

Documentary analysis of the administration and delivery of municipal civic justice in Mexico**Análisis documental de la administración e impartición de justicia cívica municipal en México**

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Abstract

Civic Justice plays a fundamental role in resolving disputes in the municipalities of Mexico, since it represents the first point of contact between the government and the community. This mechanism allows for the timely and efficient resolution of local and neighborhood conflicts, in an accessible and economical manner. However, the decentralization of the regulation of Civic Justice in the hands of municipalities has led to a disparity in its implementation and application. This disparity is aggravated due to the lack of material, structural, financial and human resources, as well as the lack of autonomy and adequate training for the personnel that make up these Municipal Courts. To achieve the full development of Civic Justice in Mexico, it is essential seek the approval of its procedures, regulations and police and good governance commands, this requires an update of its legal framework and implementation in those municipalities that have not yet done so, in addition to being necessary to make there a legal obligation that sanctions to municipalities that do not meet the minimum requirements in this area.

Justice Municipal, Civic, Impartition**Resumen**

La Justicia Cívica desempeña un papel fundamental para la solución de controversias en los municipios de México, ya que representa el primer punto de contacto entre el gobierno y la comunidad. Este mecanismo permite la resolución oportuna y eficiente de conflictos locales y vecinales, de manera accesible y económica. Sin embargo, la descentralización de la regulación de la Justicia Cívica en manos de los municipios ha llevado a una disparidad en su implementación y aplicación. Esta disparidad se agrava debido a la carencia de recursos materiales, estructurales, financieros y humanos, así como a la falta de autonomía y capacitación adecuada para el personal que integra estos Juzgados Municipales Para lograr un desarrollo pleno de la Justicia Cívica en México, es indispensable buscar la homologación de sus procedimientos, reglamentos y mandos de policía y buen gobierno, esto requiere de una actualización de su marco legal y la implementación en aquellos municipios que aún no lo han hecho, además de ser necesario hacer que exista una obligatoriedad legal que sancione a los municipios que no cumplan con los requisitos mínimos en este ámbito.

Justicia cívica, Impartición, Municipal

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Introduction

The existing need of the people to have a system that provides them with a prompt and accessible way to obtain justice in relation to simple matters that do not merely constitute a crime and that can be resolved in a practical way through mediation has led to the creation of the figure of the Civic Judge or Municipal Judge in the municipalities of Mexico, however these are specifically regulated by each of the municipalities, which allows them to develop as best suits them.

According to the Modelo Homologado de Justicia Cívica, Buen Gobierno y Cultura de la Legalidad para los Municipios de México (2017), civic justice is a set of procedures and instruments of good governance aimed at fostering a culture of legality and providing a prompt, transparent and expeditious solution to community conflicts generated by the daily coexistence of a democratic society. It aims to facilitate and improve coexistence in a community and prevent conflicts from escalating into criminal behaviour or acts of violence. This is done through different actions such as: promotion and dissemination of rules of coexistence, use of alternative dispute resolution mechanisms, attention and punishment of administrative offences; all of the above without prejudice to the uses and customs of indigenous peoples and their communities. (p.16).

Municipal civic justice in Mexico is an issue that currently has not achieved relevance within the justice delivery system, as it is not given due importance, although it is of great relevance for the whole system, as it is the means by which many of the conflicts that arise in society are resolved. The institutions in charge of enforcing people's rights are the ones that generally pay the first attention to all the problems that arise between the neighbours of a society, hence the importance of this type of justice being more visible in society and being given the importance it deserves.

In order to understand the current context of civic justice in Mexico, it is necessary to consider the following question: What is the current state of the administration and application of civic justice at the municipal level in Mexico?

Although an attempt has already been made to standardise the application of civic justice in Mexico's municipalities, no significant progress has been made, since it depends on the jurisdiction of the municipalities, which have the power to dictate their own regulations and all that the application of civic justice implies, and because municipal government administrations are in power for such short periods of time, municipal regulations are constantly changing according to the ideals of the group in power.

It is essential that for this type of justice to be functional, all people are treated equally, without preferences or favouritism of any kind, it must be done on equal terms, this equality means that, regardless of ethnic origin, sexual orientation or economic situation of a person, everyone has the right to seek and receive justice on equal terms, this also manifests itself as a primary way to safeguard human rights, their civil rights and to solve problems quickly, efficiently and economically.

The analysis of different points of view on the subject and the capacity to frame the research that concerns us, implies obtaining, reviewing and classifying information from different sources, both international and national, it is transcendental that within the search for information, we always seek to obtain concrete data, which are relevant and adequate to obtain information on the subject, In order to ensure that the information obtained is adequate for the research topic, several sources were reviewed and the most significant documents were chosen, those that can contribute useful information for the research, as well as information that is current and valid.

In the search and collection of information, a process of searching for scientific and academic documents was carried out, using the academic browsers Pro Quest, Google Scholar, Scielo and Dialnet, in which information filters were defined according to the characteristics of each of these search engines, Spanish was defined as the search language and results.

The information obtained was sought to be current and up to date, so only articles that were published within the last five years, i.e. from 2018 to the present were sought, with these filters the amount of information results is reduced, as it is very broad and several of these do not serve for the purpose intended in this research, according to each of the search engines used in the development of the research was as follows

Pro Quest; the keywords Civic Justice were entered, which generated a total of 2627 results, applying filters we have that 2099 are in Spanish, the documents are focused on different types of justice, of these results I only chose one that is the one that can be best related to the research.

Google academic; in this search engine I applied a first filter to search only for pages in Spanish, with a specific range of years from 2018 to 2023 and I searched for the keywords civic justice, which generated 15,800 results, of which I searched for academic and research documents, finally choosing the number of 5 documents that support the research.

Scielo; to search for information on this platform, we first performed an advanced search, where we defined the country as Mexico, filtered by years to obtain only results from the last five years, which generated only two results that could provide information for the research.

Dialnet; in this search engine I introduced the words civic justice which yielded 368 documents as a result, which when applying the filters that were defined for this work, observing the dates of publication of this content, only 10 files were chosen, which are the ones that have the greatest affinity to the topic that is being addressed.

The information on the subject is limited, as there are few authors interested in observing this problem, however, it was possible to recover very limited information, which for a better understanding and analysis is presented in the following way

Autor (s)	Title	Reasons for inclusion
Zaragoza José (2023)	Mexican Public Security	The importance of the procurement and administration of justice at all levels of government lies in the fact that the purpose of these institutions is to guarantee the protection of life, property, liberties and the integrity of people, in order to preserve public order and social peace. The new standardised model of civic justice cannot be functional if there is no change in the entire Mexican justice system.
Velázquez Margarito /Garza Dante (2019)	The Professionalisation Of Civic Justice In Mexico Through Alternative Methods Of Dispute Resolution And Its Link To Peacebuilding	It shows the need for the professionalisation of civic judges in Mexico's municipalities, and makes an interesting suggestion in this regard regarding the training of Municipal Judges in Alternative Methods of conflict resolution, which would allow them to have trained personnel to resolve issues and prevent conflicts from escalating to higher levels, to be efficient in resolving community conflicts, to improve coexistence, to promote a culture of legality and to reduce recidivism in administrative offences in order to preserve public order and peace.
Montero Carlos (2020)	Violence and crime prevention from the local level Civic Justice and Community Policing	Municipal governments are the first link in the application and delivery of justice, they are the first responder in all matters related to security, and the first contact between government and society, most of the actions of municipal police correspond to administrative infractions, which are risky behaviours for the offender and for the members of a population.

Sosa Carlos, Caballero Frida y Ramírez José (2021)	Knowledge management for the design of public policies and resilience building for violence prevention in Tampico, Tamaulipas.	It refers to the importance of establishing models of civic justice to facilitate and improve long-term coexistence in the community and prevent problems from escalating into criminal behaviour or acts of violence. It makes a study on the type of sanctions applied in Tampico in a certain period of time and determines that the civic justice model needs to be updated and the characteristics and purposes of this model need to be standardised, as the knowledge regarding this figure is dispersed.
Vallejo Mercedes (2019)	Municipal Justice and justiciability in Guadalajara (1821-1846). Functioning and scope of an institution of proximity in the transition period..	It presents the historical background in Guadalajara on the conflicts of society and Municipal Justice, where they sought to simplify and lower the costs of access to justice in non-judicial matters, and how justice must evolve as society evolves in order to ensure that those who are subject to justice can obtain effective solutions to their conflicts.
Comisionado Nacional de Seguridad Publica (2017)	Homologated Model of Civic Justice, Good Governance and Culture of Legality for Mexican Municipalities	It is important because this model has been implemented in the municipalities of Mexico, it defines the basic principles and concepts of civic justice, defines the characteristics and lays the foundations for the development of normative documents to support municipalities, however, it is not mandatory and only serves as a reference for its implementation at the national level, and although it seeks to unify and standardise concepts and procedures for the whole country by improving the efficiency, accessibility, consistency and transparency of the civic justice system, which in turn contributes to the strengthening of the rule of law and the protection of citizens' rights.

Cámara De Diputados Del H. Congreso De La Unión (2023)	Political Constitution of the United Mexican States	Article 17 mentions that the laws shall provide for alternative dispute resolution mechanisms. In 2017, Article 73 of the Constitution was amended to add section XXIX-X, which empowers the Congress of the Union to issue the General Law on Civic and Itinerant Justice.
Congreso Del Estado De Jalisco (2001)	Law on Municipal Government and Public Administration in the State of Jalisco	Article 40. The City Councils may issue, in accordance with the state laws on municipal matters: 12 I. Police and government ordinances; and II. Regulations, circulars and administrative provisions of general observance, within their respective jurisdictions, which regulate matters within their competence. Article 58. The powers of the municipal judges are as follows: I. To hear, qualify and impose the municipal administrative sanctions that may be applicable for misdemeanours or infractions of municipal ordinances, except those of a fiscal nature; II. To conciliate neighbours within their area in disputes that do not constitute a crime or fall within the jurisdiction of judicial bodies or other authorities; III. To keep a book of proceedings and report to the City Council on the performance of its functions; and IV. Any other duties attributed to him/her by the applicable municipal ordinances.

Table 1 Contribution of the authors with respect to the research topic

Source: Own elaboration

Give the meaning of the variables in linear wording and it is important to compare the criteria used. The correct administration of justice is essential for social peace and the correct functioning of a society, because through the implementation of municipal regulations it is possible to maintain order and guarantee that the human rights of the people who live in a given territory are respected.

However, the figure of the Municipal Judge has ceased to have the importance and the strict meaning it had in the past, which has led to less and less results in the use of civic justice and even in some municipalities of the country, municipal courts have had to be closed due to lack of work for them.

The personnel in charge of administering and imparting civic justice in most cases do not have the necessary resources and elements to perform in this area, which limits their functions. It is also very important to take into account the lack of professionalisation of municipal judges, because as mentioned by Velázquez F and Garza I, (2019) "It is the first administrative authority where citizens turn to for the solution of a common and daily conflict, despite this, there is no evidence of any public policy or professionalisation programme for civic judges" (p.10), this lack of professionalisation of municipal judges. (p.10), this lack of constant training is not surprising, because although a standardised system has begun to be created, it is not sufficient, since it is mainly focused on the professionalisation and training of public security forces.

Another of the main problems that we found in the research and that the authors address is the diversity of civic justice regulations that exist in the country because, as mentioned by the National Commissioner for Public Security (2017), "the main problem of civic justice is the heterogeneity in its delivery. This is due to the power to impart Civic Justice in the municipalities, which generates variation according to the capacities and characteristics of each municipality". (p.11), although it is important for municipalities to have this power due to custom and practice, it is not of much benefit as it generates a situation of disorder and ineffectiveness.

Currently, municipalities have begun to seek to standardise their regulations and procedures, however, after years of trying to have the same civic justice system in the country, this has not been achieved, as the ways in which they are seeking to standardise have been deficient.

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Conclusions

Municipal courts are very important for the administration of justice at the local level, as they are the first contact between society and government. They are an indispensable element, as most of the conflicts that arise in the towns are resolved through them, and they are also a fundamental support for the judicial system, as they function as a filter, since most of the matters that reach these courts are resolved through mediation, thus avoiding the need for a trial and the saturation of the judicial system.

Civic justice is currently very limited in Mexico's municipalities because it has not been given the necessary importance, it lacks specific regulation, and although there is already a standardised model for civic justice, good governance and a culture of legality for Mexico's municipalities, it has not been implemented in the country's municipalities, and there is no law regulating this figure, as the proposals that have been made to regulate it have not been approved as law.

I believe that it is essential to strengthen the figure of civic judge, giving them greater powers, providing them with constant training, updating the regulatory framework and providing them with the infrastructure, personnel and budget necessary for the development of their activities, because in the model currently proposed, much emphasis is given to the police system and civic judges are left in the background where the figure is only superficially touched upon.

I have observed that as they depend directly on the municipality and its resources, their functioning is very limited. The power of the municipalities to self-regulate, generate their own regulations and install their Municipal Courts means that there is a lot of discrepancy at the national level regarding their functioning and that sometimes they do not function correctly, which is why it is necessary to legislate in this respect and to regulate them by authorities outside the municipality in order to grant them greater autonomy and better functionality.

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