

STATISTICAL ANALYSIS TO IMPROVE THE ATTENTION OF CONSTITUTIONAL ACTIONS IN THE CITY HALL OF POPAYÁN

ANÁLISIS ESTADÍSTICO PARA MEJORAR LA ATENCIÓN DE ACCIONES CONSTITUCIONALES EN LA ALCALDÍA DE POPAYÁN

.....
<https://doi.org/10.22431/25005227.vol50n1.5>

Jairo Alberto Rengifo Osorio.*
Milton Javier Diago Ortiz.**

Abstract

This article shows the results of the research-consultancy carried out in the Popayán City Hall during the second semester of 2017, to evaluate actions related to the legal defense of the Popayán City Hall, as well as the existence and degree of articulation of the processes and procedures related to the topic in the Legal Advisory Office and the other mission areas of the City Hall of Popayán.

Likewise, to know the causes and consequences of the timely non-attention to the judicial requirements originated from constitutional actions instituted by the citizenship. Thus, through field work, a survey conducted by the lawyers of the Legal Advisory Office and mission areas of the Popayán City Hall and subsequent statistical analysis, the articulation between processes and procedures related to the legal defense of the Mayor's Office was identified of Popayán.

Keywords: legal defense, constitutional actions, mission areas, public administration.

Resumen

El presente artículo muestra los resultados de la investigación-consultoría realizada en la Alcaldía de Popayán durante el segundo semestre de 2017, con el fin de evaluar acciones vinculadas con la defensa jurídica de la Alcaldía de Popayán, así como la existencia y el grado de articulación de los procesos y procedimientos relacionados con el tema en la Oficina Asesora Jurídica y las demás áreas misionales de la Alcaldía de Popayán. Así mismo, conocer las causas y consecuencias de

* Bachelor of Commerce and Accounting from the Mariana University, Specialist in Applied Statistics from the Universidad del Valle, Master in Public Administration from the Higher School of Public Administration ESAP. <https://jairorengifo.wixsite.com/clases/post/curriculum-vitae> Email jairo.rengifo@hotmail.com

** Economist from the University of Nariño, Specialist in Project Management from the University of Cauca, Master in Public Administration from the Higher School of Public Administration. CVLAC: https://scienti.minciencias.gov.co/cvlac/visualizador/generarCurriculoCv.do?cod_rh=0001368171 Email: miljavior@hotmail.com

la no atención oportuna a los requerimientos judiciales originados de acciones constitucionales instaurados por la ciudadanía.

Fue así como, mediante trabajo de campo, encuesta realizada a los abogados de la Oficina Asesora Jurídica y áreas misionales de la Alcaldía de Popayán y posterior análisis estadístico, se identificó la articulación entre procesos y procedimientos que se relacionan con la defensa jurídica de la Alcaldía de Popayán.

Palabras clave: Defensa jurídica, acciones constitucionales, áreas misionales, administración pública.

In recent periods of government in the municipality of Popayán, its mayors have been exposed to being deprived of liberty or fined for contempt³ of court orders issued from rulings that resolve petitions derived from constitutional actions.

However, the effort, at least in the Mayor's Office of Popayán, has focused on strengthening the Legal Advisory Office, but no action has been taken in the search for coordination⁴ and articulation of the processes and procedures of all the administrative dependencies that have functions that facilitate this legal defense.

3 On March 17, 2015, the First Municipal Civil Court decided, in the first instance, to order 10 days in prison for the mayor of Popayán, Francisco Fuentes, for disobeying a guardianship filed by three women who were requesting housing, and also imposed a fine of six minimum wages. in force. Mayor's office. The judicial process of the incident of contempt was resolved in favor of the mayor with the initiation of actions to favor the petitioners.

4 Article 209 of the Political Constitution of Colombia of 1991 states that "The administrative authorities must coordinate their actions for the proper fulfillment of the purposes of the State"

A large part of the decisions that must be made in terms of court rulings depend, not on the entity in charge of the legal defense of the municipality, but on the actions of the dependencies that comprise the missionary areas of the Mayor's Office, and it is there where they present shortcomings for decision-making due to the lack of coordination strategies, information management, characterization of cross-cutting processes and procedures.

Despite the fact that the Mayor's Office of Popayán identified as a priority component, within its current Development Plan, the adoption of a legal management model for the judicial and extrajudicial defense of the territorial entity, this is just beginning to be implemented, with a fundamental mission: "Strengthen the legal advisory office with the implementation of an efficient management model articulated with ICTs that allows adequate legal management for the municipality" (Alcaldía Municipal de Popayán, 2016, p. 158).

In this sense, we see how Carrillo and Varela (2013), affirm that the problem of litigation that is presented against the Colombian State, only began to be investigated from the year 2002, by entities such as the multilateral bank (Inter-American Bank of Development and World Bank) and its results identified the need to form a system for the legal defense of the State.

This is how this article presents a strategy to determine the reliability and validity of a measurement instrument, based on Cronbach's alpha coefficient, Exploratory Factor Analysis with the method of principal components with Varimax rotation and Bartlett's Sphericity test. using the software SPSS

version 20. A questionnaire of 10 questions and 4 response options, with a Likert scale, was applied in order to know the causes and consequences that lead to identify, in the Mayor's Office of the city of Popayán, the shortcomings in the processes and procedures in the missionary areas related to care, in terms of legal decisions derived from actions requested by the citizenry.

The public administration in the judicial defense

To understand the reason for the implementation of strategies that make it easier for organizations to execute their processes more efficiently, it is necessary to analyze one of the theories that support the research⁵: Systems theory, since it views the organization "as a set of parts that act in an interrelated and interdependent manner, that function as a unit, pursuing a common goal" (Gómez, 2008, p. 18). Based on this theory, it is essential to "identify the processes developed, the threads that comprise them and those responsible for each area" (Gómez, 2008, p. 18).

⁵ Gómez (2008) points out that:

Ludwig von Bertalanffy (1901-1972) Austrian biologist, since 1937 he worked under the organic concept of life within the General Theory of Biology that would later give rise to the well-known "General Systems Theory" that was taking shape through the time, until it was finally published in 1969 in a book under this name (p. 19).

⁶ According to the IDB, the prevention of unlawful damage constitutes the first stage of the legal defense of the state:

This stage seeks to anticipate the execution of administrative acts harmful to the interests of the State, either by action or omission. Administrative practices based on rigorous legal criteria should be encouraged through clear and generally accepted protocols in order to avoid actions by the State that could give rise to successful lawsuits against it (2014, p. 3).

Gómez (2008) also points out that after the processes and relationships are identified, the next step is to design strategies "that allow increasing the congruence between the structure, the processes, the human element and the culture of the organization itself" (p. 21) through "the development of new and creative solutions that allow us to face the challenge that the environment demands. Concepts supported by the theory called "Organizational Development (OD)" (p. 21), regarding DO Sánchez (2007) mentions: "organizational development is based on dynamic concepts such as: new concept of organization, organizational culture, change, development, phases of the organization and criticism of traditional structures" (p. 278).

It is to be understood then that the acts through which the activity is developed, above all, of the administrative agencies (not of the judicial ones) will no longer be designated an administrative process but an administrative procedure as referenced by Gordillo (1998) "all state activity of an administrative nature is manifest through the administrative procedure and therefore there is a coincidence between the concept of administrative function and that of administrative procedure" (p. 394).

Given that the attention in the terms established by law, of the judicial decisions derived from the actions filed by the citizens, are part of the prevention of unlawful damage⁶ in the context of the management of the legal defense of the State, the ineffectiveness can be observed of legal action, which has among its main causes, the deficiency "in work processes, limited technical capacities,

inadequate information systems, poor information management and weakness in support functions” (IDB, 2014, p. 4).

However, the root of the problem can be identified since the end of the 1980s, when, especially in Latin America, participation and access to judicial services were granted to all citizens, which caused, according to the Inter-American Development Bank (hereinafter IDB)) “a strong rise in litigation in which the state is involved” (IDB, 2014, p. 11), especially as a defendant. Hence, countries like Colombia “modify their constitution and their laws to expand the field of civil rights” (IDB, 2014, p. 18).

In this way, the Political Constitution of 1991 (National Constituent Assembly, 1991), in articles: 23, 74, 86, 87, 88 and 209, promulgated the mechanisms of citizen participation as a citizen exercise of judicial actions in defense against aggressions or threats. to individual rights (by means of the right to petition and action for guardianship) and collective rights such as the right to a healthy environment, administrative morality, the defense of public assets, public health and safety, the defense of consumers and users, the timely provision of public services, among others. Articles 287, 313 and 314 are related to the functions and administrative organization of the territorial entities.

Therefore, risk is considered as any possibility of an event that:

May hinder the normal development of the company's functions and affect the achievement of its objectives, for which the DAFP provides the Public Administration with a tool that allows public institutions to properly manage risks from planning and thus to be able to contribute to the achievement of the

objectives (Arango, Palacio, Olaya, Bautista, & Arias, 2004, p. 7).

In that order of ideas, processes and procedures in the missionary areas are identified in the Mayor's Office of Popayán, related to the attention in terms of legal decisions derived from actions requested by the citizens; however, it is found that these processes and procedures, in these areas, are not characterized in the quality manual and do not have a common relationship that allows reaching the goals that are outlined for the legal defense of the Mayor's Office, from the Legal Advisory Office Township.

The study was carried out in the development of applied research - consultancy. Bearing in mind that the objective was to present a “Proposal for a management tool that integrates the Legal Advisory Office with the legal defense processes of the missionary areas of the Mayor's Office of Popayán against constitutional actions”; A descriptive research was carried out, that is, a field and application research. According to Tadlaoui (2013) “descriptive studies seek to characterize the different aspects, dimensions or components of a situation through the independent evaluation of concepts or variables. They focus on measuring as accurately as possible” (p. 51).

Undoubtedly, what is intended is to detect the flaws that, within the missionary processes of the Mayor's Office of Popayán, allow deducing the reasons why the process of attention to legal decisions derived from citizen actions is not efficiently fulfilled. Hard work has been done on the efficiency of the processes and procedures of the agency itself; but, little in the interrelation with other processes and procedures of other dependencies.

The Mayor's Office of Popayán strengthens the participation of citizens and facilitates their access to services, through communication channels so that they can formulate their requests, complaints, claims, suggestions, and complaints. These are: the face-to-face channel, the virtual channel, the telephone channel, and the suggestion boxes. According to the Evaluation Report on the Treatment of Petitions, Complaints, Claims, Suggestions and Denunciations, in the First Report of 2017, it is illustrated that in the Mayor's Office of Popayán, the tools to follow up on petitions, complaints, claims, suggestions and complaints, are: the Excel formats "Control of petitions, com-

plaints, claims, suggestions and complaints" (F-GAC-PQRD), and the reports generated by the ORFEO⁷ document management system and the SAC⁸ system of the Municipal Secretary of Education.

The results of the field work are evidenced from the information found in Tables 1 and 2, where the statistics are shown with respect to the rights of petition, entered to the Mayor's Office of Popayán through its different channels, with cuts to September 2016 and 2017, this is due to the fact that, in the current term, the consolidated information is up to the third quarter of the year and to make an effective comparison, the same period for the previous year must be taken.

Table 1: Request rights report. January - September 2016.

Missionary Process	Total	Answered	Alarm
Mobility management	614	476	138
Security Management	SD ⁹	SD	SD
Economic Development Management	SD	SD	SD
Infrastructure management	2237	1597	640
Risk management	332	332	0
Health management	1506	1105	401
Comprehensive education management	8582	8553	29
Agricultural management	421	218	202
Management of culture, sports and recreation	567	542	25
Legal office	1470	1470	0
TOTAL	15729	14293	1435

Source: Own elaboration based on the evaluation report on the treatment of petitions, complaints, claims, suggestions and reports, (2016).

⁷ ORFEO: "It is a document and process management system initially developed by the Superintendence of Home Public Services (SSPD) in Colombia, licensed as free software under the GNU/GPL license to share knowledge and maintain collective creation" (OrfeoLibre, sf, paragraph 1).

It is observed in Table 1, that for the year 2016 of the total petition rights, 90.9% were answered in a timely manner; 59.8% of these were directed to the comprehensive education management process, followed by the infrastructure management process, with

11.2%. But the important thing to keep in mind is that 9.1% of the petition rights were reported in a state of alarm, that, although they were answered, it was done in an extemporaneous manner.

Table 2: Request rights report. January - September 2017.

Missionary Process	Total	Answered	Alarm
Mobility management	4417	2670	1747
Infrastructure management	856	632	224
Risk management	634	529	105
Health management	1320	1100	220
Comprehensive education management	6943	6848	95
Agricultural management	261	261	0
Management of culture, sports and recreation	SD	SD	SD
Legal office	1817	1805	12
TOTAL	15729	14293	1435

Source: Own elaboration based on the evaluation report on the treatment of petitions, complaints, claims, suggestions, and reports (2017). SD without data or without information.

According to the data in Table 2, for the year 2017, of the total petition rights, 85.2% were responded to in a timely manner; 49.5% of these were directed to the comprehensive education management process, followed by the mobility management process with

19.3%. 14.8% of petition rights were reported in a state of alarm, with the mobility management process presenting the highest percentage, that is, 72.7%, followed by the infrastructure and health process with 9.3% and 9.2%. respectively.

Tables 3 and 4 show the statistics regarding guardianships entered the Popayán Mayor's Office through its different channels, in the years 2016 and 2017.

8 SAC:

To facilitate user and customer access to the new Citizen Service Unit, a CRM (Customer Relationship Management) tool was implemented, called SAC (Citizen Service System). The system allows you to register and consult requirements, access self-consultation screens, telephone access, window service, personalized service, delivery of physical documents and email (Alcaldía de Popayán, s.f., para. 1).

9 No data or no information.

Table 3: Guardianship report. January - September 2016.

Processes and/or Areas	No. Guardianships
Other process or area	91
Mobility management	26
Health management	26
Comprehensive education management	18
Management of security and citizen coexistence	10
Infrastructure management	6
TOTAL	177

Source: Own elaboration from the Legal Advisory Office Database (2016).

Table 3 shows that of the 177 guardianships registered in the 2016 period, 51.4% appear without specifying which area it corresponds to; mobility management and health management, share 14.7% each of them; Finally, in comprehensive education

management, 10.2% of guardianships were presented.

In Table 4, you can see the total number of guardianships that as of September 2017 were in the respective mission areas.

Table 4: Guardianship report. January - September 2017.

Processes and/or Areas	No. Guardianships
Other process or area	15
education management	18
infrastructure management	02
Legal Advisory Office	45
health management	11
mobility management	27
Coexistence management	30
TOTAL	148

Source: Own elaboration from the Legal Advisory Office database (2017).

From Table 4, it can be interpreted that, of the 148 guardianships registered until September 2017, 30.4% correspond to the Legal Advisory Office: 20.3% to the coexistence management process and mobility management, with 18.2%.

Table 5 shows the total data of the constitutional actions that reverted in legal processes¹⁰ in the period January - September of the year 2016 and 2017.

Table 5: Legal processes years 2016 - 2017.

Legal Processes	2016	2017	Total
People's Action	16	14	30
simple nullity	1	1	2
Compliance Action	2	0	2
TOTAL	19	15	34

Source: Legal Advisory Office database (2017).

It is evident in Table 5, that the trend of the legal processes of constitutional actions is similar for the two periods, therefore, the legal processes are analyzed. Popular actions present a variation of -12.50%, which represents a decrease in legal processes in 2 and a variation of -100% in

compliance actions, which means that for the 2017 period they were not presented.

Tables 6 and 7 show the statistics regarding contempt and contempt by process to the Mayor's Office of Popayán through its different channels, in the years 2016.

¹⁰ In the database of the Legal Advisory Office of the Mayor's Office of Popayán, legal processes are understood as popular actions, group actions, direct reparations, contractual disputes, precautionary measures and others of a civil, criminal, labor and other nature in which the territorial entity is involved. However, and taking into account the nature of the consultancy, the exclusive information was extracted from the legal processes referring to the constitutional actions filed by the community.

Table 6: Contempt 2016.

Processes and/or Areas	No.
Infrastructure Management	3
Planning Advisory Office	2
Education Management	1
Agricultural Management	1
Security and coexistence management	1
health management	1
No information	21
TOTAL	30

Source: legal office database (2017).

According to Table 6, it is said that the processes: infrastructure, planning, education, agriculture, security and coexistence, health, are the ones that have existence of contempt compliance. It is noteworthy that

there are 21 processes, which correspond to 70% of the total processes during 2016, without any type of information in which there was contempt.

Table 7: Contempt by process 2016.

Contempt 2016	No.
Unspecified contempt incident	12
Contempt for Guardianships	12
Contempt for popular actions	6
TOTAL	30

Source: legal office database (2017).

In Table 7, tutelas and popular actions (18 in total), which correspond to 60%, have a higher incidence of contempt incidents, within the processes. Unfortunately, in the database of the Legal Advisory Office, it was not possible to determine the reasons why there is a significant number of incidents of contempt, which correspond to 40%.

Within the statistical analysis of research-consulting, the reliability analysis is presented, which is considered the main guideline on which “the goodness of an instrument is analyzed is its reliability, which refers to its intrinsic characteristics. Reliability can be defined as the degree to which the measurements are free from the deviation produced by causal errors” (Cea D’Ancona, 2004, p. 45).

In this case, Cronbach’s alpha will be used as a measure of internal consistency reliability. This fact is determined and pointed out by different authors such as Oviedo and Campo-Arias (2005) who state that a value “of Cronbach’s alpha between 0.70 and 0.90 indicates adequate internal consistency” (p. 572) of the variables. Cronbach’s alpha ranges from 0 to 1, with internal consistency being greater the closer it is to 1.

This is how in the present investigation, it is considered that reliability, from a metric point of view, refers to the consistency in

the administrative processes and procedures that are related to the legal defense in relation to the constitutional actions of the missionary areas and in the Legal Advisory Office of the Mayor’s Office of Popayán, understanding this as a theoretical construct that is specified in the objectives defined in the questionnaire used, so that the inter-variable consistency estimated for each of the variables (questions), is an indicator of the metric characteristics of the instrument, which could be considered as an indicator for the specific application to each process and administrative procedure.

However, the psychometric characteristics of the questionnaire (Table 9) were obtained through different types of statistical analyzes carried out with the help of the SPSS version 20 program.

Table 8: Questions of the questionnaire (variables).

Specific objective: Identify the administrative processes that are related to the legal defense in relation to the constitutional actions of the missionary areas and in the legal advisory office of the Mayor's Office of Popayán.
P1. Do you identify in this area, processes and procedures related to legal defense against constitutional actions?
P2. Does it adhere to the processes and procedures established to respond to constitutional actions filed by the community?
P3. In your area, is attention to constitutional actions filed by the community managed more by experience than by the provisions of the processes and procedures?
P4. Is your area efficient in the actions that it is responsible for in the legal defense of the Mayor's Office against constitutional actions filed by the community?
P5. Have you participated in the design and/or updating of processes and procedures related to legal defense against constitutional actions?
Specific objective: Diagnose the degree of integration of the legal defense processes in terms of constitutional actions of the missionary areas with the legal advisory office of the Mayor's Office of Popayán.
Q6. Are there procedures that allow effective articulation between the missionary areas and the legal advisory office of the Mayor's Office of Popayán in relation to legal defense actions related to constitutional mechanisms?
P7. Are the processes and procedures between the legal office and the mission areas related to the legal defense of the Mayor of Popayán against constitutional actions coordinated from your unit?
P8. Do you have the support and/or accompaniment of the missionary areas (and/or legal area) in the performance of your work when it comes to actions related to the legal defense of the Mayor's Office of Popayán against constitutional actions?
Q9. Do you think strategies are needed to improve coordination between the areas that deal with the legal defense of the Mayor's Office of Popayán?
P10. Is the sole legal activity that is carried out in your dependency sufficient for the timely legal defense against constitutional actions?

Source: Own elaboration based on the content of the questionnaire (2019).

Once the reliability analysis of the questionnaire was carried out, an internal consistency index was obtained, α -Cronbach of 0.871, using the statistical software SPSS,

which means that the instrument is fully reliable since the value is close to 1, this being a very high level of reliability, considering the postulates of Nunnally¹¹ (1978).

¹¹ Nunnally propone como valor de fiabilidad mínimo, para que un instrumento sea fiable, el de 0,70 en el Alfa de Cronbach.

Table 9: shows the results:

Reliability statistics		
Cronbach's Alpha	Cronbach's alpha based on the typified elements	No. of elements
0,871	0,856	10

Source: Data extracted from SPSS software for case reliability study (2019).

Likewise, the validity analysis or validity criteria of a statistical study according to Cea D'Ancona (2004) are fundamentally four: "1) Internal validity, 2) External validity, 3) Statistical conclusion validity and 4) Construct validity" (p. 38). Similarly, as Martínez (2005) points out, citing Cronbach (1984):

The ultimate goal of validation is explanation and understanding, which leads us to consider that all validation is the validation

of the construct, that is, it is about unraveling the trait or construction that underlies the variance of the scores of an instrument that For its study, various experimental tests or evidence are required that lead to being able to admit degrees and not a single index (p. 26).

According to the above, Table 10 shows the validity indices obtained in the analysis. Internal consistency values including all the variables of the questionnaire.

Table 10: communalities.

Variable	Inicial	Extraction
P1.	1,000	,946
P2.	1,000	,945
P3.	1,000	,871
P4.	1,000	,884
P5.	1,000	,755
P6.	1,000	,779
P7.	1,000	,863
P8.	1,000	,736
P9.	1,000	,820
P10.	1,000	,453

Extraction Method: Principal Component Analysis.

Source: Data extracted from SPSS software for case validity study (2019).

This is how Table 10 presents the communalities obtained for each of the variables once the extraction has been carried out. In this way, it is possible to verify that the variables (P1) with a communality of 0.946 and the variable (P2) with a communality of 0.945, explain the variance to a greater extent according to their participation in the factors or components resulting in the analysis; while variables such as (P10), participate to a lesser extent with 0.453 in the explanation of said variance.

Considering Table 11 it can be decided how many components or factors will be considered. In this regard, Mullins (2014) points out, citing Bernal (2013) that:

There are rules to know the most appropriate number to keep, for example, the one

known as the Kaiser and Caffrey Criterion (1965), which indicates that the main components whose eigenvalues "are greater than unity" must be kept, although the The most used criterion is to observe the percentage of total variance explained by each component or factor, and when this reaches a cumulative percentage considered high, normally close to eighty percent, it means that the number of factors is sufficient (p. 11).

In this case, to evaluate the validity of the questionnaire, the first 3 components have been extracted, with the aim of identifying the factors that can be considered more important now in which the administrative processes and procedures related to this study, can generate certain trust and fidelity in clients or officials.

Table 11: communalities.

Component	Initial eigenvalues			Sum of the squared saturations of the rotation		
	Total	% de variance	% variance accumulated	Total	% de variance	% variance accumulated
1	5,505	55,051	55,051	4,185	41,848	41,848
2	1,458	14,578	69,629	2,208	22,080	63,928
3	1,090	10,896	80,525	1,660	16,597	80,525
4	0,736	7,365	87,890			
5	0,706	7,060	94,950			
6	0,297	2,966	97,916			
7	0,155	1,555	99,471			
8	0,042	0,424	99,895			
9	0,011	0,105	100,00			
10	-2,8E-02	-2,8E-01	100,00			

Source: Data extracted from SPSS software for case validity study (2019).

In this model, it can be verified that from component four (4), the self-value begins to be less than unity, in addition, the percentage of cumulative explained variance up to component three (3) amounts to 80.525%. For this reason, it is considered that this may

be a sufficiently high value to estimate that three components are a sufficient number of factors.

Finally, by choosing to extract three components, obtaining the matrix presented in Table 12.

Table 12: Matrix of rotated components.

Variable	Component		
	1	2	3
P1.	,906	,316	,160
P2.	,903	,350	,088
P3.	,720	,125	,580
P4.	,824	,198	,408
P5.	,214	,747	,388
P6.	,123	,083	,870
P7.	,264	,877	,155
P8.	-,177	-,718	,435
P9.	,859	,283	,045
P10.	,672	,030	-,025

Extraction Method: Principal Component Analysis.

Source: Data extracted from SPSS software for case validity study (2019).

It is so, the extraction was carried out for three components since, as previously verified, with this number it is possible to obtain more than 80% of the explained variance. Likewise, Table 13 presents the matrix of rotated components, showing the values located above 0.5 to achieve a better exposure of the initial variables obtained for each component.

Conclusions

Due to the above, the causes of a deficient legal defense of the municipality of Popayán are broad and generated by different factors that are classified into 4 groups:

a. human talent

Human talent "is perhaps the most important factor to analyze, since it involves as-

pects of legal professionals who defend the mayor's office, such as training, experience, qualities, ethics, behavioral models" (Alvarado, 2012, p. 17); however, in this case, it is not a determining factor, since the entity has a lawyer for each missionary area, complying with the profile and suitability according to the checklist of requirements for hiring that is applied by the human talent office.

The hiring of personnel in legal defense actions has not been combined with adequate administrative strategies. It was found that all the lawyers consulted are competent in the defense of constitutional matters of the Mayor's Office of Popayán, they are contractors and they have not been in their positions for more than two years, in addition, they do not know or have been trained in processes and procedures that facilitate their work.

b. Non-existence of processes and procedures for the attention of the legal defense of constitutional actions

The effort in the Popayán mayor's office has focused on strengthening the legal advisory office, but no action has been taken in the search for coordination and articulation of the processes and procedures of all the administrative agencies that have functions that facilitate this legal defense.

A large part of the decisions that must be made to deal with legal rulings depend not on the entity in charge of the legal defense of the municipality, but on the actions of the dependencies that comprise the missionary areas of the mayor's office, presenting shortcomings for decision-making due to the lack of coordination strategies, information management, characterization of cross-cutting processes and procedures.

It is found that fundamental processes for legal defense are not evidenced as such, as a main example, in the Mayor's Office of Popayán, it is the document management or archive office, which receives and in turn distributes by competence, the legal requirements related to constitutional actions. Lawyers, to guarantee their effective work, constantly visit the archive and the dependencies to verify if there are legal matters related to constitutional actions that have been filed and that require attention based on their competence, and thus, respond in the terms of the constitutional matters that have been notified to the Mayor's Office.

The research reveals need that range from the characterization of processes, to the definition of fundamental activities for legal defense. It is necessary to standardize a process so that the petition rights that are redirected to other units by their competence, are notified to the petitioner of the change in the person responsible for attending to their request. A periodic review of both guardianship and contempt orders that are pending compliance is required, there are many actions that are in error, but compliance has not been given to avoid that contempt does not arrive.

c. Absence of an integrating vision of the legal defense of the municipality of Popayán against constitutional actions

Another negative aspect for the legal defense of the constitutional actions of the Popayán mayor's office is the functional vision of legal management. According to Alvarado, this has focused on the fact that the entity's legal office is not compact and is not articulating and integrating "the different legal

roles, namely: advice, the production of regulations and administrative acts, contractual management, coercive collection, the operators of the disciplinary regime and the legal defense” (2012, p. 74).

This disarticulating assessment is wrong: Well, thinking that it is a single unit, has generated that the mayor’s lawyers develop all legal activities, regardless of their knowledge and experience; and it turns out to be precise, that sometimes it is not the same to assume the legal advice of certain matters of the public administration, to manage the contracting, or to legally defend the same entity; because each management in itself is special and requires specific skills for its realization (Alvarado, 2012, p. 74).

d. Incipient information technology system

The Mayor’s Office of Popayán, based on its autonomy and budget, has intended that the ORFEO document management tool be the technological information system through which the needs are met, however, said tool is not compatible with matters related to Legal Defense of the entity, since this task requires greater complexity of systems that allow carrying out the registration of constitutional actions in all their dimensions.

It should also be mentioned that from the internal control and planning units, despite carrying out the study of the processes to collect findings, risk maps, improvement plans, etc., these efforts are not sufficient to improve defense management. of the municipality, as proof of this are the results of this investigation. Alcaldía de Popayán. (s.f.). sac.gestionsecretariasdeeducacion.gov.co. Recuperado de http://sac.gestionsecretariasdeeducacion.gov.co:2380/crm_sed_v30/default.php?ent=19000

References

- Alcaldía Municipal de Popayán. (2016). Plan de Desarrollo Alcaldía de Popayán
- 2016-2019 Vive el Cambio. Popayán. Alvarado, R. (2012). Defensa Judicial del Estado: Elementos para su construcción (Colombia 1.991-2.011) (Trabajo de grado). Universidad Libre. Recuperado de <https://repository.unilibre.edu.co/bitstream/handle/10901/6593/AlvaradoBermudezReinaldo2012.pdf?sequence=1&isAllowed=y>
- Arango, B., Palacio, M., Olaya, G., Bautista, L., & Arias, M. (2004). Guía Administración del Riesgo (Segunda ed.). DAFP. Recuperado de <http://www.dafp.gov.co/Documentos/Publicaciones/GuiaRiesgo.pdf>
- Asamblea Nacional Constituyente. (1991). Constitución Política de Colombia.
- BID. (2014). ¿Es efectiva la defensa jurídica del Estado? Perspectivas sobre la gestión del riesgo fiscal en América Latina. Recuperado de <http://docplayer.es/2183973-Es-efectiva-la-defensa-juridica-del-estado.html> Carrillo
- Flórez, F., & Varela, D. (2013). Hacia un Sistema Integrado de Defensa Jurídica Estatal: situación y perspectivas de una política pública en Colombia. Revista del CLAD Reforma y Democracia(56), pp. 123-176.

- Cea D'Ancona, M. (2004). Métodos de Encuesta. Teoría y Práctica, Errores y Mejora. España: Síntesis. Recuperado de <https://dialnet.unirioja.es/servlet/libro?codigo=252404>
- Chiavenato, I. (2007). Introducción a la teoría general de la administración. México: Mc-Graw-Hill Interamericana. Departamento Administrativo de la Función Pública. (2006). Guía de Administración del Riesgo República de Colombia. Bogotá, D.C: Área de comunicaciones DAFP.
- Departamento Administrativo de la Función Pública. (2006). Guía de Administración del Riesgo República de Colombia. Bogotá, D.C: Área de comunicaciones DAFP.
- Departamento Nacional de Planeación. (2009). Resumen ejecutivo. Programa de Renovación de la Administración Pública. Bogotá, D.C.: DNP.
- Gómez, M. (2008). Diseño de estrategias que permiten a las organizaciones pasar a una posición de generación y difusión de conocimiento El caso de las organizaciones del sector paraestatal (Tesis doctoral). Recuperado de <http://fca.uaq.mx/files/investigacion/doctorado/tesis/MariaTeresaGomezSaldana.pdf>
- Gordillo, A. (1998). Tratado de derecho administrativo y obras selectas. La defensa del usuario y del administrado - Tomo 2 (Segunda ed.). F.D.A. Recuperado de <https://www.gordillo.com/tomo2.php>
- Gutiérrez, J. (Enero - Junio de 2014). Estructura reglamentaria de la agencia para la defensa jurídica y patrimonial del Estado en Colombia. (F. L. Libertadores, Ed.) *Via Iuris*(16), 51-69. Recuperado de <https://revistas.libertadores.edu.co/index.php/Vialuris/article/view/437>
- Kaiser, H., & Caffrey, J. (1965). Análisis de factor alfa. *Psychometrika*, 30(1), pp. 1-14. doi:<https://doi.org/10.1007/BF02289743>
- Martínez, M. (2005). Estudio del cuestionario de evaluación del profesorado de la UPV mediante opinión de los estudiantes. Tratamiento estadístico (Tesis doctoral). Universidad Politécnica de Valencia.
- Ministerio del Interior. (2017). Agencia Nacional de Defensa Jurídica del Estado. Recuperado de <https://www.defensajuridica.gov.co/agencia/quienessomos/Paginas/informacion-general-agencia.aspx>
- Mullins, I. (2014). La Agroecología y la Incorporación a la Actividad Agraria en Catalunya. Universitat de Barcelona. Recuperado de <https://lazanahoriateatrer.files.wordpress.com/2014/07/entrega-final-tis-ii.pdf>
- Obea research group. (Sf). <http://www.emotools.com>. Recuperado de <http://www.emo-tools.com/media/upload/files/obeainnova-brt.pdf>
- OrfeoLibre. (s.f.). OrfeoLibre. Recuperado de <https://orfeolibre.org/inicio/>

Oviedo, H., & Campo-Arias, A. (2005). Aproximación al uso del coeficiente alfa de Cronbach. *Revista Colombiana de Psiquiatría*, XXXIV (4), pp. 572-580. Recuperado de <https://www.redalyc.org/pdf/806/80634409.pdf>

Sánchez, J. (2007). Estudio de la ciencia de la administración. Instituto de Administración Pública del Estado de México, Instituto de Administración Pública del Estado de Quintana Roo, Miguel Ángel Porrúa.

Tadlaoui, S. (2013). *Manual de Consultoría en Asuntos Públicos*. Bogotá: Universidad Externado de Colombia.