



Algunas vicisitudes del proceso monitorio en Colombia: una visión desde la academia [

2016

text (article)

Analítica

Introduction: This article is the result of research carried out by the research incubator of Procedural Law of the Bucaramanga Campus of the Universidad Cooperativa de Colombia (ucc). **Methodology :** Analysis of certain aspects of the new small claims procedure for declaratory judgment, which the General Procedure Code (cgp by its Spanish initials) successfully introduced into the legal system. These aspects are related to type, good faith of the creditor, exhaustion of procedural requirements, and propriety of interim measures. The analysis was performed pursuant to Articles 419 to 421 and 590 of the cgp , Law 640 of 2001, Decision C-726 of 2014 of the Constitutional Court of Colombia, and Calamandrei's theory on small claims procedure. **Results:** The legislature has shown the same procedural treatment to both pure and documentary small claims procedure, contrary to Calamandrei's theory; the admission of pure small claims procedure implies that the judge supports the requirement of good faith payment to the creditor. In accordance with the norms on pre-trial conciliation, to initiate a small claims procedure classified as special declaratory, the plaintiff must prove compliance with the procedural requirements, that is, provide proof of having exhausted the attempt at conciliation. However, the plaintiff may substitute this with the request for and, logically, with the propriety of an interim measure, for which security must be furnished. **Conclusions :** In small claims procedure, the plaintiff must provide proof of having exhausted procedural requirements. Finding an innominate measure in the context of small claims procedure with a view to guaranteeing the effectiveness of the right to credence will be a difficult task

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Título: Algunas vicisitudes del proceso monitorio en Colombia: una visión desde la academia [electronic resource]

Editorial: 2016

Tipo Audiovisual: buena fe celeridad medida cautelar innominada proceso declarativo monitorio good faith promptness innominate interim measure small claims procedure for declaratory judgment boa-fé celeridade medida cautelar inominada processo declarativo monitorio

Documento fuente: DIXI, ISSN 0124-7255, N°. 24, 2016

Nota general: application/pdf

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Lengua: Spanish

Enlace a fuente de información: DIXI, ISSN 0124-7255, N°. 24, 2016

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