



Editorial

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Dialogue between the attributes of democracy in the face of arbitrariness that undermines the framework of security, citizens' freedom, and the common good

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Diálogo entre los atributos de la democracia frente a la arbitrariedad que socava el marco de seguridad, la libertad ciudadana y el bien común

The space represented by volume 2(2) of 2025 of the Peruvian legal journal *Desafíos en Derecho*, from the Faculty of Law and Political Science of the University of Huánuco (Peru), is very important because it constitutes a field of special relevance for the dissemination of knowledge promoted by this renowned higher education institution.

Thanks to the progressive development of computing, the internet, and now the highly media-focused artificial intelligence, we consider that today, more than ever, there are highly functional tools for the study and analysis of categories that were previously tedious for students, since they have the aid of resources such as specialized programs, information processors, and other related elements that allow them to have a much more direct perspective of the different phenomena under analysis.

In this sense, under the current circumstances of our country and the world in general, we consider it necessary to emphasize those topics that are suitable for research at the present time, related to the business and innovation field, but especially regarding legal matters that are binding.

Law is indispensable in every society to establish limits and guarantees. Limits for those who govern politically or hold positions, economic, social, military, and others, which grant them certain advantages over the common citizens. Likewise, guarantees in favor of individuals, natural and legal persons, so that they can develop their actions optimally, guided by the exercise of their personal initiative, which allows them the unfolding of the facets of their own personality.

Throughout history, the tensions between oppression and freedom occupied a large part of the human evolution path, and they dissipated in the last two centuries with the advent of liberalism and the constant defense of fundamental rights, as well as the demand for permanent decentralization and depersonalization of power. Other social aspects also operate, categorized as a “clash of civilizations” (Huntington, 2001); but that corresponds to broader discussions than legal ones, although it has great impact on peace and collective coexistence.

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In this context, humanity witnessed the development of the *Industrial Revolutions* (the first from 1750 to 1840, and the second from 1880 to 1914), but also two disastrous conflicts (the two world wars of the first half of the 20th century). Both events had an immense impact that has marked the destiny of peoples to this day, and it is that, just as we could become creators of wonders, we also demonstrated our capacity to bring the planet to the brink of total collapse and extinction. This paradoxical diagnosis precisely requires the essence of establishing legal systems: rules for sustainable coexistence, as much as possible.

Thus, for the 21st century and with the digital revolution that has taken shape in recent years, with transversal consequences in all areas of social organization, it is urgent to have a clear position on the role of law: should it encourage the freedom of industrial, scientific, and artistic creation, stimulating the unstoppable genius of man, or should it assert its protective facet, being markedly controlling in order to prevent any offense against what is considered moral and harmonious with public order?

In this regard, we consider that law, under the development of the business and innovation facets of these times, faces a significant challenge stemming from the growth of democracy as a paradigm in different political regimes. Presidentialism, parliamentarism, assembly governments, among others, have been massifying citizen participation and, in some cases, establishing mechanisms of direct democracy over the most complex decisions to be made in countries, and it is seen as a safer alternative to give power to the population to decide what it considers most appropriate. It is thus that, through Constitutions (the fundamental norm of every country), provisions are incorporated regarding environmental protection, economic regimes, openness to integration with other peoples, and other topics that have marked the globalization agenda, highlighting their normative value in recent years “because their content legally binds or seeks to legally bind both the holders of state power and its recipients” (Palomino Manchego, 2007, p. 230).

In this sense, we observe that democracy has not had identical results in all countries where it has been implemented. Thus, Switzerland is modelly considered a reference for direct democracy, or Canada, with a highly civic-minded population, still preserving its tradition as a member of the Commonwealth. However, countries like Mexico and somewhat smaller ones like Bolivia, Ecuador, and even Peru, with democratic reforms introduced in recent decades, where voting is universalized and the social base of authorities is expanded, seem in recent years to enter a serious escalation of social conflicts, where violence greatly truncates economic development.

And here lies the central point of our reflection. Business and innovation advances fascinate us and transport our minds toward unprecedented experiences, increasingly; however, this drive and development, product of human ingenuity and its organization to conduct business, require security, both physical and legal, in order to provide protection to the agents participating in the market and serve as defense of the intellectual and material property they build.

However, as Aristotle already warned, democracy can degenerate, and although he considered demagoguery an infamous deviation of democracy, we witness today that the violence employed by social agents becomes much more pernicious daily. Previously, it was enough to confront those political proposals that jeopardized the political, economic, and social stability of the country; but in recent years we see that access to politics is no longer so necessary, and resorting to threat and intimidation and directly

attacking the life of others becomes more feasible, without the democracies where this phenomenon arises knowing how to respond to this circumstance. The aggressor seems invisible, exerting their harm even through computer means and undoing the efforts of good citizens, who often choose to leave the country and take all their ingenuity and investment to save their lives.

Under the described scenario, we find the need to work, legally speaking, on effective solutions under the framework of the rule of law. Some state actions are promoted, such as the regime implemented by Bukele in El Salvador, which has unquestionable results in its fight against crime, but it is also subject to criticism precisely for the treatment of human rights in the implemented strategy.

Therefore, in our view, it is necessary today to discuss the attributes and qualities of democracy, which often appears powerless in the face of tangible grievances that citizens must face and that, as we explained, undermine the security and freedom framework that allowed humanity to develop exponential progress in previous centuries. In this regard, García Belaunde states that “democracy acquires reality and value only insofar as it is institutionalized” (2020, p. 15). We consider that this action requires joint effort in different areas, but with special emphasis on social formation. Democracy is the suitable space for the full exercise of responsibility, but only if citizens are committed to the duty of ensuring a life in peace and do not take advantage of those guarantees and rights designed to confront arbitrariness, using them instead as halos of impunity.

Thus, we have the urgency to assume more effective actions in ethical, civic, and citizen education, even with more effective communication strategies. In parallel, it is urgent that the Government resumes its role as a proactive guardian and establishes a firm stance in facing this adversity, with strategies sufficiently functional to nullify criminal actions. It does not matter that we have institutions, elections every five years, or a budget; if the population does not feel complete and secure, the authority will have failed in its most essential purpose: to seek the common good.

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