

Colombian criminal justice system

Law



Structural Problems of the Colombian Criminal Justice System Inequality among citizens and various indigenous communities, weak governments, absence of citizen participation in governance, widespread corruption, and an ineffective legal system have been root cause of Colombia's problems and have strengthened criminals such as Pablo Escobar. Bowden's statement in the book 'Killing Pablo' that " Its government is weak, by design and tradition. In vast regions to the south and west, and even in the mountain villages outside the major cities, live communities only lightly touched by nation, government, or law" lays open the structural deficiencies of Colombian criminal justice system.

A strong judiciary is necessary to impose the rule of law and protect the rights of citizens. Transparency and accountability are the critical factors and backbones of any criminal justice system. However, in Colombia this institution is fundamentally and structurally weak; a large scale corruption prevalent in the system and non-transparent mode of functioning has virtually nullified the existence of these institutions. Violent political conflict, human rights transgressions, and ineffectiveness of criminal judicial system have forced the Colombians, in large scale, towards drug trafficking and helping criminals like Pablo to flourish.

Colombia's judicial system has been used to achieve political ambition very often and inflicted with large scale corruption. Structure of Colombian Criminal Justice System is either not defined properly or it has been manipulated several times over time to make it ineffective. Judiciary commands no respect among the major branches of governance and has been the target of brutal attacks and acts of intimidation, and the government has a very poor record of ensuring the safety and security of

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judicial officers.

There is a strong relation between good governance and multilateral development of a country; and good governance requires a strong, transparent and unbiased criminal judicial system. Unfortunately, Colombia has not been able to achieve that. Under 'Plan Colombia' Colombia is trying to revive its judicial system and a separate budget was earmarked for the purpose.

Best Legal System to Prevent or Quickly Bring Criminals to Justice

Legal system based on Common Law is the best legal system that would either prevent or would quickly bring criminals such as Pablo Escobar to justice. In this system laws have their origin in the decisions in cases by judges and a legislature that passes new laws and statutes. However this legal system has several advantages for countries like Colombia where there is a prevalent corruption and integrity of legislature is often questioned with serious concerns.

Politicians and member of legislature in Colombia have routinely manipulated legal frameworks to their advantages. Adoption of common law legal system in Colombia will help in restraining the power of legislature as common law system do not allow legislature to amend a collected and codified body of law. It will help in building people's confidence in governance. With the adoption of common law based legal system it will also be necessary to ensure that the judiciary is strengthened beyond doubt of partisan and corruption.

Such a system based on common law will be compatible with the U. S. criminal justice system as U. S. legal system (excluding Louisiana) is based on common law. It will also be compatible to legal systems of major

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countries around world such as United Kingdom, Australia, India, South Africa, Canada etc. where doctrine of precedent by courts plays a major role in formulation of laws.

References:

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Mark Bowden, *'Killing Pablo: The Hunt for the World's Greatest Outlaw'*, Viking Penguin, 2002.