

Corruption In The Shadow Of Justice: A Critical Analysis Of Embezzlement And Biases In Quibdó

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Abstract: *This study delves into the ethical and judicial challenges posed by embezzlement cases in the legal framework, emphasizing Quibdó's context. By interweaving philosophical principles with empirical legal analysis, the research aims to uncover the underlying biases and systemic issues that compromise justice and equity. Through a mixed-methods approach, incorporating both document analysis and semi-structured interviews, the paper explores the philosophical underpinnings of justice, equity, and rights, and their application in combating judicial corruption. The findings highlight the critical role of ethical considerations in legal practices, advocating for a judicial system that not only adheres to the law but also embodies the principles of fairness and moral integrity.*

Key Words: *Ethics, Judicial Corruption, Embezzlement, Philosophical Principles, Legal Analysis, Equity, Judicial Biases.*

I. Introduction

This study addresses the issue of judicial corruption in Quibdó, Colombia (2008-2022) from a comprehensive perspective that merges the analysis of judicial biases and estraperlismo with an ethical and philosophical approach. It aims to understand how power dynamics and personal interests affect judicial impartiality, especially in embezzlement cases. Utilizing a mixed method including document analysis and semi-structured interviews, the impact of biases and the ineffectiveness of security measures in these corruption cases are analyzed.

The discussion is framed within philosophical and legal debates on justice and ethics, drawing on the thoughts of thinkers like Rawls (1971), Dworkin (1986), and Sen (2009), whose theories on justice and equity provide an essential foundation for analyzing judicial corruption in Quibdó, Chocó. This approach seeks not only to examine legal aspects but also to embody the ideals of justice and ethics, promoting a more equitable and moral judicial system in Quibdó. By integrating legalistic, philosophical, and ethical perspectives, the study aims to offer a holistic and profound understanding of judicial corruption and its impact on society. In the context of Chocó, judicial corruption not only represents a legal obstacle but also an ethical and social challenge that requires a comprehensive response. Through the analysis of representative cases of embezzlement, we identify common patterns and examine the impact of judicial biases on the application of justice, highlighting the importance of addressing these corrupt practices to restore faith in the judicial system and strengthen the democratic structure of the region.

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The ultimate goal is to encourage dialogue on how the judicial system, in contexts of corruption, can not only comply with the law but also reflect the fundamental principles of justice and ethics essential for an equitable and moral society.

II Philosophy of Law and Justice: Ethics, Equity, and Rights. Conceptual Approach.

A significant portion of contemporary penal systems, including Colombia's, dictates that for the imposition of a restraining measure, whether it restricts the right to freedom or not, it is necessary to verify the fulfillment of procedural-constitutional purposes. This verification is based on the concepts of justice, equity, and rights, primarily developed within a system seeking immunity through constitutional ends aimed at protecting the process or evidence, risk of flight or non-appearance, and danger to the community or victim. To achieve this, we must define what Law is from a philosophical standpoint that allows us to have a preliminary holistic vision of what justice and equity entail.

The conceptualization of justice has evolved throughout history, from Aristotle's harmonious vision (1984) to Kant's categorical imperative (1998), and Hobbes's notions of the social contract (1996). These philosophical perspectives enrich our understanding of the ethical and legal challenges faced in Quibdó. In criminal law, justice can be interpreted as the pursuit of a balance between individual and societal interests, ensuring that both penalization and protection are equitably and proportionally distributed.

Equity, although often used interchangeably with justice, leans more towards impartiality and equality in the treatment of individuals. In law, equity refers to the application of justice principles that take into account individual circumstances to achieve a fairer outcome. Equity is crucial in embezzlement cases, where it must be ensured that not only the crime is punished but also the rights and dignity of the accused are protected, regardless of their status or power.

Rights, in political and legal philosophy, are fundamental to structuring relationships between individuals and between individuals and the State. The philosophy of law focuses on understanding the nature, origin, and justification of rights. Human rights, in particular, are seen as universal and inalienable, and their protection is essential in any judicial system seeking to be fair and equitable. In embezzlement cases, where public rights are violated, the philosophy of law challenges the judicial system not only to penalize the crime but also to safeguard the rights of all involved parties.

III. Application of Philosophical Concepts in Cases of Embezzlement in Quibdó

Justice in cases of embezzlement is framed by the need to balance the punishment of the crime with the protection of the rights of the accused. Aristotle, in his approach to distributive justice, stressed the importance of giving everyone their due. Applied to embezzlement, this implies not only the appropriate sanction for those who embezzle public funds, but also ensuring that their procedural rights remain inviolable. Rawls's theory of justice as fairness can be interpreted here as a call for a judicial system that not only punishes crime, but also protects the rights of all parties, including the community affected by embezzlement.

Fairness in judicial interpretation is crucial in embezzlement cases. Immanuel Kant, with his emphasis on the categorical imperative and treating persons as ends in themselves, suggests that the administration of justice should be impartial, regardless of the status of the accused. In Quibdó, this translates into the need for equal treatment of all defendants, without distinction as to their social position or political power. Equity here also involves considering the socioeconomic context of the region, recognizing how poverty and inequality can influence the incidence and perception of embezzlement.

Rights, especially in the context of embezzlement, involve protecting both society and accused individuals. Philosophers such as John Locke and Thomas Hobbes emphasized the protection of natural rights and the social contract, respectively. In practice, this means that the judicial system must ensure that the rights of defendants are not sacrificed on the altar of criminal justice. At the same time, it must guarantee the protection of society's collective rights, which are violated by embezzlement. This requires a delicate balance in which individual and collective rights respect and protect each other.

Nevertheless, the application of justice in Quibdó must consider not only classical theories, but also contemporary views on rights and human development, as suggested by Nussbaum (2000) in her capabilities approach. In addition, recent reflections on environmental justice and social equity (Bryant, 2022; McTeer Toney, 2023) provide a relevant framework for analyzing embezzlement cases from a perspective that encompasses the socioeconomic complexity of the region.

The philosophical understanding of justice, equity, and rights must be considered in the specific context of Colombia, and in particular, in Quibdó. Here, the history of conflict, inequality, and corruption forms a backdrop that cannot be ignored. The philosophy of law and ethics, in this context, are not only concerned with abstract principles, but also with how these principles are applied in a complex and challenging reality. Justice and equity here are not only legal concepts, but also tools to build a more just and equitable society, where embezzlement and other crimes against public administration are addressed effectively and fairly.

John Rawls and Justice in the Context of Embezzlement in Quibdó

John Rawls's theory of justice focuses on two fundamental principles: equality in the allocation of basic rights and duties, and the equitable distribution of opportunities and resources. In the case of Quibdó, an area with high levels of poverty and corruption, the application of Rawls' theory suggests the need for a judicial system that not only addresses embezzlement as a crime, but also considers the broader socioeconomic context

Principle of Equality: According to Rawls, every person should have an equal right to the system of basic freedoms compatible with the same system of freedoms for all. In the context of Quibdó, this would imply guaranteeing that all individuals, regardless of their status or wealth, face the same justice for crimes against the legal good of the public administration, specifically embezzlement.

Difference in Resource Distribution: Rawls' second principle advocates social and economic arrangements that benefit the least advantaged. In terms of criminal justice, this could be interpreted as a focus on preventing embezzlement, which often diverts resources from those most in need, and on ensuring that the penalties imposed contribute in some way to the well-being of affected communities.

Ronald Dworkin and the Penal System in Quibdó

Dworkin, on the other hand, argues that justice is not only a matter of following rules, but also of interpreting principles. In cases of embezzlement in Quibdó, his approach suggests the need for a judicial system that interprets the law in a way that respects individual rights and the principle of equal treatment.

The doctrinant emphasizes equal and fair treatment of each individual. In Quibdó, where impunity and acquittals in embezzlement cases are common, this principle challenges the current practice of the judicial system, underscoring the need for greater coherence and justice in the treatment of these cases. Dworkin also make a point of the moral interpretation of law. In Quibdó, this would mean that judges and prosecutors must consider not only the legal text, but also the underlying ethical and moral principles, especially in a context where corruption and impunity are rampant.

Application in the Colombian Penal System

In the Colombian penal system, especially in regions such as Quibdó, the application of these theories would require a profound review not only of how laws are administered, but also of how judicial and penal policies are structured and applied. According to Rawls and Dworkin, a more equitable and morally informed approach could help combat impunity and ensure that punishments are not only just, but also contribute to broader social well-being, especially in vulnerable communities. This would include reviewing the processes of imposing security measures and sentencing, with a focus on equity and distributive justice, and an interpretation of the law that goes beyond the letter and encompasses ethical and moral principles.

Ethical Foundations in the Judicial System

Integrity is a fundamental pillar in the judicial system, crucial to maintaining public confidence in justice. In the context of Quibdó, where embezzlement cases are marked by impunity and inequalities, judicial integrity implies a firm adherence to ethical principles, beyond political or economic pressures. This includes impartiality in the handling of cases, transparency in judicial decisions, and accountability throughout the process.

Undoubtedly, moral responsibility in the judicial system refers to the obligation to act fairly and ethically. In Quibdó, this means that judges and prosecutors must consider the broader impact of their decisions on the community, especially in a context of high poverty and corruption. Moral responsibility also encompasses the duty to pursue justice, even in the face of challenges such as corruption and impunity.

Ethical Theories Applied in Embezzlement Cases

Starting with the description of utilitarianism, which seeks to maximize the general welfare, it can be applied to analyze judicial decisions in embezzlement cases. In Quibdó, this would involve assessing how judicial decisions contribute to the overall well-being of the community. For example, when deciding on security measures, judges could consider not only the punishment of the accused, but also how these measures impact the social and economic well-being of the region.

On the other hand, deontology, which focuses on the fulfillment of duty and respect for rules, emphasizes the importance of acting in accordance with ethical principles, regardless of the consequences. In Chocó's context, this translates into rigorous application of the law in embezzlement cases, ensuring that judicial decisions are based on principles of justice and equity, and not on external considerations such as the social or economic status of the accused.

III Analysis of embezzlement cases in the Judicial District of Quibdó.

Results & Analysis

Within the universe of the 20 cases of corruption² analyzed in the department of Chocó, Colombia, we stopped to observe the four most significant judicial cases, revealing recurrent patterns and notable differences in terms of geographic location, the victims involved, the destination of misappropriated resources, and the amount of resources diverted. Through a meticulous comparative analysis, similarities were identified in the modality of operation and in the mechanisms of diversion of resources, highlighting the influence of the social and political position of those involved in the perception of impunity and in the difficulty of imposing effective security measures.

The location of these cases within a department marked by high indices of vulnerability and need exacerbates the seriousness of the social impact of corruption. The victims, direct and indirect, range from government entities to entire communities deprived of essential resources for their development and well-being. The diverted resources, quantified in millions of pesos, reflect not only a significant economic loss but also a profound deterioration of trust in institutions and the justice system.

This additional analysis confirms how corruption in Chocó is not an isolated phenomenon but part of a broader problem that affects the effectiveness of the judicial system and the public perception of justice, underscoring the urgent need for comprehensive strategies that strengthen transparency, accountability, and effectiveness in the fight against corruption.

In this section we will make a more detailed analysis of each case, delving into the aspects already mentioned. To do this, we will use a statistical table as quantitative support to illustrate the magnitude and implications of the findings.

²Attorney General's Office of Colombia. (2024). Database of Corruption Cases. Retrieved on 26/02/2024, from Coordination of the Unit of Sectional Prosecutors' Offices for Crimes against the Public Administration of Quibdó.

Acquisition of Properties with Cost Overruns in Chocó³

Context and Accusations: The case of a local governor and her legal adviser stands out for several critical aspects in the landscape of administrative and judicial corruption in Colombia, specifically in the context of the department of Chocó. It focuses on illicit contracting and embezzlement by appropriation related to the acquisition of two plots of land for the urban development of Quibdó, to build sports facilities for the XX National Games. Together with the legal advisor, the municipal regent, faced accusations for the execution of two contracts for the sale of real estate with a total investment of \$1,801,725 USD.

The properties are a few kilometers from Quibdó, on the road that leads to Yuto, on the left side of the area, without complying with the essential requirements to finance sports projects, such as the location in the urban perimeter and the provision of basic domestic public services. This case underscores the importance of transparency and adherence to legal regulations in public procurement processes.

- 1. Selection of Lots and Preliminary Studies:** It is pointed out that the preliminary studies and the selection of lots were carried out without complying with the essential legal requirements, based on outdated and possibly inflated expert appraisals, which generated an overcharge in the acquisition of the land.
- 2. Expert Appraisals and Certificates of Budget Availability:** The use of expired expert appraisals and the issuance of certificates of budget availability based on them are criticized, which questions the legality and transparency of the contracting process.
- 3. Violation of Procurement Procedures:** The legal counsel and the municipal leader are accused of systematically violating standardized public procurement procedures, including the justification of the direct contracting modality and the omission of critical phases of planning and contractual selection.
- 4. Resource Diversion and Overpricing:** The prosecution alleges that resources were diverted from the municipality through the execution of contracts at prices exorbitantly higher than the commercial and cadastral values of the land, implying a significant patrimonial detriment for the municipality of Quibdó.
- 5. Conflicts of Interest and Favoritism:** The possible conflict of interest given by the relationship between the sellers of the land and financiers of previous political campaigns is highlighted, which suggests an undue favoritism in the selection and acquisition of the properties.

Legal Conclusions:

Destination of Resources and Amount of Diverted Resources

The misappropriation of resources in this case amounted to more than two thousand one hundred and thirty million pesos (\$1,128,728 USD), destined for the purchase of these properties without complying with the legal criteria or with the real needs of the municipality for the development of sports infrastructure. This fact not only represents a serious patrimonial detriment for the municipality of Quibdó, but also evidences a flagrant violation of the principles of efficient and transparent public administration.

Analysis of Corruption and its Impact

This case exemplifies patterns of corruption that go beyond mere embezzlement, reflecting a deep disregard for legality and public welfare. The involvement of senior municipal officials, including a local governor, in procurement processes riddled with legal and material irregularities, underscores the challenge that corruption poses to the rule of law and public trust in institutions.

³Attorney General's Office of Colombia. (2024). Database of Corruption Cases. Retrieved on 26/02/2024, from Coordination of the Unit of Sectional Prosecutors' Offices for Crimes against the Public Administration of Quibdó.

This case, demonstrating the influence of personal and political relationships on hiring decisions, especially when involving political campaign funders, reveals an intertwined complex of interests that undermines the impartiality and objectivity required in the management of public resources. Therefore, the perception of justice within the community has been undermined,

The dossier illustrates how administrative and judicial corruption not only results in the loss of significant financial resources, but also erodes public trust in government institutions, compromising social and economic development. This analysis highlights the importance of addressing corruption in a comprehensive manner, promoting transparency, integrity, and accountability in public administration to ensure justice and community well-being.

The case brings to light complex interactions between public administration and private interests, highlighting the importance of adhering to the principles of legality, transparency and fairness in the management of public resources. The accusations, based on the neglect of legal procedures for public procurement and the management of municipal funds, underscore the need for more robust oversight and accountability mechanisms in public administration, especially in contexts susceptible to corruption and embezzlement.

School Feeding Program (PAE) in Chocó⁴

The case of the Secretary of Social Integration of the State Administration, involved in irregularities with the School Feeding Program (PAE) in Chocó, presents a complex web of corruption that highlights the challenges faced by the public administration in Colombia to guarantee transparency and justice in the management of resources destined for social programs.

Context and Key Facts

In April 2015, the Government of Chocó and a non-profit organization signed a supply contract for the administration and implementation of the PAE in the 31 municipalities of the department. This contract amounted to more than \$1,672,857 USD, with an additional of more than \$800,000 USD. However, complaints and evidence showed that the contractors failed to provide adequate food rations, resulting in a significant diversion of resources.

The government official and contractual supervisor of the PAE played a key role in these irregularities. The official showed an improper interest in the contract by favoring a non-governmental organization where she had previously worked. This interest led her to facilitate the NGO taking charge of the PAE in several municipalities, although ESAL was supposed to operate the program directly. This action not only compromised the integrity of the contract, but also resulted in the misappropriation of resources intended to meet the basic needs of the school population.

Legal and Judicial Implications

The Prosecutor's Office accused the official and others involved of several crimes, including improper interest in the conclusion of contracts, extortion and embezzlement by appropriation for themselves and third parties, and illicit enrichment. These accusations reflect a profound abuse of power and a clear violation of public ethics, where the well-being of the children and adolescents of Chocó was sacrificed for personal and financial interests.

The case also reveals systemic failures in the oversight and control mechanisms of public procurement, where lack of diligence and corruption can undermine critical programs for social and educational development. The house arrest imposed on the Provincial Secretary underscores the seriousness of the allegations and the need for firm judicial action to address these corrupt practices.

⁴ Attorney General's Office of Colombia. (2024). Database of Corruption Cases. Retrieved on 26/02/2024, from Coordination of the Unit of Sectional Prosecutors' Offices for Crimes against the Public Administration of Quibdó.

Final Thoughts

This case illustrates the persistent challenges Colombia faces in the fight against corruption, especially in vulnerable sectors such as education. Corruption not only diverts critical resources but also erodes trust in public institutions and compromises the fundamental rights of affected communities. This analysis underscores the importance of strengthening systems of accountability and transparency, and of promoting a culture of integrity within public administration to protect and promote the well-being of all citizens.

Embezzlement of Municipal Indigenous Property Tax Resources in Chocó⁵

The criminal case implicates other councilors, former local councilors, public servants, private individuals and lawyers in a complex corruption scheme centered on another municipality in Chocó, Colombia. This research highlights several key aspects of administrative and judicial corruption, as well as its ethical and legal implications.

Case Highlights:

- **Charges and Crimes:** The local councilor, occupying the position of treasurer of the mayor's office of Bagadó, along with other municipal officials, was involved in the execution of payment agreements and the generation of millionaire moratorium penalties in favor of certain beneficiaries, without the order of a judicial authority. He is accused of Ideological Falsehood in a Public Document, Embezzlement by Appropriation in favor of himself and third parties, and Procedural Fraud.
- **Methods and Operation:** The operation consisted of the pre-dating of labor resolutions and certifications in favor of employees and contractors, creating fictitious labor obligations. Subsequently, moratorium penalties for non-payment of severance pay were recognized through administrative acts, which were paid with resources destined for the municipality of Bagadó, including compensation funds for indigenous property taxes.
- **Financial Impact:** It was determined that the diverted resources exceeded 2,195 million pesos, destined to the irregular payment of labor executive processes, directly benefiting a small group of individuals close to the municipal administration.
- **Legal and Judicial Repercussions:** The Prosecutor's Office accused another local councilor of being a co-perpetrator in the aforementioned crimes, pointing out her participation in the creation and subscription of fraudulently issued securities. Despite the seriousness of the facts and the evidence presented, the case has experienced revocations of security measures and declarations of nullity, reflecting challenges in the application of justice.

Implications and Reflections:

- **Corruption and Ethics:** The case highlights how administrative corruption and manipulation of the judicial system can undermine the foundations of justice and equity, directly affecting the well-being of the community and the socio-economic development of vulnerable regions such as Chocó.
- **Judicial System and Public Trust:** Difficulties in obtaining final convictions and revocations of precautionary measures negatively impact the public perception of the judicial system, fueling the feeling of impunity and distrust of the institutions in charge of imparting justice.
- **Recommendations for Action:** It is crucial to strengthen control and oversight mechanisms, promote transparency and accountability, and ensure that the judicial system acts impartially and effectively to combat corruption and protect the rights of affected communities.

The analysis of this case in the context of our study reinforces the need to address corruption with a comprehensive approach that includes judicial and administrative

⁵Attorney General's Office of Colombia. (2024). Database of Corruption Cases. Retrieved on 26/02/2024, from Coordination of the Unit of Sectional Prosecutors' Offices for Crimes against the Public Administration of Quibdó.

reforms, education in ethical values, and the participation of civil society to promote justice and equitable development.

Program for Reforestation and Technological Implementation in Wood in Chocó⁶

The case of the Timber Project of the Technological University of Chocó - UTCH, officially called "BPIN Project 2014000100035 and ii) Implementation of the Center for the Technological Development of Wood for Economic and Environmental Improvement of the Department of Chocó BPIN code 2018000100147", stands out for its complexity and the high amounts involved, exceeding 38 billion pesos. The investigation arose from a complaint by the Citizen Oversight Office of Chocó, which warned of alleged irregularities in these projects to apply science, technology and agricultural innovation to improve the timber sector in the Department of Chocó.

Several officials of the Technological University of Chocó "Diego Luis Córdoba", contractors and private individuals, including the rector of the university and the coordinator of the logging project, are accused of associating to commit crimes against the Public Administration, through contracts signed without complying with legal requirements. These contracts include the purchase of machinery and equipment, the acquisition of implements, the provision of services and consultancies, all carried out without due planning or observance of the principles of legality, efficiency, morality, among others, resulting in a millionaire patrimonial detriment.

Among the irregularities highlighted is the acquisition of machinery without having an adequate place to store it, which led to the signing of an addendum to pay for warehousing and the falsification of entry records of this machinery, which was only actually received three years after the stipulated date. In addition, contracts are mentioned for the conditioning of the physical space of the Center for the Technological Development of Wood and the construction of the first phase of this center, both carried out without respecting urban planning regulations or having the necessary public services, thus generating more patrimonial detriment.

The Prosecutor's Office has charged several people, including the two rectors of the university in different periods, for crimes such as contracting without complying with legal requirements and embezzlement by appropriation in favor of third parties, among others, reflecting a corruption scheme that involves the mismanagement of public funds and the violation of fundamental ethical and legal principles in the management of technological and economic development projects in the region.

The file of the "Woods Project - UTCH" involves officials of the Technological University of Chocó, contractors, and individuals in alleged irregularities with agricultural and timber technological development projects, resulting in the misappropriation of state funds in excess of 4,847 million pesos. The contracts were signed without complying with legal requirements, including forgery in public documents and use of false documents, affecting public assets and violating principles of legality and morality in the management of projects financed with royalty resources.

It offers a comprehensive perspective on corruption and embezzlement in technological and environmental development projects, highlighting the complexity and diversity of the ways in which these criminal acts can manifest themselves. It has several significant repercussions and impacts, both in the academic and in the practical and social spheres, particularly in the context of corruption in Colombia and, more specifically, in the Department of Chocó. Here are some of the main considerations, which are broken down into several key points:

- **Magnitude of Economic and Social Damage:** The case involves a misappropriation of significant resources, more than 4,847 million pesos, destined for science, technology and innovation in the Chocó timber sector. Analyzing this case deepens the understanding

⁶Attorney General's Office of Colombia. (2024). Database of Corruption Cases. Retrieved on 26/02/2024, from Coordination of the Unit of Sectional Prosecutors' Offices for Crimes against the Public Administration of Quibdó.

of the economic and social impact of corruption in projects that seek sustainable development and the well-being of vulnerable communities.

- **Modus Operandi of Corruption in Educational Institutions:** The case reveals how high-level officials of an educational institution, in this case the Technological University of Chocó, can become involved in corruption schemes, highlighting the need for stronger internal oversight and control mechanisms in the public and education sectors.
- **Violation of Legal and Contractual Processes:** The detailed description of how legal requirements and contractual processes were violated to favor the appropriation of funds provides a basis for discussing the importance of adhering to legality and transparency in the administration of public resources.
- **Impact on Public Perception of Justice and Public Administration:** The involvement of public officials and the complexity of unlawful acts underscore how such cases can erode public trust in institutions. This analysis can contribute to the discussion on the need for reforms to strengthen institutional integrity. By revealing the mechanisms and consequences of corrupt practices, the study can contribute to greater public awareness and demand for transparency and accountability.
- **Challenges in Investigation and Prosecution:** The case raises reflections on the challenges faced by authorities in investigating, accusing and punishing those responsible for embezzlement and corruption, highlighting the importance of strengthening the judicial system and investigative capacities.
- **Implications for Public Policy and Reforms:** The study of this case can generate recommendations to improve public policies related to government procurement, the management of projects financed with public resources, and the prevention of corruption.
- **Lessons for Technology Development Project Management:** Finally, the case serves as a case study on the specific risks and challenges in the management of innovation and technology development projects, proposing lessons on how to ensure their effective and transparent execution.
- **Exemplification of Corruption in Public Administration:** This case serves as a detailed example of how resources intended for technological and economic development can be misappropriated through corrupt practices. It highlights the complex networks of corruption that can exist within public institutions and how these negatively affect regional development.
- **Basis for Academic Discussion:** Incorporating this case into the study provides a solid basis for academic discussions about corruption, its causes, and its effects on society. It allows ethical and philosophical theories to be explored in real and complex contexts, offering students and academics a rich case study for analysis and reflection.
- **Political and Legal Implications:** The study of this case and its inclusion in academic analysis may have political and legal implications, by pointing out not only deficiencies in control and oversight mechanisms, but also by suggesting possible reforms and strategies to prevent corruption in the future.
- **Promotion of Anti-Corruption Strategies:** Analyzing this case within the study promotes the discussion of effective anti-corruption strategies and the importance of implementing integrity and transparency measures in the management of projects financed with public resources.
- **Contribution to Knowledge on Regional Corruption:** The case offers an in-depth view of corruption in Chocó, a region with unique challenges due to its socioeconomic and political situation. The study contributes to knowledge about how corruption affects regional development and how communities can be particularly vulnerable to these practices.
- **Raising Awareness of the Impact of Embezzlement of Resources:** The case concretely illustrates the negative impact that embezzlement of resources has on development projects and how this can delay or even impede the economic and social progress of already disadvantaged regions.

- **Generation of Dialogue and Community Action:** The dissemination of this case and its analysis can generate a greater dialogue between the academic community, civil society and the authorities, promoting collective actions to confront and prevent corruption.

Results and Analysis

The results and analysis section of our study on corruption in the department of Chocó, Colombia, focuses on the detailed comparison of the four significant cases of embezzlement and administrative corruption. This comparison highlights recurring patterns in the geographic location of crimes, identifies key victims, charts the destination of misappropriated resources, and quantifies diverted resources. Through a rigorous methodology, the similarities and differences between the cases are examined, allowing for a deeper understanding of the dynamics of corruption in the region. A statistical table is used to present these findings in a concise manner, thus facilitating their interpretation and analysis. This quantitative and qualitative approach reveals not only the scale of corruption in Chocó but also its devastating impacts on public perceptions of justice and trust in government institutions.

Comparative Table of Corruption Cases

Here is an outline of what the comparison table would look like, taking into account the key elements of each case:

Case	Geographic Location	Victims	Resource Destination	Amount of Resources Diverted	Scale and Scope	Date of Occurrence	Assurance Measure	Sentencing Status	Sense of Impunity
School Feeding Program (PAE)	Quibdó, Chocó	Boys and girls in school, Department of Chocó	Enrichment of contractors and officials	More than \$1,040,000 USD	Local & Regional	2016-2018	No security measures were imposed	On trial since 2020. Lengthy process. Pending Practice of Evidence	Very high
Acquisition of Properties with Cost Overruns	Quibdó, Chocó	Municipality of Quibdó	Irregular acquisition of land for sports projects	Approximately \$1,632,800 USD	Local	2014-2015	Pre-trial detention at second instance	On trial since 2018. Lengthy process. Pending Practice of Evidence	Moderate
Embezzlement of Indigenas Property Resources	Bagadó, Chocó	Municipality of Bagadó	Fraudulent payment of false labor claims	More than \$1,179,020 USD	Local	2012-2014	Miscellaneous, including house arrest for some of those involved	On trial since 2017. Lengthy process. Pending Practice of Evidence	Loud

Woods Project UTCH	Quibdó & Department of Chocó.	Department of Chocó	Diversion of funds from innovation projects	Approximately \$1,502,570 USD	Local & Regional	Multiple years, including 2017-2020	Former officials only. None to the current rector with more than 11 positions	On trial since 2023. Indictment Hearing Pending	Loud
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This table summarizes the cases studied, focusing on key aspects such as location, victims, destination of diverted resources, amount of resources, scale of the case, dates of occurrence, security measures taken (if any), current status of sentences, and the sense of perceived impunity in each case.

Now, we will proceed with the discussion section, taking into account the comparative chart provided and the detailed analyses of each case.

Discussion

The investigation of the four corruption cases in Quibdó, Chocó, reveals recurring patterns of embezzlement, diversion of resources, and illicit enrichment, which not only undermine the integrity of public institutions but also erode community trust in the justice system. Through a comparative analysis, several key aspects are highlighted that reflect the complexity and depth of the problem of corruption in this region.

- First, the common geographic location of Quibdó, Chocó, in all cases, underscores how corruption has become entrenched in the administrative and social fabric of the region, disproportionately affecting vulnerable communities, including schoolchildren and indigenous communities. This geographical location also highlights the lack of effective controls and the ease with which resources intended for public welfare can be diverted for personal purposes.
- Second, the destination of misappropriated resources, ranging from illicit enrichment and the financing of political campaigns to the payment of fictitious moratorium penalties, demonstrates the diversity of methods used to defraud the treasury. This reflects not only the creativity of corrupt actors to exploit legal and administrative loopholes, but also the profound lack of morality and disregard for the common welfare.
- The amount of resources diverted, especially in the cases of the PAE and the Secretariat of State Administration, which amount to more than \$1,500 million COP, highlights the magnitude of the damage inflicted on public finances and the social and economic development of Quibdó. Instead of enriching a few, these funds could have been used to improve educational infrastructure, health services, and community development projects.
- The scale and scope of the cases, which vary from local to regional, along with the dates of occurrence suggest a persistence and continuity of the problem of corruption over time, indicating a culture of impunity and the lack of effective corrective measures.
- The variability in the imposition of security measures, where only in exceptional cases was pre-trial detention achieved, along with the pending status of all sentences, reflects the difficulties in the judicial process to effectively address corruption crimes. This, in turn, fuels a sense of impunity and calls into question the effectiveness of the justice system in protecting public assets and punishing those responsible.

In short, these cases illustrate not only the prevalence of corruption in Quibdó but also the complex interactions between economic, social and judicial factors that facilitate these crimes. They highlight the urgent need for comprehensive reforms that strengthen accountability mechanisms, improve transparency in the management of public resources, and restore confidence in justice institutions.

IV Analysis of Biases in the Judicial Adjudication of Embezzlement Cases in the Judicial District of Quibdó: A Legal-Philosophical Perspective

In the legal scenario of the Judicial District of Quibdó, the adjudication of cases of embezzlement by appropriation is inextricably influenced by a series of cognitive and structural biases. This chapter focuses on the study of judicial biases in the treatment of embezzlement crimes in Quibdó during the period 2008-2022, highlighting a trend towards reluctance in the imposition of security measures, especially marked since 2016. The methodology used includes the analysis of 20 representative cases, observing a preference for non-custodial security measures and a notable decrease in their application according to the criteria of continuity and repetition of conduct, nature, seriousness and plurality of crimes investigated, permanence in criminal organizations and criminal history.

The findings indicate that cognitive and structural biases may have significantly influenced these decisions, contributing to an inconsistent application of justice and the perception of impunity. An in-depth discussion of how these biases affect the fairness and effectiveness of the judicial system is proposed, and strategies to mitigate their impact are suggested, including judicial training focused on objectivity and review of procedures to ensure greater transparency and fairness. These biases, which penetrate the core of judicial decision-making, undermine impartiality and objectivity, fundamental pillars of justice as conceptualized in deontological theories and in the philosophy of law.

Authority Bias (*Argumentum ad Verecundiam*):

This bias manifests itself as a significant distortion in the judicial decision-making process. It manifests itself when justice operators give excessive consideration to the positions or pronouncements issued by individuals in positions of power or influence, whether they are high-level government officials or prominent local businessmen. Undue deference to these authority figures compromises the integrity and autonomy of the judicial system, violating the principles of procedural fairness, equality before the law, and judicial impartiality. Such a predisposition underlines the imperative need to strengthen mechanisms for legal training and updating that promote judicial independence and objectivity in the evaluation of evidence and arguments, thus ensuring the integrity of the judicial process in the face of inappropriate external influences.

Conformist Pressure (*Conformity Bias*):

The influence of group dynamics and institutional expectations on the judicial process can foster a uniformity in adjudications that contradicts the Kantian principle of considering justice as an end in itself. This principle underscores the importance of keeping justice free from outside influences, ensuring that every decision is made based on the fairness and impartiality inherent in the law. The homogenization of sentences under group or institutional influences erodes this ideal, urging a critical review of judicial practices to preserve the integrity of justice as a fundamental pillar of the legal system.

Empathic Bias (*Pathos*):

In reference to the cases analyzed in Quibdó, the prevalence of poverty in the region can significantly influence the judicial process, increasing empathy towards the victims of embezzlement. This socio-economic condition, while fostering a deep human understanding towards the affected parties, has the potential to skew judicial decisions, moving them away from the ideal of objectivity. This phenomenon underscores the need to maintain impartiality in the administration of justice, ensuring that decisions are based on the law and evidence, without being swayed by external emotions or circumstances.

Information Bias (*Overload Bias*):

The inherent complexity of corruption cases can lead to a disproportionate focus on certain aspects of the case, neglecting others. It occurs when justice operators, consciously or unconsciously, allow the amount and type of information available to affect their judgments and decisions. This violates the principle of totality in the appreciation of evidence, essential for a fair trial.

The information bias, observed in the judicial decisions of the cases analyzed in Quibdó, reflects how the availability or lack of complete information can influence the judicial process. In the context of the judicial district analyzed, where resources and access to complete information may be limited, this bias can lead to decisions that do not fully reflect the reality of the case, affecting the fairness and justice of the process.

Confirmation of Previous Hypotheses (Confirmation Bias):

This bias refers to the tendency to favor information that corroborates the judge's pre-existing beliefs, ignoring or minimizing evidence that contradicts them. Such a predisposition is counterproductive to the application of the principle of impartiality and contradicts the legal methodology of objective analysis of evidence.

It is essential to distinguish confirmation bias from previous hypotheses from other types of biases in the judicial context of Quibdó, especially given the narrow social fabric. This specific bias refers to the tendency to favor information that supports preconceptions, not to be confused with influences of familiarity or friendship. Although close relationships can exacerbate it, confirmation bias is inherently cognitive, related to interpreting evidence rather than personal connections per se.

Heuristic Anchoring (Anchoring Bias):

The tendency to rely excessively on the first piece of information offered (anchoring) in judicial decision-making can lead to a biased interpretation of the case, violating the principles of thorough analysis and equitable consideration.

The heuristic anchoring in Quibdó may have derived from preliminary information presented in the initial stages of the judicial proceedings. This bias could significantly affect decisions by causing judicial operators to rely excessively on first impressions, potentially ignoring contrary or complementary evidence presented later. In a context such as Quibdó, where initial narratives may be influenced by community dynamics, heuristic anchoring could result in decisions that do not reflect the complexity of the cases, thus affecting the perception of justice in the community.

Self-Interest Biases:

The possibility of personal gain or avoiding negative repercussions can influence court decisions. This bias represents a serious transgression of ethical and deontological principles, compromising judicial integrity and the principle of justice.

The bias of personal interests and profits, in the context of Quibdó's judicial system, manifests itself when judicial operators (judges, prosecutors and lawyers) prioritize personal, economic or network interests over the principles of impartiality and justice. This phenomenon is aggravated by judicial smugglers, a market for favors where alignments and decisions can be influenced by relationships and mutual benefits, to the detriment of procedural fairness. Community perception of these practices, along with anonymous allegations of corruption such as bribery, extortion, and illicit enrichment, underscores the critical need to strengthen control and transparency mechanisms to ensure judicial integrity.

The presence of these biases in the judicial process not only challenges fundamental ethical principles, but also jeopardizes the legitimacy and effectiveness of the justice system. The mitigation of these biases requires continuous critical reflection, ethical education and an unwavering commitment to the principles of justice, equity and objectivity, indispensable elements to safeguard the integrity of the judicial process in Quibdó.

V Critical Legal-Philosophical Analysis: Evaluation of Judicial Decisions in Embezzlement Cases in the Judicial District of Quibdó

Types of Corruption:

Quibdó, capital of Colombia's Chocó department, faces significant challenges marked by corruption in its judicial system, profoundly impacting the legitimacy of its democratic

institutions and socio-economic development. This context underscores the urgent need to address corruption effectively to ensure fairness and justice, thereby promoting an equitable and conducive environment for the advancement of the entire community. The fight against corruption in Quibdó is crucial to overcome barriers to development and ensure a brighter future for its inhabitants.

In the specific context of Quibdó, typologies of corruption in the judicial system can be identified that reflect the findings and considerations of the report "The Judicial Integrity Initiative". Two of the key typologies that can be applied in Quibdó are bribery and undue political influence, which undermine judicial integrity and compromise the impartiality of the legal process. Bribery in the Quibdó judicial system can manifest itself through the acceptance of improper payments by judges, lawyers, or other judicial professionals to influence court decisions, manipulate evidence, or favor one of the parties in a case. This practice not only distorts justice and equity in conflict resolution, but also undermines public trust in the judicial system and undermines the legitimacy of institutions.

On the other hand, undue political influence in Quibdó may involve external pressures on judges and other judicial actors to make decisions that favor certain political or economic interests rather than relying on the law and the evidence presented in the case. This external interference compromises judicial independence and puts the impartiality of the legal process at risk, which can lead to unfair outcomes and erode trust in the judicial system. To address these specific challenges in Quibdó, it is critical to find an optimal balance between independence and accountability within the judicial system. Protecting judicial professionals from undue influence, promoting monitoring and transparency mechanisms, and establishing effective safeguards against corruption are key aspects of preventing corrupt practices and ensuring a fair and impartial judicial process in Quibdó.

By adapting the report's general recommendations to Quibdó's local specificities, work can be done to strengthen the judicial system, promoting reforms that increase transparency, equity, and integrity in the administration of justice. Addressing corruption in Quibdó's judicial system requires a comprehensive approach that considers both the structural aspects of the system and the individual behaviors of judicial professionals, with the aim of ensuring a reliable and fair judicial system for all citizens.

In the Judicial District of Quibdó, judicial professionals face unique challenges arising from the prevalence of corruption, which undermine the integrity and stability of their democratic institutions. This challenging environment highlights the critical importance of sustaining judicial integrity as a pillar for accountable governance and the effective implementation of anti-corruption strategies. The fight against corruption in Quibdó requires a commitment to transparency, evidence-based debate and the promotion of judicial reforms, ensuring a fairer and more equitable justice system for all its inhabitants. The specific challenges faced by judicial professionals in Quibdó highlight the urgency of addressing judicial corruption that undermines the legitimacy of democratic institutions and socio-economic development. The interaction between judicial professionals is fraught with corruption risks, including bribery and undue political influence. This analysis highlights the importance of strengthening judicial integrity as an essential precondition for accountable governance. Effective anti-corruption strategies require a careful balance between ensuring judicial independence and establishing robust accountability mechanisms. This approach must be accompanied by a commitment to transparency, promoting judicial reforms that increase both the equity and effectiveness of the judicial system in Quibdó. This allows us to propose:

Promotion of Judicial Integrity

The promotion of judicial integrity is an essential process to ensure transparency, ethics and fairness in the judicial system. According to (Basel_Institute_on_Governance, 2016) this process involves the implementation of measures aimed at strengthening the honesty, impartiality and accountability of judicial actors, as well as preventing and combating corruption in the judicial sphere.

In this context, it is crucial that the promotion of judicial integrity includes affirmative action that fosters a culture of transparency, access to justice and respect for human rights in the exercise of the judicial function. It also underlines the importance of establishing

control, oversight and accountability mechanisms to ensure that legal professionals meet the highest ethical and legal standards. Strengthening public confidence in the judicial system, ensuring equal access to justice and judicial decision-making based on sound ethical principles are key to contributing to the legitimacy and effectiveness of the judicial system as a whole. These teleological objectives are essential to promoting judicial integrity and ensuring an equitable and just judicial system for all citizens.

Ethical and Philosophical Reflection on Judicial Decisions

From a deontological perspective, judicial decisions in cases of corruption, such as embezzlement, must be the mirror of integrity and fairness. This demands a critical evaluation of whether the judicial resolutions in Quibdó adhere to these moral imperatives, or if they are contaminated by systemic corruption and favoritism, thus contravening the ethical principles of universal justice. Naturally, the observance of the human rights of those involved, both accused and victims, is also a reflection of the philosophy of natural law. It is necessary to investigate whether judicial resolutions honor this ethical tradition, guaranteeing a fair and transparent process.

Discrepancies with Ethical Precepts

The investigation reveals that cases of embezzlement marked by significant impunity have been identified in Quibdó, which constitutes a serious transgression against distributive justice. This impunity, along with the disparity in the treatment of those involved based on socioeconomic status or power, undermines the principles of equality and justice in the judicial system. It is recommended to strengthen accountability and transparency mechanisms, ensuring equitable treatment of all accused and promoting a complete and fair justice system.

Social Impact of Judicial Resolutions

The judicial decisions in Quibdó on embezzlement have a profound impact on the community, extending their effects beyond the legal spheres towards collective well-being. This study concludes that such resolutions have, at times, perpetuated injustice and social inequality, negatively affecting the perception of legitimacy of the judicial system. It is evident that public trust is eroded by decisions seen as unfair, highlighting the critical importance of aligning the judicial system with fundamental ethical principles to improve its credibility and effectiveness. It is recommended to implement strategies that promote transparency and equity, ensuring that judicial decisions actively promote collective well-being and reinforce confidence in the Quibdó judicial system.

Conclusion:

The investigation of judicial processes in embezzlement cases in the Judicial District of Quibdó, from a philosophical-legal perspective, reveals the complexity inherent in the application of fundamental ethical and legal principles in a challenging socioeconomic context. The lack of equity in adjudication and the prevalence of biases underscore the need for a reorientation toward justice that not only punishes crime, but also rebuilds the social fabric damaged by corruption.

The reflections of this study, guided by the theories of justice and ethics of authors such as Rawls and Dworkin, and complemented by the recent initiatives of the International Bar Association (2016), highlight the critical need for judicial reforms in Quibdó that not only address the corruption, but also promote a more transparent, equitable judicial system aligned with fundamental ethical principles.

The application of justice, rooted in the Kantian principles of impartiality and objectivity, is compromised by the influence of external factors. The prevalence of cognitive and structural biases among judicial operators highlights the gap between legal theory and practice. From a deontological perspective, judicial autonomy and adherence to sound professional ethics are essential to ensure fair decisions. However, the Quibdó context

raises questions about the ability of judicial operators to maintain their independence in the face of external and internal pressures.

Final Reflections and Perspectives for Improvement

This analysis, based on the rich tradition of moral and political philosophy, highlights the urgency of a deep introspection within Quibdó's judicial system, inspired by Rawls's theory of justice as equity, Dworkin's conception of the rule of law, Sen's broad view of justice, Kant's deontological ethics, and Aristotle's practical morality. These theoretical frameworks urge an application of justice free of cognitive distortions and favoritism, aligned with the principles of substantive equality, procedural fairness, and distributive equity.

To address blackmail and other corrupt practices in Quibdó, a renewed commitment to the ethical and philosophical training of judicial operators is proposed, promoting justice that transcends the mechanical application of the law to embody the ideals of justice and equity. This requires structural reforms that strengthen judicial independence and ensure a transparent and equitable process, thus reflecting the essence of the aforementioned theories of justice and law.

Ultimately, the goal is for Quibdó's judicial system to not only resolve legal disputes, but also act as a custodian of justice in its broadest sense, contributing to collective well-being and strengthening public trust in judicial institutions. This challenge, although formidable, is essential for the realization of a more just and equitable society, in line with the philosophical and ethical principles that have guided legal and political thought throughout history.

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