.

The work also highlights the contribution of academia, especially in the Business Administration and Public Accounting programs of the Corporación Universitaria Minuto

de Dios (UNIMINUTO), which allows students to participate in research and generate business strategies. In terms of the relationship between economic and academic aspects, it is concluded that collaboration between these sectors can have a positive impact on the strengthening of MSMEs and regional growth.

Conceptualization

This paper investigates how social factors impact productivity in small and medium-sized enterprises (SMEs). Accordingly, productivity is addressed as a multidisciplinary topic, and it is specified that this is of interest not only to economists, but also to engineers and managers, who consider that the optimal combination of technology, organization and human talent is key to achieve high levels of productivity, in the case of Colombia, SMEs in the commerce sector are essential to the economy, generating employment and contributing significantly to the GDP, especially in the department of Caldas, however, these companies face challenges such as high labor costs and difficulties in strategic planning.

This publication examines how social and organizational environment factors disrupt labor productivity, which is fundamental for economic growth. It also highlights the importance of human resource management in SMEs, which must adjust to their limited resources, but remains essential to motivate employees and improve the work environment, and external collaboration is crucial for these companies, allowing them to access resources, financing and knowledge that they could not obtain independently, expanding their scope and competence.

Also, small businesses can access new business opportunities through external connections and networks, facilitating strategic partnerships and alliances that expand their reach. According to Porter (1991) successful companies constantly seek to create and protect their competitive advantage at the international level, a process that requires continuous adaptation. In addition, the advance of social networks has facilitated digital commerce (e-commerce).

In the case of Viterbo, Caldas, the local economy stands out for its cultural diversity and the rural productive sector, where small businesses are linked to commerce, services and agriculture, driving regional development; also, investments in infrastructure and community events strengthen business growth and cultural identity. It also highlights the importance of gender diversity in organizations, which fosters an inclusive culture, improves problem solving and broadens market reach.

Inclusion of diversity in teams generates creativity and better decisions, while effective leadership and motivation increase employee engagement. As Sinek (2017) puts it, a trusting work environment elevates cooperation and a sense of belonging, therefore, human productivity is key to business success, with approaches ranging from economic analysis to organizational management.

On the other hand, productivity is key to economic development and the improvement of a nation's standard of living, driven by the growth and efficiency of companies, and the literature on this subject stresses the importance of human capital and knowledge as sources of competitive advantage. On the other hand, in the business world, theories on organizational growth emphasize the role of internal and external factors, such as the Gibrat and Penrose models. Gibrat argues that the size of a company does not influence its growth, while later studies show that small companies tend to grow faster. Penrose, on the other hand, emphasizes growth as an internal and managerial process within the company.

In addition, other approaches, such as Chandler's, analyze organizational structures and the importance of hierarchies and functional divisions for expansion. In

the Colombian context, SMEs play a significant role in the economy, although they face technological, financial and market limitations. It should be noted that the agricultural industry is particularly relevant in the country, with growth expectations, although it is also affected by the lack of integration and competitiveness in a globalized environment. The study will focus on identifying key factors for the growth of local SMEs, especially in the agricultural and commercial sectors, seeking to improve their stability and competitiveness.

Organizational Culture: According to Steckerl (2006), the company has both an economic and social role, since it not only offers products or services, but also cultural and personal values, thus, organizational culture includes shared norms and behaviors Chiavenato (2009) and is essential for business success by influencing behavior and decision making (Rodriguez and Romo, 2013). Chiavenato divides organizational culture into four layers: artifacts (products and technology), behavioral patterns, values and beliefs, and basic assumptions. To analyze organizational culture, Quinn and Rohrbaugh (1981) propose the Competing Values Framework (CVF) model, which is based on adaptation to the author.

In terms of competitiveness, ECLAC highlights factors such as productivity, infrastructure, social welfare, human capital and technology, which drive economic growth. Likewise, public management and institutionalism play a role in government effectiveness and social justice.

Data Collection and Sources of Information

Data to analyze the characteristics of a population can be collected from internal and external sources. This is the item where information from different sources is used and which represents a fundamental relevance in the line of the project.

As mentioned, for the development of this research we intend to conduct and apply two surveys aimed at small businesses in the municipality of Viterbo (Caldas).

This activity is carried out through the use of applications such as Excel, or SPSS and other applications that facilitate statistical modeling for the purpose of validating the data obtained.

First of all, as the research approach is based on a mixed one, from the perspective of data analysis, a methodology based on parametric analysis will be used, followed by descriptive and inferential estimations in accordance with the line established by the objectives proposed for this research.

As a second step, from the qualitative perspective, the criteria of grounded theory will be applied specifically from the application of open, axial and selective coding as established in the definition of the descriptive categories such as social factors and productive development of small businesses, in addition to presenting the descriptive subcategories, among which are: Organizational culture and internal relations, networks and external relations, community and socioeconomic impact, gender and diversity, leadership and participation.

Method

The research process seeks to generate knowledge by solving the problem posed at the beginning of this study, identifying the problem, formulated in questions and objectives, and making methodological decisions to find solutions Taylor and Bogdan (1998). Meanwhile, the fundamental axis of the research process is the research

methodology, which includes decisions on design, strategy, samples, sampling, data collection methods, organization techniques and data analysis, in this sense, the main paradigms are quantitative (rationalist) and qualitative (naturalist).

In the legal research, it is conclusive to understand the legal framework that impacts small businesses in Viterbo, Caldas, this method allows to recognize relevant laws and regulations, such as labor and tax legislation, identifying rights and challenges for these businesses, however, integrating this approach helps to understand how legal factors interact with social and economic ones.

The quantitative approach, based on the scientific method, uses parametric analysis techniques, based on measurement and statistical analysis, facilitating data-driven decisions (Paitán et., al 2014). The research in Viterbo considers social variables as independent variables and productive development as dependent, applying descriptive and correlational analysis, regression models and hypothesis testing, among others.

Qualitative or interpretive methodologies, such as documentary research, explore and transcend the accumulated knowledge about an object of study (Galeano and Vélez, 2002). This approach helps to understand the meanings behind the data, clarifying the current state of a problem and unifying.

However, the research builds on previous theories to confirm or refute their veracity and employs a structured approach that allows generalization of the findings. However, the quantitative approach presents a static view of social reality, considering it external and conditioning for individuals. On the other hand, the qualitative approach allows us to understand individual experiences and perspectives through methods such as interviews and life history analysis, which are essential to capture the subject.

The research on small enterprises in Viterbo, Caldas, integrates an interdisciplinary legal, social and economic analysis, which focuses on the legal framework of Law 590 of 2000, modified by Law 905 of 2004, and on public support policies, such as financing, training and business support networks. In addition, it studies economic factors (access to financing and production costs) and social factors (education, culture undertaken).

The qualitative approach is essential to understand individual and contextual interpretations, emphasizing that knowledge in social sciences depends on the interaction between researcher and subject, thus positivism relies on statistical data, the constructivist approach in social sciences gives an active role to human beings in the interpretation of their reality.

Research Design

Fligstein and Cardona argue that economic and organizational sociology is key to understanding the social, economic and legal factors that affect small businesses in Viterbo, Caldas, Colombia, therefore, this comprehensive approach is essential to formulate policies that promote their sustainable development, therefore, legal research allows for the analysis of laws and policies in areas such as labor, tax and commercial, helping to identify rights, challenges and growth opportunities for these companies. Globalization brings both legal challenges and opportunities, requiring local companies to adapt their practices to international standards in order to compete competitively. The non-experimental study design, which observes phenomena without manipulating variables, ensures a natural analysis of the data explicitly framed in the main variable. It should be noted that the combination of qualitative, quantitative and legal methods provides a complete view of business challenges and opportunities, facilitating the identification of strategic improvements.

Grounded Theory

According to Bonilla and López (2016) it allows the researcher to understand a phenomenon through the actions and meanings of the participants. This approach involves the simultaneous collection, coding and analysis of data, differentiated by its systematic and interpretative character, and in this case, it is used as a complement to a quantitative analysis, structured in open, axial and selective coding, where the application of TF in the research allows understanding how social, economic and legal factors influence the development of small businesses in Viterbo, Caldas.

Socioeconomic Interpretative Method

The analysis of the social, economic and legal factors that affect the productive development of small enterprises in Viterbo, Caldas, is based on a comprehensive understanding of the business and regulatory environment, including the Colombian legal framework, specifically Law 590 of 2000, as amended by Law 905 of 2004, which regulates and promotes the development of micro, small and medium-sized enterprises (MSMEs). This analysis uses the Socio-Economic Interpretative Method, which allows to present

In this regard, Law 590 of 2000, as amended by Law 905 of 2004, is fundamental because it recognizes the importance of MSMEs in the economy and promotes their competitiveness through policies that facilitate access to markets, technology and financing; in addition, this law establishes the simplification of administrative procedures and the elimination of bureaucratic barriers, the socioeconomic interpretative approach integrated with this legal framework allows for a rigorous analysis of the factors that influence the development of small enterprises in Viterbo, where the multidisciplinary approach facilitates understanding of the interaction between social, economic and legal factors in the business environment.

The method focuses on understanding the social and economic realities of small businesses through interviews, case studies and focus groups, all seeking to understand the experiences of entrepreneurs, employees and other relevant actors, exploring how they affect local social dynamics and socioeconomic structures.

Therefore, the Socioeconomic Interpretative Method provides a deep and contextualized understanding of these factors, being useful in this research because:

Facilitates the implementation of interviews and observation.

Reflective Economic-Legal Approach

It should be mentioned that this method seeks a critical reflection on local economic policies and their interaction with the legal environment, from there it investigates how government policies, tax incentives, financing policies and other economic measures impact small businesses. Local and national economic data are analyzed to understand how these policies affect business growth in Viterbo Caldas.

In a complementary way to the previous method, it can be said that the reflective Economic-Legal approach, as it implies a critical and reflective approach to the analysis of economic and legal phenomena, now, since it focuses on the understanding of the interconnections between the economic and legal dimensions, considering the mutual influence of these areas in business development, it is beneficial to integrate it to the previous methods due to the following:

- Facilitates social and economic contextualization.
- It allows for the analysis of power relations and inequality.
- Evaluates the socioeconomic impact.

- It presents critical results.

Type of Research

The research was conducted through a mixed approach (qualitative, quantitative) with a parallel interpretative model, with a cross-sectional descriptive approach of documentary type, which determines the selection procedure, access and registration of the documentary sample. The techniques selected were observation, documentary or bibliographic research and interviews.

Quantitative Method: "uses data collection to test hypotheses based on numerical measurement and statistical analysis, in order to establish patterns of behavior and test theories" (Bonilla and Lopez, 2016). Therefore, the quantitative method will be used based on evaluating and contrasting the hypothesis by means of the measurement instrument applied. On the other hand, the qualitative method was used to describe, explain and argue the results obtained previously. Qualitative method: according to the objectives formulated and methodology proposed, this method facilitates the understanding of the context from the subjectivity, there the vision and training of the researcher is an aspect that influences the design and development of the study, while, the qualitative approach "uses the collection and analysis of data to refine the research questions or reveal new questions in the interpretation process" (Bonilla and López, 2016).

Descriptive type: this type of method facilitates the visualization of the behavior of each of the characteristics of the actors and their context in which the research takes place.

Transversal Approach: The research is limited to a period from January 2023 to April 2023 and will not be followed up, taking as a reference data from the interviewees of the last ten (10) years.

Field: The research was conducted at the facilities of the Municipal Mayor's Office of Viterbo - Caldas. It will also have a probabilistic sample of SMEs located in the municipality.

Research Hypothesis

There is a significant relationship between social, economic and legal factors and the productive development of small enterprises in the Municipality of Viterbo, Caldas, Colombia.

Population and Sample

Population 1. Employees of the Municipal Administration of Viterbo Caldas - Colombia made up of (68) people divided between (1) mayor, (8) office secretaries, (17) administrative career employees and (42) contractors. (Municipality of Viterbo, 2023).

Sample 1. A sample of 58 people was determined with a margin of error of 5% and a confidence level of 95%. Through simple random sampling.

Population 2. MSMEs settled and registered in the Municipality of Viterbo Caldas, which amount to 352. (Manizales Chamber of Commerce, 2022)

Sample 2. A sample of 185 MSMEs in the municipality was calculated through random sampling, always generating a probabilistic result.

Population 1.

Inclusion: For the study, all employees who work permanently in the Municipal Administration were taken into consideration.

Exclusion: They were not taken into account for the research given their lack of knowledge of the subject and the difficulty in surveying interim employees, seriously disabled personnel and subcontracted employees.

Population 2.

Inclusion: The study took into consideration all MSMEs that have their respective commercial registry for the year 2022.

Exclusion: MSMEs with expired commercial registration were not taken into account for the research; likewise, those MSMEs that do not allow the application of the respective survey will not be considered and will be replaced until the sample parameters are preserved.

Units of Study

The following table presents information related to the distribution of the sample according to population and economic activity of small businesses (Table 1).

Table 1
Organization and distribution of the sample (2023)

Type of Company	f	h%	n
Association	9	3%	5
Commercial	209	59%	110
Production	9	3%	5
Services	125	36%	65
Grand total	352	100%	185

In a bibliographic matrix it is expected to have documents of different types of material: journal articles, research papers, books, undergraduate and graduate degree works, brochures, recordings, official budget documents, public works and data from entities in charge of statistics management; this information is considered necessary, since they make direct allusion to the research topic and are part of a component not only historical but procedural of the actions aimed at analyzing the economic and political facts that influence the processes of the MSMEs of the municipality of Viterbo, so the criteria used for the management of this information is based on the quality of the information and the content that this has as truthful and updated to respond effectively to what was raised in the development of the research.

- Administration people in charge of budget management, execution, people from associative entities.
- SME managers through study samples.

Research Variables

In the investigative context that arises, the factors corresponding to the impact of social factors (economic and legal) that influence the productive development of small businesses in the Municipality of Viterbo, Caldas - Colombia, for this it must be taken into account that reliability in research evaluates the consistency of a method to generate similar results when replicated, in addition, internal validity focuses on whether the conclusions adequately reflect the reality studied, while external validity examines

whether the results can be generalized to other contexts; qualitative research, in this sense, also seeks to explain phenomena in specific contexts rather than genres.

The methodological debate in research includes those who advocate exclusively qualitative or quantitative approaches and those who prefer mixed methodologies. Mixed methods integrate qualitative and quantitative techniques, allowing for greater understanding and compensating for the limitations of each approach. These methods provide stronger inferences and more complete findings, although combining both approaches can be challenging, especially for research.

In studies on SMEs, several independent variables are analyzed to better understand the factors that influence these entities. These variables include aspects such as socioeconomic status, place of residence, taxes, profitability and educational level. In addition, gender and age, understood from a sociocultural perspective, are included. These variables are organized in a logical order, starting with economic factors and ending with personal social aspects of the individual within the companies studied.

Data Collection Instruments

Taking into account that the instruments are consolidated as the tool that delivers first hand the most relevant information according to the variables or categories of study that are carried out in a research. Therefore, according to Hernandez et., al (2014), these tools allow recording observable data raised in the research, thus, the documents used can be both informal and informal

Common instruments include notebooks to collect field data through interviews and surveys, and technological tools such as Excel to compile and filter study texts. In quantitative research, surveys with open and closed questions are used to collect information aligned with the objectives and specific variables, such as legal, social and political factors, with productive development being a dependent variable.

In the qualitative area, field diaries are developed to record impressions of businessmen, and a documentary analysis of the categorized information is carried out. In addition, semi-structured interviews are applied to understand how social factors influence the economic development of small and medium enterprises, especially in specific contexts such as Viterbo-Caldas.

Procedure

The study focused on analyzing texts by reading, reviewing and copying information according to previously defined analytical categories, however, the research design is based on identifying key categories to study small businesses in relation to social factors and productive development, where the categories include: organizational culture and internal relations, networks and external relations, socioeconomic impact, gender, diversity, leadership and participation. The bibliographic matrix, detailed in a table, organizes this information according to the categories described above.

In this sense, Yan & Gray (1994) emphasize that the case study is suitable for examining organizational changes, especially in complex or dynamic phenomena that involve intangible elements, the focus on cases requires decisions on the number and selection of these, considering factors such as research objectives, depth of analysis and available resources, this implies a discretionary choice between the number of cases and the depth of each analysis, since a large number of cases limits the depth in specific details and may result in superficial data instead of revealing deep social processes.

The analysis plan was developed in two readings: one linear and the other transversal. The first linear reading allowed reviewing all the bibliographic information continuously, while the transversal reading facilitated the comparison of sources to

identify patterns, gaps and the quality of the information on the object of study. The observations were documented in memoranda and comments, serving as inputs for subsequent stages.

Analysis was a constant process throughout the research, and the analytical categories applied to the empirical materials were essential for their interpretation. These categories act as guiding principles, providing clarity and rigor in the analysis. As a whole, the categories cover concepts such as the history of the term, background, definitions, theories, objectives, among others.

The study concluded that these categories not only organize the analysis, but also help to meet the research objectives, providing depth in understanding how social factors influence the productive development of small businesses.

Results

Analysis of Information Results

From a general perception it can be said that: The information provided refers to a survey of 185 companies, where data was collected about aspects related to business development. A general interpretation of the results is presented below:

1. Type of company and economic sector

Most of the companies (59.5%) are classified as commercial, followed by services (35.1%).

The primary economic sector is very small, with only 2.7% of the companies, while the tertiary sector is dominant, with 97.3%.

2. Socioeconomic level of customers

The predominant socioeconomic level of the clients is high, with 38.9% of the companies, followed by medium (40%) and then low (21.1%).

3. Availability of skilled labor and public services

The availability of skilled labor is adequate for 30.8% of the companies, while 35.7% consider it to be high.

The accessibility of public services is moderate, with 27.6% of companies considering it to be accessible and 35.7% considering it to be not very accessible.

4. Local government support and legal framework

Local government support is adequate for 32.4% of the companies, while 22.2% consider it to be high.

The legal and regulatory framework is neutral for 30.8% of the companies, while 30.3% consider it favorable.

5. Level of productivity and satisfaction with economic results

The level of productivity is low for 33.5% of the companies, while 27.6% consider it to be high.

Satisfaction with economic performance is neutral for 34.1% of the companies, while 21.6% are satisfied.

6. Importance of social factors

The majority of companies (35.1%) consider social factors to be important in productive development, while 12.4% consider them to be very important.

It can be seen that most of the companies surveyed operate in the tertiary sector (97.3%), with commercial (59.5%) and service (35.1%) companies being the most common. The predominant socioeconomic level of their clients is high (38.9%) and

medium (40%). As for the challenges they face, the availability of skilled labor is adequate (30.8%) or high (35.7%), while the accessibility of public services is not very accessible (35.7%) or accessible (27.6%).

Local government support (32.4% adequate, 22.2% high) and the legal framework (30.8% neutral, 30.3% favorable) are perceived as adequate, but not entirely favorable. Perceptions of the level of productivity and economic performance are mixed. The level of productivity is low (33.5%) or high (27.6%), while satisfaction with economic performance is neutral (34.1%) or satisfactory (21.6%). Finally, the majority of companies (35.1%) consider that social factors are important in their productive development, suggesting that they play a crucial role in their growth and success. In conclusion, the surveyed companies operate mainly in the tertiary sector, facing challenges related to the accessibility of public services and local government support. Perceptions of productivity and economic performance are mixed, with a tendency towards neutral or moderately positive evaluations. The importance of social factors is recognized by most companies.

Correlation Analysis

Significant Variables (0.01 level)

Socioeconomic Level of Clients, presents significant positive correlations with:

- Availability of skilled labor = 0.569
- Importance of social factors = 0.419

Availability of Skilled Labor, shows significant positive correlations with:

- Local government support = 0.594
- Favorable legal and regulatory framework = 0.528
- Productivity level = 0.628
- Satisfaction with economic results = 0.435
- Importance of social factors = 0.681

Local Government Support, shows significant positive correlations with:

- Favorable legal and regulatory framework = 0.588

Favorable Legal and Regulatory Framework, shows significant positive correlations with:

- Productivity level = 0.318
- Importance of social factors = 0.292
- Level of Productivity, presents significant positive correlations with:
- Satisfaction with economic results = 0.369
- Importance of social factors = 0.360

Satisfaction with Economic Results, presents significant positive correlations with:
Importance of social factors = 0.612

Findings

1. Socioeconomic Level of Customers and Availability of Skilled Labor are very important factors, since they have multiple significant positive correlations with other critical factors of the company's productive development.
2. Accessibility to Public Services and Local Government Support are also important, but have less significant correlations compared to the previous variables.

3. Legal and Regulatory Framework has a significant relationship with several factors, indicating that a favorable legal environment is crucial for the productive development of the company.
4. Level of Productivity and Satisfaction with Economic Outcomes are highly correlated, suggesting that improving productivity is likely to result in greater economic satisfaction.
5. Importance of Social Factors is highly correlated with other key factors, highlighting that social aspects play a vital role in productive development.
6. Based on these results, it can be seen that, in order to improve the productive development of small enterprises, efforts should be focused on improving the availability of skilled labor, ensuring good support from local government, improving access to public services and creating a favorable legal framework. It is also crucial to address entrepreneurs' perceptions of the importance of social factors in the success of their business.

Discussion and Conclusions

Economic, Legal and Institutional Organization Factors

Economic Factors

Studies on MSMEs in municipalities near Viterbo-Caldas, where the research was conducted, including the municipality of Chinchiná-Caldas, reveal that economic factors, such as the lack of recognition of work and the absence of consolidated information on business dynamics, significantly affect the productive development of small businesses. Integration between business, academia and the municipality is crucial to create effective development strategies

Legal Factors

Inconsistent policies and lack of continuity in government guidelines for the agricultural sector generate uncertainty among producers, which hinders rural agroindustrial development. Policy stability and regulatory clarity are essential for business growth.

Institutional Organization

Institutional organization and collaboration among various actors (government, NGOs, academia, civil organizations) are essential for the success of rural agroindustrial projects. The proper administration and management of these projects depend on efficient coordination among all parties involved.

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