

## **EDITORIAL**

### **The juridical basic investigation and the juridical applied investigation**

To approach a distinction between these two types of investigations not only has as substantial exercise pay to the area of the conceptualization in the world of the investigation; implies much more, not as a problem of life or death, but slightly worse! More serious questions on the political, economic and social background that stems from such a differentiation. Nevertheless, before taking trouble to the above mentioned dichotomy it becomes unavoidable to come closer a conceptual treatment on the individual. Firstly because it is fundamental that the investigator is conscious of the perspective from which it is thought to realize the investigation or on which does the investigation to herself and finally, to have clarity on the ends chased in her.

In this respect, the basic investigation is of long path and though it has epistemológicamente his origins in the world factico, his teleology is autonomous in his results in relation to the world of the facts, which means that of the reality “of fact” or from the being the eternal worries of the humanity stem substantially for the men and women of science, which have constructed along the big history of the science story theoretical with solutions totalizantes independent from the practice though inspired, I repeat, in her.

But what is the basic investigation? It is understood by this type of investigation as that one that has pretensions of universality in his results, but it depends in the process of investigation of a series of conditions as the theories, the measurements and the denial of ends of trasformación on the object factico on study in the own investigation. This type of investigation also is known as abstract, theoretical investigation or in Kant’s terms as pure investigation, since it has as foundation trasversal be present during the process of investigation the deep theoretical abstractions.

In this model of investigation as it observes, the theories turn out to be key, not as sacred follow-up of a theory, but as theoretical ends chased, as challenge of formulation of theories or of new theoretical comprehensions that could explain acutely any object of study belonging to the fáctica-theoretical reality, since there is presumed that the validity of his results they are logically correct, or, they are valid deductively for any context.

In these terms the juridical basic investigation refers to the theoretical constructions of the right, on which it is evident that they exist innumerable, inside them, is outlined “the theory of the juridical garantismo” of Luigi Ferrajoli; “the theory of the juridical

Argumentation" of Robert Alexy; "the theory of the imputation targets" of Hegel; "the theory of the justice" of John Rawls, between others, as the "theory of the correct judicial decision", that I have come working for six years.

Of another part the applied investigation, it is fundamentally that type of investigation that has his roots in Durkheim's language in them <social facts>; or as Weber would say in her <social action>. Additional this model of investigation knows himself, as empirical investigation.

This second type of investigation, it is of action, since it depends on the reality *fáctica*, is concrete, is utilitarian, of there that the scientific knowledge that is looked, not only interacts in order study, but it tries to solve punctual situations of the reality of this object of study.

Now then, this type of investigation depends unconditionally on the basic investigation, since her first it grants the foundations of the knowledge of the duty to be, as for the results and advances that stem from the above mentioned investigation, of there, that is not possible an investigation applied with independence to a doctrinal modal that the guie, in reason of the applied investigation, so that serious it blocks up before the immense mist of the social disorder, alone which would have logic across the theoretical readings that sustain the social order. Nevertheless, very apesara of this conexidad-dialógica, the applied investigation does not leave his end epistemológico that is the pragmatism of the investigation.

As for the illustration of this type of investigation, probably the examples are more infinite. The investigations be observed in this case on forced displacement, the investigations on the violence intrafamiliar or the violence of kind, the infantile mistreatment, the corruption from the perspective of the crimes against the public administration, the environmental pollution, between others, where it is opportune to stand out for example "the rejection of the demand for reasons of unadmissibility of the doctors Astrid Martínez y Adalgiza Charriz, the incest of the investigator Patricia Guzman, the top interest of the infancy of the investigators Vilma Riaño y Giselle De la Torre, the efficiency of the beginning of opportunity of the investigators Vicente Orejarena and Jesus Alvarez, etc.

But which is the political, economic and social background of this distinction of the basic and applied investigation? Inside these two classes of investigation to which do developing countries refer specially? Why the juridical theories, or are basic investigations so ineffective in our Latin American way? You who reads this publishing house have wondered which of these types is of investigation the one that mas has realized?

This distinction in the bottom obeys systemic imperatives, –which lack consensus and procedural legitimacy– politicians and dominant economies. This way the things, the history of the modern science takes as genesis the eurocentrismo, of which all the dreams bifurcated for a world constructed by the instrumental reason, which was put-

ting end to the social contradictions and was making possible in the terms of Hegel and Fukuyama to come to the end of the history.

In this order of ideas, the countries that achieved the industrialization located in Europe managed solid models established in his educational systems that facilitated a major rest of his intellectual ones, of his scientists and of the European company in general. All that accompanied of the collective Ethos of the eurocentrismo, for which the rest of the humanity, in to feel of Rousseau, “we are good savages”, that is to say, obedient, and for such a reason, is feasible to construct the second nature them.

Of this form, the Europeans and later countries as the Close Estado of America, managed to assume with rigor the basic investigation, constructing hereby doctrinal architectures or theoretical formulae “you” “validate” so much for developed countries, since for companies in route of development as ours. In illogical this one or mishap cientifica the Europeans design almost the totality of the theories of this world; whereas the emergent economies only realize shy contribution and incipient contributions.

From conformity to this, the investigations –In Latin person America– are in his great majority, applied investigations, for infinite reasons that though they justify themselves cannot be a denial in order that there does not construct basic investigation himself, of there, that thinks that there has made hollow as the second nature the tradition of a culture dedicated to the applied investigation, this motive that it demonstrates why we are obsessed for trying to solve the social problems to top of this type of investigation.

Finally, all that has implied that the gap of production of the scientific knowledge is every day more wide. This way, the Europeans advance to big steps in basic investigation, generating new knowledge, and in effect, dependence of us towards them, since it happens in Colombia, where by tradition there have been realized incompatible transplants of juridical theories that were designed for developed, but ineffective companies for ours. Additional our scientists or that we try to do science we reveal proudly intellectual and high dose of erudition the domain of the new theoretical trends close to our world, as “the theory of the complexity”, “the criminal law of the enemy”, “the neoconstitucionalismo”, “the juridical garantismo”, between many, though –probably– “you” “validate”, needs owe re-contextualizar critically to our, to ours you contain, to our idiosyncrasy in construction, to our faults, to our virtues, to our strange, very strange culture, but to the end to our culture.

**Ferney Asdrubal Rodriguez Serpa**  
Attorney, Sociologist, Mg in Procedural Law,  
Teacher-investigator Group Procedural Law,  
Ex-grantee of Colciencias Programmes Investigative Young Persons,  
Publishing Magazine *Justice* of the University Simon Bolivar,  
Barranquilla-Cúcuta-Colombia