

**Hoyos, F. (2016). *Medios de control en el CPACA (Code of Administrative Procedure and Litigation)*. Bogotá: Universidad Nacional de Colombia.**

Establish how the contentious jurisdiction is competent to hear executive proceedings in cases such as sentences against the State, conciliatory agreements approved by the judge, obligations with executive merit and administrative acts for or against the administration.

It develops topics such as simple nullity; nullity for unconstitutionality; immediate control of legality; action for nullity and restoration of the law; action for direct reparation; action for contractual disputes; action for repetition; loss of investiture; popular actions; reparation of damages caused by a group; action for compliance; letters of nature; electoral nullity; and control by way of exception.

In most cases, contentious jurisdiction requires a formal complaint to act, i.e. it does not act informally. However, this jurisdiction, in the style of what the Constitutional Court does with legislative decrees, establishes an ability to exercise automatic control over the legality of purely administrative acts carried out by states of exception. Here citizens do not sue, but can intervene for or against the administrative act.

In simple nullity litigation, the dispute over legality is the abstract of a contested administrative act. The well-known forms of abnormal termination of the process could hardly exist for this litigation. Consequently, neither conciliation, nor transaction and concur operate.

The constitutional expression was the subject of judgments in which the Constitutional Court established a rather conflicting position, such as considering that the judgments that the Council of State issues on the occasion of claims of nullity for unconstitutionality have the force of *res judicata*, removing the word constitutional from the text. The sentence assures that the Court is the only one that can issue sentences with the attribute of constitutional *res judicata*, which has originated a new painful chapter of train crash among the courts.

The immediate control of legality lies in the administrative measures adopted in implementation of the legislative decrees of states of emergency; in the administrative measures of the national order the competence lies with the Council of State; in the measures of the territorial order the competence lies with the administrative court; the special procedure indicated in the CPACA, which is neither ordinary nor special as indicated by the Constitutional Court; and the automatic control guaranteed citizen intervention to assist or challenge the administrative measures.

In direct reparation claims there is a variable consisting in that they do not involve the claim of nullity of administrative acts, which is why the procedural burden of indicating violated norms or the concept of the violation is not required, since the source of the damage is the facts, omissions and administrative operations.