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HISTORICAL CONTEXT OF THE JUSTICE OF PEACE LIKE ALTERNATIVE MECHANISM OF JUSTICE IN VENEZUELA

CONTEXTO HISTÓRICO DE LA JUSTICIA DE PAZ COMO MECANISMO ALTERNATIVO DE JUSTICIA EN VENEZUELA

IL CONTESTO STORICO DELLA GIUSTIZIA DI PACE GRADISCE IL MECCANISMO ALTERNATIVO DI GIUSTIZIA NEL VENEZUELA

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ABSTRACT

The objective of the research was to analyze historical context of the justice of peace like alternative mechanism of justice in Venezuela. The foundations of the investigation

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constituted it The Holy Magna Carta (1999), Cano y Molina Rueda (2015), Zubillaga (2007), Núñez and Córdoba, (2006), Michelena de la Cova (2004), UNESCO (2006), among others. The investigation was qualitative, framed in the critical partner paradigm, the method was the hermeneutics understanding and the technique was the content analysis. It was made like added value of this investigation, a table summarizes comparative of the laws on the justice of peace of 1994 and 2012. One concluded in the necessity imperatively to restore that mechanism of pluralistic character of alternative justice. As far as the little support that has offered the Justice of Peace, it would be possible to be affirmed that there is not much interest in developing a legal pluralism, since, from 2002 there have been no elections of peace judges and at heart it seems to be that a monistic conception in our legal reality prevails, being stated a contradiction between the stipulated thing by the constitutional rules of 1999, the Ley Organic Justice Paz Communal (2012) and the protagonist roll that has been wanted to him to grant to the citizen participation in all the scopes of being able.

Keywords: justice, peace, conciliation, university, judicial pluralism.

RESUMEN

El objetivo de la investigación fue analizar el contexto histórico de la justicia de paz como mecanismo alternativo de justicia en Venezuela. Los fundamentos de la investigación lo constituyeron La Carta Magna (1999), Cano y Molina Rueda (2015), Zubillaga (2007), Núñez y Córdoba, (2006) Michelena de la Cova (2004), UNESCO (2006), entre otros. La investigación fue cualitativa, enmarcada en el paradigma interpretativo, el método fue la comprensión hermenéutica y la técnica fue el análisis de contenido. Se realizó como valor agregado de esta investigación, un cuadro resumen comparativo de las leyes sobre la justicia de paz de 1994 y 2012. Se concluyó en la necesidad de instaurar imperativamente ese mecanismo de carácter pluralista de la justicia alternativa. En cuanto al poco apoyo que se le ha brindado a la Justicia de Paz, se podría afirmar que no hay mucho interés en desarrollar un pluralismo jurídico, puesto que, desde 2002 no ha habido elecciones de jueces de paz y en el fondo parece ser que prevalece una concepción monista en nuestra realidad jurídica, constatándose una contradicción entre lo estipulado por los preceptos

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constitucionales de 1999, la Ley Orgánica Justicia Paz Comunal (2012) y el rol protagónico que se le ha querido otorgar a la participación ciudadana en todos los ámbitos de poder.

Palabras clave: justicia, paz, conciliación, universidad, pluralismo judicial.

RIASSUNTO

L'obiettivo della ricerca era quello di analizzare il contesto storico della giustizia della pace come un meccanismo alternativo di giustizia in Venezuela. Le fondamenta dell'inchiesta sono state costituite la Magna Carta (1999), Cano e Molina Rueda (2015), Zubillaga (2007), Nunez (2006) Michelena de la Cova (2004), UNESCO (2006), tra gli altri. La ricerca è stata qualitativa, parte del paradigma interpretativo, il metodo era la comprensione ermeneutica e tecnica è stata l'analisi del contenuto. E 'stato fatto come un valore aggiunto di questa ricerca, una sintesi comparativa della legge sulla giustizia e la pace 1994 pittura 2012. Si è concluso sulla necessità di istituire con urgenza che il meccanismo carattere pluralistico della giustizia alternativa. Quanto al piccolo sostegno che è stato dato alla Giustizia della Pace, si potrebbe dire che non c'è molto interesse a sviluppare un pluralismo giuridico, dal momento che dal 2002 non sono state elezioni per i giudici della pace e fondamentalmente sembra che prevale una concezione monistica nella nostra realtà giuridica, a conferma di una contraddizione tra le disposizioni delle disposizioni costituzionali del 1999, la comunità organica legge giustizia Pace (2012) e il ruolo di primo piano che ha voluto dargli la partecipazione dei cittadini in tutti i settori il potere.

Parole chiave: giustizia, pace, conciliazione, università, pluralismo giudiziario.

INTRODUCTION

The area of social sciences aims to form citizens with levels of membership and commitment jointly with the Venezuelan State, from the national, regional and local point of view. As well as developing education in values, citizen participation, Venezuelan legal system, human rights, preservation of the heritage of its community, peace justice, among others, for the transformation of society.

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The importance of transmitting, investigating or teaching the history of peace justice for Latin America, and particularly for Venezuela, is to give society the knowledge of who we are, how we have built our social organization and therefore, as we have contributed to its development. Empowering and consistently advocating the values of new forms of citizen participation at the regional and national levels, so that they can become aware of their rights and duties by taking control of their destinies.

The Constitution of the Bolivarian Republic of Venezuela (National Constituent Assembly, 1999) is a reference of what is proposed as it advocates participatory and protagonist democracy, which considers the capacity of individuals to organize and transform reality, to turn their individual weakness into collective force, together with the co-responsibility of the citizen in the exercise of his rights and duties.

Certainly, within the framework of a social state of law and justice as the Venezuelan, the justice of peace constitutes a mechanism for citizen participation in the resolution of conflicts since it is about bringing the citizen to justice, to guide him on their rights, in order to facilitate the use of alternative resolution mechanisms in non-formal community and judicial spaces.

In the structure of this research the objective refers to the analysis of the historical context of the justice of peace as an alternative mechanism of justice in Venezuela. To this end, the historical context of the justice of peace is developed from a general and particular point of view. Next, a comparative summary table is presented on the weaknesses and strengths of the Organic Laws on the Justice of Peace of 1994 and 2012 as added value.

HISTORICAL CONTEXT OF THE PEACE JUSTICE

To explain the historical context at this point, it is argued that the feminine noun justice comes from the Latin iustitia, which in its first meaning deals with "one of the four cardinal virtues, which inclines to give each one what belongs to him or belongs" Dictionary of the Royal Spanish Academy (2006, p. 902). In this way, justice and peace have been defined as the object of study of this research, which will be studied until reaching the current

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conception of the meaning of peace justice in the communities. It is interesting to note that the concept of a culture of peace in our time was first proposed at the UNESCO International Congress on Peace in the Minds of Men held in Yamusukro (Ivory Coast) in 1989, however, since the antiquity has existed the conception of peacemakers or intermediaries to achieve the peace (current judges of peace), Ardila (2003).

Etymologically the feminine noun peace comes from the Latin pax, pacis, which has different meanings, for this specific case will take the meaning that corresponds more with the justice of peace in the communities; refers to "tranquility and good correspondence of some people with others, especially in families, as opposed to dissensions, quarrels and lawsuits," according to the). The idea of establishing peace has originated from ancient times Dictionary of the Royal Spanish Academy, (DRAE, 2006, 1158and in different beliefs, as stipulated by the religious records of Judaism, Christianity, Buddhism, among others.

Moreover, in a certain way, peace has been represented throughout Western history according to Martínez (2000), as a woman: Peace was born with body and feminine attributes in ancient Greece, embodied in the goddess Eirene (fruit of the union of Temis the goddess who rules the eternal laws and Zeus) and his figure was always related to prosperity and well-being. Although peace has always been agreed by men, "The image of peace and the attributes with which it has been adorned, has been part of a complex symbolic world" (Martinez, 2000, p.255) and in this universe they were considered the binomials: peace and fertility, peace and abundance, peace and life, peace and creation, transmitted throughout history. In antiquity, according to the author cited above when peace was not signed by diplomatic agreements, women joined, spoke with their children, husbands or kidnappers to sign the peace.

In the middle Ages, according to Muñoz (1998), the mediating action of some noble women and queens had ample opportunity to manifest itself in the creation and maintenance of peace to restore a civilizing context opposed to material and human destruction, but always framed diplomatic activities in the private sphere.

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On the other hand, religious-political thought until the end of the fifteenth century and intellectual reflection in the West, according to Rodríguez Lorenzo (2003), was not concerned with peace or its promotion, this statement was made after exploring that topic in three of the thinkers considered most important in the transition to Modernity in Western Europe: Erasmus of Rotterdam (1469-1536), Martin (1483-1546) and Juan Luis Vives (1492-1540), protagonists in addition, of the debates that are were given, both on the battlefield and in universities (closely linked to the Churches), around the fracture of dominant political-religious thinking under the Reformation process.

For these three thinkers peace was a fundamental value, whereas the war by opposition was worthy of all rejection. These conceptions were argued with texts extracted from the Old and New Testaments, as well as from pagan history itself, attributed to Erasmus of Rotterdam (late fifteenth century), the prestigious merit of being the inaugurator of the reflection on it and be, consequently, called the Father of Pacifism, in the cultural sphere of the West. Rodríguez Lorenzo (2003). Equally women, mothers, were alert to war situations to advocate for peace.

A very important work of the eighteenth century; on perpetual Peace, written in 1795 by Enmanuel Kant, a treaty that had as its objective to recommend a world structure and a perspective of government that favored the peace. This Kantian work was a project to create a legal order, which considered war as illegal. Zambrano (1991), quoted by Martinez (2000), adds that peace can only be achieved through the path of reason or that of religion, and that perpetual Peace, Kant's golden dream, was peace based on the human, guarded by reason, by universal law.

However, in the context of the development of peace, as opposed to it, mention should be made of the unlawful act as Kant considered it, the development of the twentieth-century world wars, in which humiliating and embarrassing treaties were signed for the vanquished, as observed in the International Treaty of Paris of 1947, signed on February 10, 1947, by representatives of the following winning and allied nations: Union of Soviet Socialist Republics, United States of America, United Kingdom of Great Britain and Northern Ireland, France, Poland, the People's Republic of Yugoslavia, Czechoslovakia

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and the Kingdom of Greece. And for defeated allies of defeated Germany: Italy, Romania, Hungary, Bulgaria and Finland, González (2011).

The aforementioned treaty divided the Western world into two poles: the Soviet (socialist) and the United States (capitalist). The mediators in the conflicts that occurred later were these two powerful nations with their allies and the new conflicts were mediated or measured through the armed struggle, forcing the rest of the world to position itself with one of the hegemonic poles in order to safeguard their integrity from every point of view, blurring the harmony of peace.

It is noteworthy that after the Second World War, due to the very essence of peace towards the tranquility and good correspondence of some people, movements originate from respect for difference, among which we can mention: Mahatma Ghandi and Martin Luther King, these were activists for the respect of human rights, against apartheid (racial discrimination), promoters of peace, for the equality of the different human types and the economic independence, among others. His methods were non-violence and according to Mora (2010), these were influenced by the postulates of Henry David Thoreau (USA 1817-1862), in the famous essay; On the Duty of Civil Disobedience (1849), which defends the thesis of civil disobedience to unjust regimes and laws, particularly on the occasion of the phenomenon of slavery and the US War against Mexico (1846-1848).

History allows us to emphasize as a consequence of the opposition to peace, the fall of the Berlin wall built in August of 1961, to divide Berlin and to fragment in two the defeated Germany. On November 9, 1989, the socialist world remains after the Perestroika (reform) of Gorbatchev astonished and fragmented the Union of Socialist Republics, without a vanguard to guide their destiny, imposes in the opinion of González (2011), a single axis, backed by a neoliberal capitalist system and the world freed to the excesses of a free market and the globalization of the market, wanting to impose a monopoly on trade and imposing free trade for the developed countries, but not for the underdeveloped countries, importers by excellence of the products of industrialized countries.

Due to the proliferation of conflicts between nations, in October 1992, the Executive Board of UNESCO, at its 140th session, discussed an operational program for the

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promotion of a culture of peace. In this way, Also Resolution 52/15. 20 November 1997, proclaimed 2000 as the International Year for the Culture of Peace and the Barcelona 2004 UNESCO Forum was planned. A year later, with Resolution 53/25 of 10 November 1998, the Organization of the United Nations, proclaimed the period 2001-2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World, UNESCO (1998).

In this context, Resolution 53/243 of 6 October 1999, the United Nations flag, entitled "Declaration and Program of Action on a Culture of Peace", was adopted by the General Assembly and alludes to the Charter of the United Nations, to the Constitution of the United Nations Educational, Scientific and Cultural Organization, to the Universal Declaration of Human Rights and recognizes that peace is not only the absence of conflicts. This Declaration was made up of 16 measures including a Program of Action with principal objectives, strategies and actors, as well as a consolidation of measures to be taken by all relevant actors at the National, Regional and International levels to promote a Culture of Peace through mainly UNESCO education (1999).

In this document a call is made to all (individuals, groups, associations, educational communities, companies and institutions) to carry out their daily activity a consistent commitment based on respect for all life, generosity, understanding, environmental preservation, solidarity and rejection of violence, to this end the following maxim is spread: since wars are born in the minds of men, it is in the minds of men that the bastions of peace must be erected. In this way, since 1989 the UN and UNESCO, try to strengthen the Culture of Peace.

However, in the years 2000 as mentioned by González (2011), the idea of a new internationalist thinking, a new world without hegemonies, a transition that is not and will not be easy, from a bipolar world to a multipolar world. The idea of plurality of powers is a thesis from which Venezuela, whose "geographical space is a zone of peace ..." according to Article 13 of the Constitution of the Bolivarian Republic of Venezuela (National Constituent Assembly, 1999), has been erected as a very active parole port, and as a promoter of American and Caribbean Integration Organizations, such as ALBA (2001), and

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the Union of South American Nations (UNASUR) created in 2004. The Community of Latin American States and Caribbean, (CELAC 2011).

Now, peace justice presupposes the existence of a culture of peace, which begins to be used after the end of the cold war, when conditions were established for UNESCO to be able to fulfill, in a renewed way, its original mandate to erect the strongholds of peace in the minds of men and women, and its expression in terms of a culture of peace, which would not only help prevent future wars, but also consolidate development and lasting security in areas that have already been affected by the war.

As a strategy for the strengthening of the culture of peace, in 2006 UNESCO awarded a prize of $40,000 to individuals who have contributed to promoting education for peace, human rights, intercultural education, integration social relations, fraternity among religions, conservation of the environment, international law, disarmament and sustainable development. Education for peace aims to develop the theory and practice of forgiveness as well as reconciliation, to that end promulgated on September 21, International Day of Peace, in this way, all efforts are aimed at living in harmony with the other countries and put an end to the war crimes that have done so much harm to mankind UNESCO (2006).

JUSTICE OF PEACE IN VENEZUELA

Violence is not only present among nations, it is also within its borders, receiving attention from each state to counteract it, so have formal and non-formal state mechanisms for conflict resolution in communities, in order to contribute to the improvement of access to justice for all citizens. To this end, alternative methods of conflict resolution are promoted and promoted by promoting what is known as communal peace justice, "as an area of People's Power and a member of the Justice. Everything to achieve the preservation of harmony in family relations, in the neighborhood and community coexistence, as well as resolve the issues arising from the exercise of the right to citizen participation, Organic Law of Justice of Communal Peace (LOJPC, 2012).

The Constitution of the Bolivarian Republic of Venezuela (National Constituent Assembly, 1999) recognizes alternative mechanisms in conflict resolution and its

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application corresponds to a process that was recently initiated and in an embryonic state in Venezuela, counting on nurturing it with experiences from other Latin American countries. The resolution of small conflicts in Venezuela was mediated by the civilian heads of each parish, while in the rural and indigenous areas the ancestral systems of these original cultures prevailed. Community systems were used in so-called local and community justice with direct settlement modalities.

Nevertheless, these systems and their resolutions of small conflicts are recognized and binding on condition that they do not oppose what is established in the national legislation. In support of the above, it is observed that in the Constitution of the Bolivarian Republic of Venezuela (National Constituent Assembly, 1999) in its Article 260 states: "the legitimate authorities of indigenous peoples may apply in their habitat instances of justice based on their ancestral traditions that only affect their members, according to their own rules and procedures" and does not violate the Constitution.

Consequently, it is possible to affirm that the normative systems of indigenous peoples coexist in parallel or alternatively with state law. After the 1999 Constitution, so-called non-formal justice has been taken more into account in judging persons belonging to the original peoples as a manifestation of legal pluralism.

As for the doctrinal background of legal pluralism according to Sánchez (2012), it is difficult to reconstruct its origin; in the modern state was based on the idea that the state legal order should be the ultimate end of man, this is a monistic conception of law resulting from the dissolution of medieval societies: examples of pluralistic societies with various legal orders such as: the church, the empire, the fiefs, the brotherhoods, the corporations among others. Thus, in these fiefs the legal plurality coexisted in the same territorial area.

Despite the foregoing, the modern state eliminates and absorbs this plurality of legal systems, establishing a kind of hegemonic control in the legal conception; in them the normative and coercive power was concentrated. Which becomes inefficient against the ancestral systems that seek to impart Roman justice (1975).

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Colmenares Olivar (2004) and Michelena (2004) also point out that judicial monism generates crisis in the aforementioned state justice, aggravating the characteristics that have characterized it; procedural delays in all formal instances of social control (courts, public prosecutor's offices, public defenders), high levels of corruption and impunity, and constant abuses by state security forces against individuals.

The problems exposed have separated a large part of the Venezuelan population from ordinary justice, being the responsibility of the state, who has raised in the recent past and continues to do today, the formation and application of alternative means for the community to participate in the resolution of conflicts around this ordinary justice system as a way to reduce the effects of this judicial crisis by presenting the Justice of Peace.

The justice of peace is a mechanism by which the inconveniences arising from community life are solved, that is to say, it is a tool to solve small conflicts that arise in the becoming of personal and daily relations between neighbors or relatives. According to Zubillaga (2007), the parties are taken into account for the search of solutions, which they feel as theirs and thus internalize and can adequately fulfill.

Going back to what was established in the Constitution of the Bolivarian Republic of Venezuela (National Constituent Assembly, 1999) the justice of peace is placed as an alternative means of justice in article 258 recognizing a special Jurisdiction to communities for the resolution of conflicts: "The law will organize the justice of peace in the communities ... The law will promote arbitration, conciliation, mediation and any other alternative means for the solution of conflicts ", then justice of peace is possible to apply.

Finally, in order for peace justice to be possible, the justices of peace must be present; whose role it is possible to know through an epistemic view of different constitutions. In the Constitution of Angostura of 1819, drafted by the Liberator Simon Bolivar, the figure of the justice of the peace was recognized in its article 8, and also in the Constitution of 1830 article 178. However, its regulation was in a different way to the one that today we know, considering him as a member of the judiciary and recognize them in civil and criminal matters Zubillaga (2007).

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During the twentieth century, in the constitution of 1945 the figure of the justice of the peace disappears completely according to Zubillaga (2007); but with the entry into force of the Constitution of the Bolivarian Republic of Venezuela (National Constituent Assembly, 1999), justice of peace is recognized as an alternative mechanism for conflict resolution. It should be added, when studying what refers to the justice object of this investigation, it should be remembered the repealed Organic Law of Justice of Peace, dictated in 1994, that regulated the exercise of the functions and the procedures to be implemented. Law published in the Official Gazette of the Bolivarian Republic of Venezuela No. 4,817 of December 21 (1994, LJPC)

Certainly, Constitution of the Bolivarian Republic of Venezuela (National Constituent Assembly, 1999), establishes on the topic investigated:

In Title III, Chapter I, Article 26, concerning the organization of the judiciary and the justice system.

Title V, chapter III, article 258 of the Judicial Branch, the law will organize justice for peace in the communities. Judges and justices of the peace shall be elected by universal, direct and secret ballot, in accordance with the law (...).

In Title IV, Ordinal 7 of Article 178, of the municipal public power. The justice of peace is the responsibility of the municipal public power, it is immersed within the system of administration of justice, being its management and management competence of the municipalities.

As a matter of interest it is mentioned that the Organic Law of Justice of Peace is considered in municipalities as being imposed because, as Zubillaga (2007) reports, it was not the result of a collective construction between the entities destined to apply it, municipal councils and any organization with relevance to it, finally causing difficulties in its implementation.

Another legal support for the Justice of Peace is found in the new Organic Law of the Special Jurisdiction of the Community Peace Justice sanctioned on May 2, 2012 (LOJEPC), according to Official Gazette number 39.913. It repeals the Organic Law of

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Justice of Peace (1994) and becomes dependent on the Supreme Court of Justice and for the elections will be commissioned by the National Electoral Council (2012). It is noteworthy that the power is given to the judiciary to train and train the justices of the peace.

Such training is timely because the judge or justice of the peace must be the mediator in conjunction with an interdisciplinary advisory council to find the solution of conflicts, must follow a series of guidelines that allow him to participate actively in disputes that arise in the community or in the family, a product of everyday life. It must provide confidence to the parties in the search for a just and equitable solution, in accordance with the LOJPC (2012) and the Constitution of the Bolivarian Republic of Venezuela (National Constituent Assembly, 1999).

As for the alternative methods of conflict resolution to be used by justices of the peace, these are outlined both by the Constitution of the Bolivarian Republic of Venezuela (National Constituent Assembly, 1999), article 258 title V, chapter III of the Judiciary and by LOJPC (2012), in its Articles 2, 38, 39 and 40 referring to the procedures and regulation of the agreements corresponding to the methods of conciliation, mediation and equity.

As a result of the investigation, it should be pointed out that Peace of Justice is a tool to impart justice to citizens in an alternative way to the administration system of ordinary justice administration and for that reason it is part of the non-formal justice system. In Venezuela there is a contradiction between what was stipulated by the Constitution of the Bolivarian Republic of Venezuela (National Constituent Assembly, 1999) and LOJPC (2012), regarding the institution to which justice of peace must be subordinated, however everything written up to the present accounts for the obligatoriness of a participation in collective to make possible this justice of peace, accompanying the judges from each citizen competition.

WEAKNESSES AND STRENGTHS OF THE ORGANIC LAWS OF THE PEACE JUSTICE OF THE YEARS 1994 AND 2012

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In Table 1, comparing the weaknesses and benefits of the Venezuelan Organic Laws of Peace mentioned above, in order to provide the reader with a global and rapid vision of both laws as to their principles, autonomy, functions, applications, payment and resolution of conflicts, and subordination to other agencies, among others.

Table 1. Point of convergences and differences between the organic laws of peace justice of the years 1994 and 2012 in Venezuela

LOJP, 1994	**LOJPC, 2012**
Repealed; the Organic Law of the Justice of Peace published in Official Gazette number 4,817 dated December 21, 1994.	Current, Actual, Organic Law of the Special Jurisdiction of the Justice of Communal Peace according to Official Gazette number 39.913. May 02, 2012.
Framed only in 6 principles of justice of peace.	Framed in 27 principles of justice of communal peace.
Autonomy of JP in both laws. No accountability was specified.	Autonomy of JP in both laws. Annual Report, (Article 11).
Age to be elected, 30 years old.	Age to be elected, 25 years old.
Condition of having a profession or a recognized job	Literacy.
They will be elected for 3 years.	They will be elected for 4 years.
Possibility of revoking and re-election	Possibility of revoking and re-election
Application made by the community	Postulation can be by communities or by individual initiative.
Existed the category of the alternate judges, and the nomination for substitute justices of the justice of the peace.	It eliminates the figure of the alternate judges. Only one judge and two alternates will be elected; those who came 2nd and 3rd place in the elections and called alternate judge.

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Before it was competencies of the mayors (Municipal Council)	It is the responsibility of the Supreme Court of Justice.
It did not makes marriages	It makes marriages
I did not divorce	It makes divorces of mutual agreement without children under 18 years old.
Cases of conflict and controversies of patrimonial content are ventilated with amount of up to 4 minimum wages.	Cases of conflict and controversy are ventilated without exceeding 250 Tributary units (31,750 top).
It forbade any payment; Ad honorem.	Service is Ad honorem, receive assistance for operation and maintenance. It does not make clear whether it is remuneration.
Article 3: conciliation and equity. Regarding arbitration, this method is mentioned, but it is not defined in the LOJPC (2012), nor in the LOJP (1994)	Articles 2 and 6 (LOJPC, 2012): Mechanisms resolution conflicts: conciliation, mediation, arbitration, Equity procedure.

Source: Investigators and Cepeda (2017).

The following, is an analysis of each of the findings:

As for the Organic Law of the Special Jurisdiction of the Community Justice of Peace (2012), unlike the Organic Law of Peace Justice (1994), the citizen is conceived as part of said Law, was added the adjective communal (Late late communālis), which means that it belongs to or extends to several (DRAE, 2006), ie citizens are responsible for public life in which an inclusive society is proposed through an orientation integral of the communities and a citizen participation in the culture of peace.

Nine articles is the difference between the LOJP law 1994 (repealed according to Official Gazette number 39,913), this legal figure of justice of peace was not reflected in the Constitution of 1961 and the LOJPC of 2012 (actual) if it is reflected in several articles

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of Constitution of the Bolivarian Republic of Venezuela (National Constituent Assembly, 1999) the latter has fewer articles and is transferred from the municipalities to citizens through the bodies and organizations of popular power (article 1, 2012), contrary to the law of 1994 attached to the municipalities, that is to say, municipal councils and the national executive, through the competent agencies and authorities that will assist in the implementation of this Law (Article 55, 1994).

In the Organic Law of Justice and Peace (1994), only 6 principles were taken into account: equality, orality, concentration, simplicity, speed and gratuitousness (Title I, Judges of Peace, Chapter I, General Provisions, Article 4). On the contrary, the principles of communal Justice are governed by 21 principles (Art.7, Chapter I, General Provisions), such as: popular protagonism, autonomy, honesty, efficiency, effectiveness, awareness of social duty, co-responsibility between public power and popular power, social and gender equality, human rights, accountability, social control, transparency, equity, proportionality, impartiality and others.

This difference highlights that the 2012 LOJPC encompass more general legal provisions and equity values that underpin the Community Peace Justice. It promotes citizen participation through awareness of social responsibility, co-responsibility between powers, the coexistence of legal systems of a different nature in the same State and territory is legitimized, as Sánchez (2012) points out.

Likewise, the above mentioned Law (2012), is governed by the principles of accountability, transparency, and social control, these have in Venezuela regulatory and regulatory nature from the legal, social and economic context, which endows according to Aranda and others (2016), to the individual and collective citizenship of the resources of power to exercise the supervision of the public management in its different levels of government, as well as to the organizational forms of popular power, with the purpose of guaranteeing the effectiveness and transparency in the management of public resources in favor of society and all this framed in Article 1 of the Organic Law of Social Comptrollership of 2010.

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In this way, the functions of the justice of the peace in the LOJPC (2012) are strengthened, since it extends its field of action in institutions that previously did not exist such as the communal councils; to become a sort of viewer of the popular power. (Article 3, LOJPC, 2012).

The age to be chosen as judge or judge, decreased from more than 30 years to over 25 years of age, in the new legislation (Article 20, LOJPC, 2012). On the other hand, they will be elected for four years previously, they were elected only for three years and in constituencies of up to 4,000 inhabitants (Articles 13 and 14, LOJP, 1994), in addition both legislation could be reelected and revoked as well (Artic17, LOJPC , 2012 and Art. 13 and 27 LOJP.1994). Regarding the age of the justice of the peace, youth are given the opportunity to exercise as mediators in the communities, however, they must be surrounded by an interdisciplinary advisory council, permanent appointed by the citizens' assembly or the communal parliament, without however, the decision of the justice of the peace on any matter within its competence shall not be binding on the views of the Advisory Council. (According to Article 37, LOJPC, 2012).

In what concerns both laws, the nominations for the elections must be proposed by the organized communities (Article 18, LOJPC, 2012, Art. 16 LOJP, 1994), in the LOJP (2012, Article 17), a year is added to the exercise of the justice of the peace instead of 3 years regulated in the LOJP, would happen to 4 years of performance (1994, Article 13). However, in the LOJPC, Art. 18; 2 2012, a new element is added that gives space to candidacies of judges and justices of the peace on their own initiative. In this way, citizen participation is guaranteed and may be an elected judge or justice of peace without partisan ties. Hence the importance of the participation of communities in local, regional and national work and this will be achieved if they become aware of their duties and rights to take control of their destinies.

Elections in the 1994 law were powers of the municipal councils (municipal council), with the active participation of parish boards and organized communities (Article 10, 1994) By contrast, according to article 14 LOJPC, 2012, elections of judges of peace are powers of the permanent electoral commissions of the communal councils, in turn will count on the

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support of the National Electoral Council. In this way, alternative justice elections have been conferred on popular power, giving more autonomy to popular organizations in this regard.

In the legislation of the Organic Law of Community Peace Justice (2012), it eliminates the category of alternate judges, which existed in the law of 1994 in Article 26, Chapter VI, of the recall referendum, also emphasized the charge of "like first and second alternate judge, to whom they have obtained in the election the fourth and fifth plac ". (Article 9, paragraph 2, 1994), in the event that there is no fourth and fifth place in the elections, the judge-elect proceeded to appoint judges to persons who met the same conditions as the law would request from justices of the peace. In this particular, the LOJPC (2012) removes autonomy to the justice of the peace to name conjugations, reducing in this way the plural participation of the community.

Accordingly, to the evidence indicated as to the differences between the two laws, certain contradictions were detected with regard to who has the competence in matters of justice of peace, in 1999 CBRV is attributed to municipalities (ordinal 7 of article 178), but according to the new LOJPC of 2012 (LOJPC), this depends on the Supreme Court of Justice. Likewise, the judiciary is in charge of the training and training of justices of the peace (Chapter V, Article 22). There is a contradiction between what is stipulated by the Constitution of the Bolivarian Republic of Venezuela (National Constituent Assembly, 1999) and LOJPC (2012), regarding the institution to which the Justice of Peace must be subordinated.

On the other hand, with the LOJPC 2012 (Article 8, ordinal 7 and 8), the justice of the peace can make marriages and divorces. In LOJP (1994), he could not marry or endorse stable unions of facts. It defines the fact of patrimonial action, as well as the criminalization, it is believed that they will receive the support necessary for the fulfillment of the decisions taken by them. In cases of conflicts and controversies of patrimonial content, it will know of this one whose amount does not exceed two hundred and fifty tax units. In contrast, in the LOJP of 1994, art. 8; 1, the patrimonial valuation should not exceed four minimum salaries, so that the justice of the peace takes the case.

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Any kind of payment to the justice of the peace or judge in the LOJP (1994) was prohibited, limiting financially the performance of the justices of the peace and in addition they did not have judicial tools to apply justice of peace. In LOJPC (2012) its function remains Ad honorem but it is stipulated to give other concepts an aid to the functioning and maintenance of communal peace justice (article 12), the subject of bonuses for such important and exemplary community work is not mentioned.

As for the solution of conflicts, the judge or justice of the peace must follow alternative methods of conflict resolution which are outlined both by the constitution and by both laws of justice of peace, which are: arbitration, conciliation mediation and any other alternative means for conflict resolution.

In short, it is the duty of all to participate in the action for the justice of peace as a social responsibility, not being exempted from it public and private universities, united must work for the collaboration in the diffusion of the culture of peace and equally, treat alternative methods or means of conflict resolution, taken into account in both LOJP (1994, article 29) and LOJPC (2012, Article 23) legislation. Thus, according to Cano and Molina Rueda (2015), university actions, in terms of peace must have international and planetary dimensions, given the interconnections between local, national and international phenomena.

In analyzing these laws, the authors showed the convergences and differences established between 1994 and 2012 regarding the justice of peace in Venezuela. In this way, the comparative analysis made it possible to identify the most important differences, weaknesses and strengths in the legislation described in the matter of peace justice. That is, the analysis constituted a valuable educational opportunity for the study of the law of justice for peace in the life of Venezuelans.

After all that has been analyzed, it can be affirmed that the reform presented further defines the role of justices of the peace, as well as the guarantee of a social benefit; the bonus for services to the community, and also defines the Institution to which they are going to belong, in this case to the Supreme Court of Justice. The analysis constituted a

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valuable opportunity from the educational point of view for the study of these laws in favor of justice for peace and life in Venezuela.

METHODOLOGY

The work was also based on the Hermeneutic Method Recas Bayón (2006), which consists of the understanding and interpretation of texts, synthesis, contexts, authors, interpreters, interpretation of legal documents and investigations, research was qualitative, framed in the paradigm interpretive, the method was hermeneutic understanding and the technique was content analysis.

CONCLUSIONS

At the end of the investigation, it is concluded that the justice of peace, which has historically called for a constant commitment to respect for the lives of citizens and the environment, continues today in the construction towards the recognition of the other as equal.

From the analysis of the legal documents referred to in the Organic Laws of Justice Peace its weaknesses and strengths of 1994 and 2012, significant differences were verified that allow to affirm that this, in Venezuela has failed to give a definitive answer to the problems that are presented, with the effective and efficient involvement of the Judiciary, because the congestion of the courts, inefficient functioning and complicated processes prevent this.

The justice of peace sought to establish a mechanism of a pluralistic nature of alternative justice to the judiciary that was responsible for solving problems that arose in the community between neighbors without achieving it in one hundred percent, even though in the Constitution Bolivariana de Venezuela in 1999, there is a great step in the expansion of legal pluralism, recognizing customary law and indigenous special jurisdiction, as well as peace justice as an alternative mechanism for conflict resolution.

In spite of these alternative means of conflict resolution backed by the Organic Law of Communal Justice (2012) and the Constitution of the Bolivarian Republic of Venezuela

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(National Constituent Assembly, 1999) it can be stated conclusively that the Venezuelan State did not grant the justice of peace the importance of the case. It lags behind since 2002, with a lack of promotion that reflects for researchers the underestimation of popular power as the driving force of organizations that today care about citizens by communities.

Thus, it is concluded that today a monistic conception is maintained in our legal reality, a contradiction between what is stipulated by the constitutional precepts of 1999, the Organic Law of Peace Justice (2012), and the protagonist role that it was intended to grant to citizen participation in all spheres of power.

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