

Castro-Herrera, F. (2016). Justicia comunitaria en el desplazamiento forzado (Community justice in forced displacement). An emerging legal field.

To analyze the possibilities of the administration of justice in equity, from and for the populations in situation of displacement, in terms of the cultural transformation in the handling and management of the conflict from the generation of a legal emergent field.

It includes the concept of community justice as a legal field; the formation of the legal field of community justice in displacement; the emergence of the field; emergencies and differences in the legal field of community justice.

Under certain conditions the administration of justice in equity generates the emergence of a legal field with ostensible differences in relation to the legal field of the State from which conditions of possibility can be generated for the construction of fairer, more democratic and inclusive communities, as conditions for achieving peace.

Pedagogical actions promote the circulation of a legal capital that can influence the redefinition of the place of the actors in the social field and the modification of the schemes of thought, perception and action, equation possible at the moment in which the parties involved in a conflict administer justice.

Such a process involves categories of perception and appreciation that structure the way ordinary conflicts are perceived and appreciated, transforming them into legal confrontations that will no longer be resolved by force but by a discourse that marginalizes physical violence and elementary forms of symbolic violence based on deterrence and redistribution of power between the parties, in a collective work with the Conciliator in Equity.

Access to justice and the peaceful resolution of conflicts are necessary and indispensable rights and mechanisms for populations in situations of displacement and in conditions of marginalization, to the extent that their communities have high levels of conflict and official bodies are costly, people do not understand the procedures or are very distant from their residence.

We conceive reconciliation in equity as a social process that is built with the individuals, the communities, the institutions and that, as a modality of the administration of justice, transcends the instrumental resolution of the conflict.

Conciliation in Equity has a social impact and transforms the habitus of the people who make use of it through the circulation of legal capital. In conciliation in equity, as the ability to decide what is right, what is considered fair is determined by the justice operator and is made concrete by the parties who agree on a solution by consensus and respecting the criteria of equity.