

Presentation

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This is a new issue of *Revista Derecho*, an academic space for the dissemination of thoughts of scholars from the School of Law and Social Sciences and those of the professionals from Political Science with current issues contributing to the scientific debate in the national legal field.

Revista Derecho of the School of Law and Social Sciences, in line with its mission as an institution of higher education training professionals with great critical and proactive skills to consolidate the constitutional state, peace and democracy in the Salvadoran society and to contribute to the solution of the problems and the scientific development of El Salvador, is presenting here four academic articles and a legal study about national legal issues.

The first section contains the following articles: “Historical approach to the constitutional regulation of political rights and its evolution in political participation in El Salvador” by William Ernesto Santamaría Alvarenga; “The plural municipal councils in El Salvador, a democratic debt or an obstacle to governance?” by Odaly Lissette Sánchez Arias; “The influence of the decisions of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights in the criminal law of States parties” by Jaime Edwin Martínez

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Ventura; “Innovations in Competence on the Civil and Commercial Procedure Code” by José Reinerio Carranza; and finally a legal study is presented: “A brief reference to the Principlalist Conception of Law and the Life Cycle of Obligations: Initial Notes of Prescription and Expiry in Family Matters” by Cristian Eduardo Palacios Martínez.

In the first article, Santamaría Alvarenga provides a historical, legal and political analysis of the evolution of political rights in the Constitutions that have governed El Salvador, beginning with an outline about the per-independence period to the current situation of political rights and the challenges of the Salvadoran State to establish the legal and factual conditions that will enable all citizens to freely exercise their right to vote and their political rights in general.

In this first article the author emphasizes the normative evolution of the term “citizen”, moving from census-based system of voting to universal suffrage, likewise the constant changes that the regulation of the way of electing the President of the Republic has undergone is put forward, its requirements and inabilities, as well as the main socio-political events that unleashed the phenomenon of the diversity of Constitutions that have governed in El Salvador. It ends up with an analysis of the citizen sectors who without legal obstacle are limited in the exercise of active voting like the Salvadoran people living abroad, the agents of the National Civil Police and the students of the National Academy of Public Security, and the impact on political participation, the electoral system and therefore on the Salvadoran political system.

Meanwhile, Odaly Lissette Sánchez Arias considers a historical approach to the emergence of the city councils, a comparative analysis of some countries that have incorporated the figure of the plural municipal councils and with some experiences gained on their operation. Moreover Sánchez Arias refers to the incorporation of this figure in the Salvadoran legislation and the

possible challenges in their implementation, based on the fact that although its regulation dates to 2013, their implementation is projected until the municipal elections of 2015.

In this article the author puts forwards the possible scenarios that could be presented in the implementation of the plural municipal councils in El Salvador; on the one hand, they could constitute a democratic advance as they lead to a greater representation and pluralistic political participation within local government, fitting into the first panorama proposed by the title of "The Plural Municipal Councils" which is a democratic debt fulfilled to Salvadoran society.

On the other hand, regarding the implications for governance, the author brings forward two contrasting scenarios. Firstly, the implementation of The Plural Municipal Councils could create an obstacle if the lack of maturity of the representatives of the political parties takes precedence over the particular interests before the general welfare of the community. This could adopt attitudes of unjustified opposition to local projects and lead to delays in taking decisions that will harm local development. Secondly, the multiparty composition of local governments could lead to an advance in democratic governance starting with the possibility of a greater citizen participation and understanding, and an honest debate among political forces; these possibilities would benefit the country's vision agreements with long term projects for a wider transparency based on effective accountability under an internal control scheme.

The third article presents the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights influence on the decisions concerning the criminal law of the States parties. The author develops his analysis based on the fact that in the period from 1995 to December 2012 the State of El Salvador recognized the contentious jurisdiction of the Inter-American Court of Human Rights which have had four convictions, two concerning the forced disappearances of boys and girls during the armed conflict, one known as the Case of the Serrano Cruz Sisters vs. El Salvador and the other known

as the Case Contreras and Others vs. El Salvador. A third sentence known as Caso García Prieto and Others vs. El Salvador was due to events in the post war period. It included a summary execution and violation of the right to the fair trial, to the judicial protection and to the personal integrity. The fourth one and final sentence on October 25th 2012 was due to the successive massacres committed by an elite army squad between December 11th and 13th 1981, in several locations in the northern Department of Morazán. This crime is known as Massacres of El Mozote and Surrounding Places vs. El Salvador. In this last sentence, the author clarifies that the case was not analyzed because it is the most recent one and its enforcement has not yet reached its conclusions.

Martínez Ventura, who has some experience in the area, develops an analysis regarding the first three condemnatory resolutions against the Salvadoran State by the Inter-American Court of Human Rights. In order to measure the internal level of domestic compliance, this study focused on a perspective of the influence of the resolutions of the Inter- American Court of Human Rights on the criminal and criminal procedural law of El Salvador. So far, however, the operative part orders El Salvador to continue and resume the corresponding criminal proceedings and to overcome the limitations and obstacles of fact and law that prevent the investigation so that they may be carried out effectively by El Salvador.

In the fourth article called "Innovations in Competence on the Civil and Commercial Procedure Code" the author illustrates a reference to the historical evolution of the forms of peaceful resolution of conflicts between members of society. He subsequently develops the competence at the theoretical level to separate it from the jurisdiction and to deepen into the criteria of competence regulated by the Civil and Commercial Procedure Code.

Carranza develops the competences attributed to the plenary of the Supreme Court of Justice , to the Civil Chamber, to the Second Instance Chambers, to the Trial Courts, to the Minor Offenses Trial Courts and finally

to the Magistrates' Courts. Then, the author develops a detailed analysis of the criteria of competence in relation to the territory, the functionality, the degree, the subject and the amount set up in the Civil and Commercial Procedural Code.

In order to provide an integral perspective of the topic, the author develops the unavailability of the competence, the conversion and creation of the civil and commercial courts, jurisdiction in the enforcement or the recognition process of foreign judgments and judicial decisions, the competence in enforcement, to end up with other jurisdictional cases such as preliminary inquiries, proof assurance, advance of evidence and precautionary measures, concluding with final reflections.

In the section on legal Studies, the work of Cristian Eduardo Palacios Martínez is presented; it is called: "A brief reference to the Principialist Conception of Law and the Life Cycle of Obligations: Initial Notes of Prescription and Expiry in Family Matters". This document brings up an excellent contribution as a study text for those who intend to start their studies in the legal sciences, since it introduces the reader in the study of issues of great importance such as law and obligations, issues addressed from the perspective of various classical and current authors, which allow the reader to have a general but very complete overview of the various developed issues.