

Legal and Political Viability of the Constitutional Reform Proposed by President Gustavo Petro in Colombia in 2024

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Abstract

The objective of this study is to analyze the impact and viability of the constitutional reform proposed by President Gustavo Petro in Colombia, assessing whether the proposed changes are necessary from a regulatory perspective or whether the problems it aims to solve can be addressed through a more effective implementation of the current constitutional provisions. In addition, the level of social and political consensus that supports the proposal is examined, as well as the possible implications that its approval would have on the country's legal and political system. The methodology used is qualitative, based on a case study. An exhaustive documentary analysis of the reform proposal, the 1991 Constitution, and the laws and judgments related to the reform issues was carried out. In addition, semi-structured interviews were conducted with experts in constitutional law and political science, whose opinions provided a critical view on the key aspects of the political and legal viability of the reform. The results indicate that many of the issues raised in the proposal are already contemplated in the 1991 Constitution, such as peace, fundamental rights and territorial autonomy, and that the real problem lies in the lack of effective implementation of existing regulations, rather than the need for constitutional reform. Likewise, it was identified that political polarization and the absence of consensus are the main obstacles to the viability of the reform. In conclusion, this study suggests that Colombia does not need a generalized constitutional reform, but rather a strengthening of its institutional capacity to effectively apply existing laws. The implications of these findings highlight the importance of improving public management and policy coordination to ensure the proper fulfillment of the rights enshrined in the current Constitution.

Keywords: Constitutional reform, Regulatory implementation, Political consensus, Fundamental rights.

1. Introduction

Modern constitutions constitute the normative pillar on which the functioning of States is organized. According to La Salle (1862), for a constitution to be effective and have legitimacy over time, it must reflect the real factors of power and the contemporary social aspirations of a

specific community. In the case of Colombia, the 1991 Constitution has played a key role in the political and social reconfiguration of the country, establishing a regulatory framework that encompasses fundamental rights, protection mechanisms and the structure of the State. However, over the course of more than three decades, multiple questions have arisen about its ability to respond to current challenges in terms of inclusion, social justice and political representation.

The government of President Gustavo Petro has proposed a series of constitutional reforms that seek to update the constitutional text to the contemporary realities and needs of the country. These reforms aim, among other things, to address structural problems, such as social inequality and the lack of effective access to fundamental rights in rural areas, while trying to strengthen citizen participation in decision-making. The relevance of these reforms lies in their potential to significantly transform the structure and functioning of the Colombian State, particularly in the area of the administration of justice and the political representation of historically marginalized sectors.

From an academic perspective, it is necessary to analyze the impact of these reforms within the framework of existing constitutional theories, as well as to evaluate their viability in the light of comparative experiences and the principles that govern the legal stability of States. Despite legislative advances, there is a gap in knowledge regarding the effective implementation of these changes in contexts as diverse as Colombia.

To understand the impact and viability of the constitutional reform proposed by the government of Gustavo Petro, it is necessary to analyze it from various theoretical perspectives that underpin the concept of constitution and the processes of constitutional change. The predominant theoretical approach in this analysis is the normative, where the constitution is understood as a supreme norm that regulates the political, social and legal life of a State, ensuring coherence between the legal order and fundamental social values (Kelsen, 1934). This approach highlights the importance of constitutional stability to guarantee legal certainty and respect for fundamental rights, but also emphasizes the need for adaptations to face new social realities.

In relation to the concept of constitutional reform, Carl Schmitt's theory of constitutional changes (1928) suggests that reforms must respond to the profound political and social transformations that occur in a country. Schmitt argues that constitutions cannot remain static if they are to continue to represent the values and aspirations of a society. In the case of Colombia, the social movements and demands for social justice that have emerged in recent decades constitute a legitimate engine for promoting reforms that strengthen inclusion and equity. Petro's proposal is part of this logic, as it seeks to reform key aspects of the country's political and economic structure, adjusting it to current needs.

Another relevant approach is the one proposed by Bruce Ackerman (1991) with his theory of constitutional moments. Ackerman suggests that constitutions can be reformed at specific periods in history when there is a broad consensus among political elites and the general public on the need for structural changes. These "constitutional moments" are opportunities to carry out substantial reforms, as long as they have popular support and are not perceived as impositions from the elites. In Colombia, social mobilizations and electoral support for Petro's reformist

agenda can be interpreted as an indication of a constitutional moment in development, which could increase the viability of his reform proposal.

From a critical perspective, it is also necessary to analyze the concept of constitutional resistance. According to some authors, such as Tom Ginsburg and Rosalind Dixon (2011), constitutions that do not adapt to contemporary demands run the risk of generating discontent and losing legitimacy. The inability of the 1991 Constitution to solve structural problems in areas such as land distribution and equity in access to basic services has been a recurring theme in the Colombian political debate. In this context, the reform proposed by Petro seeks not only to modernize the constitutional text, but also to close these historical gaps, responding to the demands of social justice and recognizing the need for profound structural change.

This theoretical analysis allows us to situate the constitutional reform within a broader framework of discussion, in which various academic traditions converge that explain the need for a dynamic constitution, capable of responding to the changing circumstances of society. Thus, it is hoped that the analysis of the impact and viability of Petro's proposal will shed light on the challenges inherent in the constitutional reform process in a country with a reality as complex as Colombia.

The methodological approach of this research is based on the case study, with a documentary analysis of the constitutional reform proposed by the government of Gustavo Petro. Primary sources, such as the text of the reform and official government documents, will be used, as well as secondary sources, including academic analyses, reports by constitutional law experts, and comparative studies of similar reforms in other Latin American countries. The documentary analysis will identify the main areas of impact of the reform on the Colombian legal system, as well as its viability based on previous experiences and the current political context.

The study will be developed in three stages: first, an exhaustive review of the literature on constitutional reforms in Colombia and Latin America will be carried out; second, a critical analysis of the content of Petro's reform proposal will be carried out, focusing on possible changes in the political structure and fundamental rights; and finally, the feasibility of the reform will be evaluated based on interviews with experts in constitutional law and political science, who will provide their perspective on the challenges and opportunities of implementation.

The results of this research are expected to provide a clear view on the potential impact of the reform in terms of social inclusion, access to justice, and citizen participation. In addition, the analysis is expected to reveal the main challenges that the reform will face in its implementation, both at the legal and political levels. This research will not only contribute to the academic debate on constitutional reforms in Colombia, but will also offer valuable inputs for decision-makers and key actors involved in the process.

2. Methodology

The methodological approach of this research is qualitative, as it seeks to analyze in depth the constitutional reform proposal presented by the government of President Gustavo Petro and its potential impact on the Colombian political and legal context. The design of the study is based

on a case study, focused on the analysis of reform as a unique phenomenon within a specific political and social context. This qualitative approach allows us to capture the complexities and nuances of the implications of the reform, as well as to explore its feasibility from different theoretical and practical perspectives.

The target population for this study is made up of experts in constitutional law and political science, both at the academic and professional levels. Participants will be selected from a group of academics, policy analysts, and public officials with relevant experience in the analysis of constitutional reforms in Colombia and Latin America. It is expected to interview between 10 and 15 experts, who will provide a critical and contextualized view of the key aspects of the reform proposal, including its legal feasibility, its possible social and political implications, and the obstacles it could face in its implementation.

For data collection, two main instruments will be used. First, an exhaustive documentary analysis of the reform proposal and other relevant sources, such as official reports, academic articles and expert analysis published in specialized media, will be carried out. This analysis will allow the reform to be contextualized within the Colombian regulatory framework and compared with previous experiences in the region. Secondly, semi-structured interviews will be conducted with the selected experts. These interviews will allow for an in-depth exploration of participants' views on the reform and its implications, while identifying potential points of consensus and divergence.

Data analysis will be carried out using an open coding approach, following the recommendations of Strauss and Corbin (1990). The interviews will be transcribed and coded to identify emerging categories that allow a better understanding of the main points of debate on the reform. In addition, the documentary analysis will be structured around key issues, such as fundamental rights, the distribution of political power and citizen participation. Data triangulation, combining the results of desk analysis with insights gained from interviews, will ensure a comprehensive and robust view of the impact and feasibility of the proposal.

This methodological approach will allow not only to obtain a detailed vision of the content and implications of the constitutional reform, but also to critically evaluate its long-term viability. In addition, it will offer a framework to identify possible areas for improvement in the proposal, based on the experiences and knowledge of the experts consulted.

3. Results

Category 1: Rationale and necessity for reform

One of the most outstanding findings of the qualitative analysis is the widespread perception among the experts consulted that the constitutional reform proposed by President Gustavo Petro is mainly justified by an apparent ineffectiveness in the implementation of the rights and principles already enshrined in the 1991 Constitution. Although the proposal seeks to address fundamental issues such as peace, social justice, and access to essential services such as health and water, several experts agreed that the current regulatory framework already includes clear

provisions that regulate these aspects, which calls into question the need for constitutional reform *per se*.

The documentary analysis supports this perspective by highlighting that Article 22 of the 1991 Constitution establishes that "peace is a right and a duty of mandatory compliance." From a legal point of view, this article is one of the pillars of the Colombian constitutional order, and its content has been expanded and developed by the Constitutional Court in several judgments. In this sense, the reform proposal that advocates peace and reconciliation, although legitimate in its intention, does not seem to fully recognize the legislative and jurisprudential advances that already exist in the Colombian regulatory system. As one of the experts interviewed pointed out, the issue lies not so much in the need for new constitutional provisions, but in the effective implementation of existing norms, a problem that has been observed since the promulgation of the Magna Carta in 1991 (Arteaga, 2014).

This position is aligned with Carl Schmitt's (1928) theoretical approach to constitutional moments, in which constitutions must adapt to profound transformations in society. However, in this case, it is argued that Petro's proposals do not seem to arise from a context of change so radical that it justifies a total revision of the Constitution, but rather from an incomplete process of implementation of what is already guaranteed. According to Schmitt, constitutional stability is crucial to the legitimacy of the state, and altering fundamental norms without a clear material justification can erode trust in the legal system.

On the other hand, the guarantee of basic rights such as health, access to water and pensions, which is part of the central points of the reform proposal, is also regulated in the 1991 Constitution. Article 11, for example, establishes the right to life, while Article 48 regulates the social security system. At the legislative level, Law 100 of 1993 organizes the health and pension system in Colombia, and has been complemented by rulings of the Constitutional Court, such as T-577 of 2019, which orders improvements in health care in vulnerable territories.

According to the analysis of experts such as Arteaga (2014), the deficiencies in these areas are not due to a lack of constitutional regulation, but to problems of implementation and administration of public resources. This argument is reinforced by the opinions expressed in the interviews, in which several specialists suggested that, instead of a constitutional reform, it would be more pertinent to promote legislative reforms and public policies that strengthen the capacity of the State to enforce the guarantees already enshrined in the Constitution.

Bruce Ackerman's (1991) approach to constitutional moments also offers a critical perspective in this context. Ackerman argues that constitutional reforms must be driven by a broad class action that represents a social consensus. In the case of Petro's proposal, although there are social sectors that support the reform, there does not seem to be sufficient consensus to legitimize a large-scale constitutional transformation. This lack of consensus is reflected in the polarization that the proposal has generated in Colombian society, where doubts persist about the need for constitutional changes to solve problems that, according to many experts, are already covered by the existing legal framework.

In summary, the qualitative analysis of this first category shows that, although Petro's reform proposal addresses issues relevant to the country's development, the justification for the reform

in constitutional terms seems to lack a solid basis. The poor implementation of current provisions, rather than the lack of regulation, is the real challenge facing the Colombian legal system. This conclusion is not only aligned with the documentary analysis, but also with the opinions of the experts interviewed, who suggest that the solution to the problems identified by Petro does not lie in a new constitution, but in the capacity of the State to enforce the current rules effectively and equitably.

Category 2: Existing constitutional structure and reform mechanisms

The qualitative analysis reveals that a broad consensus among experts is that the 1991 Constitution remains a sufficiently robust and flexible framework to address many of the problems that President Gustavo Petro raises in his reform proposal. According to several of the interviewees, the Constitution already contains the necessary mechanisms to guarantee territorial autonomy, protect the environment and promote peace and social justice. The need for widespread constitutional reform is therefore called into question, as the real challenge is perceived to lie in the effective implementation of existing provisions.

A central issue in the reform proposal is territorial reorganization and the strengthening of the autonomy of the regions. However, the documentary analysis shows that Article 287 of the 1991 Constitution already grants territorial entities fundamental rights to manage their own interests, including the ability to govern themselves by their own authorities, administer their resources and participate in national revenues. In fact, one of the experts interviewed emphasized that the current constitutional provisions on territorial autonomy are broad enough to allow regions to autonomously manage their needs, provided they are applied correctly and without centralist interference.

This argument is supported by the constitutional theory of Bruce Ackerman (1991), who suggests that constitutions should adapt to significant social changes only when there is broad consensus on the need for such modifications. In the case of Colombia, the consensus seems to lean towards improving the implementation of existing constitutional principles, rather than towards a radical transformation of the legal framework. In this sense, the problem of territorial autonomy does not require a new constitution, but a more effective application of the mechanisms already enshrined in the Magna Carta.

Another key aspect of Petro's proposal is climate change. While this is an issue of growing global relevance, analysis of Colombian legislation shows that the existing regulatory framework already offers significant environmental protection. Articles 8, 79 and 80 of the Constitution enshrine the obligation of the State and citizens to protect natural resources and ensure sustainable development. In addition, Law 99 of 1993, which organizes the environmental protection system in Colombia, establishes clear mechanisms for the conservation and sustainable management of natural resources.

Likewise, the jurisprudence of the Constitutional Court has expanded environmental protection in several key judgments, such as judgment C-145 of 2021, which reaffirms the State's obligation to protect the environment against projects that may compromise long-term sustainability. The experts interviewed stressed that, instead of needing a constitutional reform, the challenge lies

in the implementation and effective application of these provisions throughout the national territory, especially in rural and hard-to-reach areas.

The theoretical framework of Carl Schmitt (1928) offers a critical perspective on this point. Schmitt argues that constitutional reforms are only necessary when existing norms no longer reflect the social or political reality of the country. However, in the case of Colombia, it seems clear that the environmental and territorial provisions of the 1991 Constitution remain relevant and adequate to address current challenges. Therefore, the reform proposed by Petro, which includes a territorial reorganization and a focus on environmental protection, could be perceived as unnecessary from a legal point of view.

In addition, a concern was identified among experts about the possibility that the proposed constitutional reform will generate a dangerous precedent, in which it is perceived that any failure in the implementation of laws can be solved through constitutional amendments, instead of improving public policies and strengthening the institutions in charge of enforcing the rules. According to Ginsburg and Dixon (2011), a constitution must offer a balance between stability and adaptability, and resorting to constitutional reforms as a solution to implementation problems can undermine the stability of the legal system.

In summary, the analysis of this category suggests that the existing constitutional framework in Colombia already offers sufficient mechanisms to address the main points raised by President Petro, especially with regard to territorial reorganization and environmental protection. The need for widespread constitutional reform is therefore seen as debatable, and experts agree that the focus should be on the effective implementation of existing provisions, rather than on the creation of new constitutional norms.

Category 3: Political and social challenges of the proposal

The qualitative analysis of this category revealed that the main obstacles to the viability of the constitutional reform proposed by Gustavo Petro are not only related to the legal framework, but are deeply rooted in the political and social dynamics of the country. Through interviews with experts in constitutional law and political science, it became clear that political polarization in Colombia and the lack of consensus among political elites pose significant challenges to the implementation of any major constitutional reform.

One of the most obvious concerns that derived from the analysis was the growing polarization in Colombian society regarding Petro's proposal. Although the president has assured that the reform will not affect private property and has tried to calm the concerns of certain sectors, there is still a widespread fear, especially among the business class and conservative sectors, that the reform could eventually erode their rights. This fear is linked not only to political rhetoric, but also to previous experiences in countries in the region, such as Venezuela, where constitutional reforms were perceived as precursors to more interventionist policies.

In this sense, the theoretical framework of Bruce Ackerman (1991), with its focus on "constitutional moments", is relevant. Ackerman argues that successful constitutional reforms must have broad social support and a political consensus that allows their implementation without generating fractures in society. In the case of Colombia, the experts interviewed agreed

that there does not seem to be enough consensus to carry out a constitutional reform at this time. Petro's proposal, instead of unifying the country around a common project, has generated deep divisions, which puts its political viability at risk.

In addition, the lack of consensus among political elites is another crucial obstacle. Although Petro has managed to win support in popular sectors, his proposal faces strong resistance in Congress, which is the body in charge of authorizing the convening of a Constituent Assembly. This resistance comes not only from opposition political parties, but also from some sectors within the government coalition that do not look favorably on such an ambitious reform in a context of political and social instability.

The analysis also revealed that, even if the proposal were to pass Congress, its implementation would face considerable challenges. Colombia's recent history shows that reforms that do not have broad political and social support tend to face difficulties in their implementation. The process of implementing the 2016 Peace Agreement is a clear example of this. Although the agreement was ratified and has constitutional support, its implementation has been partial and has encountered obstacles in various regions of the country, due to the lack of coordination between the central government, local actors and regional political interests.

Carl Schmitt's (1928) theoretical approach to constitutionalism also contributes critical elements to this analysis. Schmitt argues that constitutions must be adapted to the political and social realities of the moment, and that constitutional reforms that do not reflect a broad social consensus risk failing. In the case of Petro's proposal, several of the experts pointed out that, although the points it addresses are relevant, the lack of a political consensus could seriously hinder its implementation, even if the reform is approved.

Another important challenge identified in the interviews was the possible social impact of the reform. While some sectors of society, especially the most vulnerable, welcome the changes proposed by Petro, other sectors, such as the middle class and businessmen, fear that the reform could generate economic instability. The president has sought to allay these concerns by assuring that there will be no impact on private property, but mistrust persists, in part due to a lack of clarity on how certain aspects of the reform, such as land redistribution and territorial reorganization, would be carried out.

Finally, several experts noted that the national reconciliation process, which is one of the main objectives of the reform, could also be compromised by political polarization. Although the proposal seeks to consolidate peace and ensure the effective implementation of the 2016 Peace Agreement, the current political tensions, exacerbated by the polarizing rhetoric of some factions, could make it difficult to build consensus around this issue.

In summary, the qualitative analysis suggests that the challenges to the viability of Gustavo Petro's constitutional reform are deeply linked to the country's political and social dynamics. A lack of consensus among political elites, social polarization, and fear of economic instability are significant obstacles that could impede the implementation of the reform, even if it were to pass in Congress. Experts agree that, beyond the legal challenges, the key to the viability of the reform lies in the government's ability to build a broad consensus that involves all sectors of Colombian society.

Results of the Reform According to the consultation with experts

Proposed Topic	Existence of Current Regulations	Need for Constitutional Reform	Expert Comments
Peace and Reconciliation	Yes (Art. 22)	No	Article 22 already establishes peace as a fundamental right, but its implementation has been limited. The problem is considered to be one of execution, not of regulation.
Guarantee of Basic Rights (Health, Pensions, Water)	Yes (Art. 11, 48; Law 100/1993; Judgment T-577/2019)	No	Experts agree that fundamental rights are well covered constitutionally; it is necessary to improve public policies and implementation infrastructure.
Judicial Reform	Partial (need to improve processes, not regulatory)	No	Judicial congestion is due more to a lack of investment in infrastructure and resources, not to a deficiency in existing regulations.
Climate change	Yes (Art. 8, 79, 80; Law 99/1993)	No	The provisions on the environment are clear and sufficient; The challenge is to implement more aggressive policies that promote sustainability.
Territorial Autonomy	Yes (Art. 287 et seq.)	No	The territorial entities already have constitutional autonomy. Improvements in the execution and distribution of resources are required, not a constitutional reform.
Agrarian Reform and Private Property	Yes (Art. 58, Law 160/1994)	No	There are legal mechanisms to redistribute land and guarantee private property. Experts stress that political uncertainty affects public perception, not regulation.

Analysis of the results of interviews with experts

- 1. Peace and Reconciliation**The analysis of this proposal shows that the need for constitutional reform in this area is minimal. Article 22 of the 1991 Constitution establishes that peace is a right and a duty of mandatory compliance. However, the 2016 Peace Agreement has not been fully implemented, suggesting that the problem lies more in political implementation than in existing regulations. Experts agree that, instead of amending the Constitution, the political will to implement the agreements already in place should be strengthened.
- 2. Guarantee of Basic Rights**Fundamental rights such as access to health, pensions, and water are already protected by Articles 11 and 48 of the Constitution, and their implementation is regulated by Law 100 of 1993 and Constitutional Court rulings, such as T-577 of 2019. Despite existing regulations, unequal access to these rights is a recurring problem, especially in rural areas. Experts noted that the challenge lies in public administration and infrastructure, rather than in a regulatory gap.
- 3. Judicial Reform**Although judicial reform is one of the central points of Petro's proposal, the experts' analysis revealed that judicial congestion in Colombia does not require constitutional reform, but greater investment in the creation of new courts and the modernization of the judicial system. The use of digital channels could speed up judicial processes, as several specialists have highlighted. A constitutional reform on this point would not be necessary if current resources are optimized.
- 4. Climate Change**Articles 8, 79 and 80 of the Constitution, together with Law 99 of 1993, already provide a solid framework for environmental protection. Experts indicated that, although climate change is an issue of growing concern, constitutional reform is not required. What is needed are stronger and more aggressive policies to ensure compliance with existing environmental standards. Lack of execution is the main obstacle identified.

5. **Territorial Autonomy**The analysis of territorial autonomy reveals that the 1991 Constitution already grants municipalities, districts and departments the autonomy to manage their own interests, as established in Article 287. However, the implementation of these provisions remains uneven, and some territories do not have sufficient resources to fully exercise this autonomy. According to experts, there is no need for constitutional reform, but for a better distribution of resources and a strengthening of local capacities.

6. **Agrarian Reform and Private Property**One of the most sensitive points of the proposal is agrarian reform. Although Petro has assured that private property will not be affected, the analysis shows that there are already constitutional and legal mechanisms to redistribute land, as established in Article 58 of the Constitution and Law 160 of 1994. The political uncertainty generated by the debate around private property affects public perception, but from a legal point of view, the mechanisms to protect property are well defined.

The qualitative analysis of the results reveals that many of the points raised in President Gustavo Petro's constitutional reform proposal are already covered by the 1991 Constitution and its complementary laws. The challenges facing Colombia in terms of peace, fundamental rights, judicial reform, climate change, territorial autonomy, and agrarian reform do not seem to require widespread constitutional reform, but rather an improvement in the implementation and management of existing resources. Public perception and political polarization around these issues represent the biggest obstacles, and experts agree that it is essential to build confidence in the state's ability to effectively implement existing rules.

4. Discussion

The results obtained in this research are aligned with previous studies that have analyzed constitutional reforms in Colombia and Latin America, highlighting the relevance of the effective implementation of existing provisions rather than the creation of new regulations. Studies such as those by Arteaga (2014) and García Villegas (2017) have argued that constitutional reforms in the region are often not necessary from a normative point of view, but rather respond to the inability of governments to implement existing laws effectively. This is precisely one of the main findings of this research: Petro's reform proposal, although it addresses legitimate issues such as peace, social justice and climate change, faces obstacles that derive more from administrative and implementation problems than from a real need to modify the constitutional text.

Regarding the comparison with previous studies, Ginsburg and Dixon (2011) have emphasized the importance of constitutional stability to ensure the legitimacy of a legal system. In the case of Colombia, the results of this study suggest that the constitutional framework of 1991 remains adequate to address many of today's challenges, as comparative studies on constitutional reforms in countries such as Chile and Bolivia have shown. In this sense, the findings of this research reinforce the idea that, instead of promoting widespread constitutional reform, the Petro government should focus on improving the implementation of existing regulations, especially with regard to fundamental rights and social justice.

The results obtained in this study have important implications for the field of constitutional law and political science in Colombia. First, they suggest that the real challenge for the Colombian legal system is not the lack of adequate norms, but the capacity of the State to apply constitutional provisions and ensure that fundamental rights are effectively protected. This has implications for both policymakers and academics, as it highlights the need for further research into the mechanisms for implementing laws, as well as the institutional capacity of bodies in charge of enforcing the legal framework.

In addition, the political polarization surrounding Petro's proposal also has significant implications for the debate over constitutional reforms in Latin America. Studies such as those of Schmitt (1928) have pointed out that constitutional reforms must be driven by a broad social consensus to ensure their legitimacy. In this case, the lack of consensus and political polarization can compromise not only the viability of the reform, but also the stability of the Colombian constitutional system.

This study has some limitations that could have affected the results. First, it is based on a qualitative analysis of the perceptions of experts in constitutional law and political science, which means that the conclusions can be influenced by the biases of the participants. While an attempt was made to include a representative sample of experts, some views may not have been considered. In addition, although the documentary analysis was exhaustive, a quantitative analysis that could provide a different perspective on the implementation of constitutional regulations was not included.

Another limitation is the focus on Colombia as the only case study. Although the results are relevant to the Colombian context, they cannot be generalized to other Latin American countries without conducting broader comparative studies that take into account the particularities of each legal system. Finally, the analysis of the political impacts of the proposed reform was largely based on the current situation, meaning that future changes in the political landscape could influence the viability of the reform.

5. Conclusions

This study offers several significant contributions to the analysis of the viability and impact of the constitutional reform proposed by the government of President Gustavo Petro in Colombia. First, one of the main findings is that many of the issues raised in the reform proposal are already regulated by the 1991 Constitution and its complementary laws. Fundamental rights, peace, social justice and environmental protection have solid normative foundations in the Colombian legal system. However, the problem identified does not lie in the lack of regulations, but in the effective implementation of existing constitutional provisions.

Another important contribution is the identification of political polarization and the lack of social consensus as the main obstacles to the viability of the reform. Although Petro's proposal addresses crucial issues for the country's development, its success depends largely on the government's ability to generate a broad consensus that involves all sectors of society, something that currently seems difficult to achieve due to political tensions.

The results of this study have practical applications for both academia and public policy makers. From an academic perspective, this analysis can serve as a basis for future research that explores in greater depth the dynamics of implementation of constitutional reforms in Colombia and other Latin American countries. For policymakers, the findings suggest that, rather than pushing for new constitutional reforms, the focus should be on improving the institutional and administrative capacity of the state to effectively enforce existing laws.

Likewise, the identification of the need to strengthen political and social consensus has important implications for political practice. Political actors seeking to promote constitutional changes should pay special attention to polarization dynamics and work towards a more inclusive approach that allows for broad and sustainable agreements to be reached.

This study opens several lines for future research. First, it would be valuable to carry out comparative studies with other Latin American countries that have carried out constitutional reforms in contexts of political polarization, such as Chile or Bolivia. These studies could shed light on the conditions necessary for constitutional reforms to be viable and sustainable.

Another suggested line of research is the quantitative analysis of the implementation of constitutional provisions in Colombia, especially in areas such as environmental protection and social justice. Such a study would make it possible to measure more accurately the effectiveness of public policies derived from the 1991 Constitution and would offer more concrete recommendations to improve the country's institutional capacity.

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