

**GIADDESC. (2017). "Towards the optimization of constitutional jurisdiction", in: Castro, J. y Rodríguez, D. (Ed.) Towards a new private law. A proposal in constitutional, historical and comparative key. Bogotá: Universidad Nacional de Colombia. Pp. 173 – 210.**

To offer proposals to optimize the exercise of constitutional jurisdiction in Colombia, which revolve around self-regulation by the Constitutional Court itself, a division of the Court into chambers that hear certain types of law and the patrimonialization of fundamental rights.

It analyzes the 1991 political constitution; the constitutionalization of private law as an expression of neo-constitutionalism; the crisis in the administration of justice; proposals to reform the action of guardianship; proposals on the speciality in the study of fundamental rights; the modification of the organic structure of the Constitutional Court; the operational aspect of the action of tutela; the patrimonialization of fundamental rights; and the conclusions.

It is necessary to improve the action of protection to solve the scenario of violation of fundamental rights and legal insecurity that gives rise to the crisis of legitimacy that must be overcome by the constitutional jurisdiction.

If the ordinary courts adopted and made clear in their rulings the principles and values of the Constitution, the number of actions for tutela could be considerably reduced, since citizens would find their rights satisfied directly in the rulings and decisions of the ordinary courts and would not have to resort to exceptional mechanisms.

Despite the fact that the action of tutela is the ideal means for the protection of fundamental rights, its excessive use has led to a chaotic operation, since instead of contributing to the defence of such rights, their excessive use makes their effective protection difficult.

A possible solution to the constant violation of rights in Colombia would be to give the action of tutela a persuasive edge that would help to reduce the violations of fundamental rights. It is a matter of turning the tutela into a mechanism of greater agility and practical utility, both for judicial operators and for citizens.

This plus would be composed of all the characteristics of the operative reform of the tutela, but which would be perfected by transforming any violation of a fundamental right into a sanction of a pecuniary nature against the one who violates fundamental rights.

Reforming the tutela action does not imply dismantling it. It is possible to reform it in order to optimize it. This change is necessary in the current context of delegitimization of the judicial branch due to alleged acts of corruption and judicial congestion, and with a view to a post-conflict scenario, which requires maximizing the guarantee of fundamental rights and social rights.