Abstract

One of the procedural stages of greater importance in the new public interest actions corresponds to the denominated Special Hearing for Pact of Fulfillment. In appearance one is a hearing similar to the one of conciliation, but their antecedents, judicial jurisprudencial and practical interpretation, show novel aspects that the pain is worth to know and to investigate. In the present article we will leave from a brief introduction in which the main aspects of the special hearings for pact of fulfillment will be examined, soon in the first part of the work appear the most outstanding results of an investigation developed between years 2001 and 2002 in five Administrative Courts of the country, who that moment had the competition in first instance for the public interest actions. The boarded problem of investigation was the nature, characteristics, strengths and weaknesses of the special hearings for pact of fulfillment. In the second part of the article we will make a revision of two jurisprudenciales lines to the interior of the Constitutional Court and the Council of State, to examine the incidence of this jurisprudence in the practices of the Courts and the development or limitation of the figure of the pact of fulfillment. The hypotheses that we will try to demonstrate in this work are: i) the special hearing for pact of fulfillment is a new space of oralidad within the criminal actions, whose results depend to a great extent on clear methodologic aspects and handled well by the judges within the framework of the guarantees that grant the Constitution and Law 472 of 1998. ii) the paper of the jurisprudence in endorsement to these hearings and their result: the pact of fulfillment, must occur when recognizing the incentive for the popular actor iii) Existe an ambiguity in the jurisprudence of the Council of State in relation to the nature of the special hearing for pact of fulfillment and the minority jurisprudencial line would have to be reinforced with new arguments to give to the hearings its true value him within the public interest actions.

Keywords

Public interest actions, special Pact of fulfillment, hearings, conciliation.