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Colombian *Jam*: The Normalisation of Corrupt Practices in Legislative Processes[2]

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Abstract

In the Colombian political context, *jam* is a colloquial term referring to the practice where some members of Congress receive benefits in exchange for voting in particular way on legislative initiatives. One of the most evident cases of this phenomenon involves legislators and members of the national government negotiating votes in favour of specific laws in return for public positions or state contracts. Although this is a reprehensible practice under Colombia's current Social Rule of Law, the general public has come to regard it as an expected feature of political relations. This article first outlines the operation of *Jam* and then systematises the possible reasons that have led to the normalisation of corruption in Colombia. To achieve this, a critical hermeneutic research approach is adopted, based on qualitative methods of document review.

Keywords: Colombian state, legislative power, corruption, clientelism, social justification.

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JUAN SEBASTIÁN ALEJANDRO PERILLA GRANADOS

Kolumbijski „*jam*": normalizacja praktyk korupcyjnych w procesach legislacyjnych[3]

Streszczenie

W kontekście kolumbijskich realiów politycznych sformułowanie „jam" to potoczny termin odnoszący się do praktyki, w ramach której niektórzy członkowie Kongresu otrzymują korzyści w zamian za głosowanie w określony sposób nad inicjatywami legislacyjnymi. Jednym z najbardziej wyrazistych przejawów tego zjawiska jest negocjowanie przez parlamentarzystów i członków Rządu Narodowego poparcia dla konkretnych ustaw w zamian za stanowiska publiczne lub kontrakty państwowe. I choć praktyka ta jest potępiana w ramach obowiązującej w Kolumbii konstytucyjnej zasady społecznego państwa prawa, społeczeństwo traktuje ją jako sytuację typową w relacjach politycznych. W niniejszym artykule autor najpierw omawia mechanizm działania tego zjawiska, a następnie systematyzuje możliwe przyczyny prowadzące do normalizacji korupcji w Kolumbii. W tym celu zastosowano krytyczne, hermeneutyczne podejście badawcze, oparte na jakościowych metodach przeglądu materiałów źródłowych.

Słowa kluczowe: państwo kolumbijskie, władza ustawodawcza, korupcja, klientelizm, uzasadnienie społeczne.

[3] Niniejszy artykuł został sfinansowany przez Uniwersytet Technologiczny w Bolívar (Cartagena de Indias – Kolumbia).

Introduction

In recent years, the Colombian State has adopted a national legal framework that underscores written law as the preeminent source of legal authority. Although this approach may appear normalised from a global perspective, it was particularly significant for Colombia, which had long relied on the often-arbitrary decisions of ruling authorities. In theory, one might expect that written laws in this rule of law state would emerge from a comprehensive process involving the entire populace, resulting in political agreements that reflect the diverse interests and needs of society. However, given the challenges of achieving broad national consensus, a representative democratic model was implemented through the Congress of the Republic. Accordingly, citizens with voting rights elect their representatives to serve as legislators, who, in turn, are tasked with crafting laws from this political position – thereby legitimised by popular sovereignty.

This institutional framework for law-making in Colombia led to the perception of written law as an absolute entity that must be adhered to as a means of honouring the collective mandates of the citizenry. This paradigm gave rise to the theory of legal formalism, which posits that the Colombian legal system is a corpus of written laws aspiring towards perfection. Thus, laws enacted by traditional legislators were to be applied through mimetic interpretative practices by legal professionals. Consequently, there emerged a prevailing belief that the content of written law was beyond contestation. From a contemporary standpoint, this formalist conception of law has been widely challenged and questioned through various theoretical perspectives. Nonetheless, at its inception, it was a crucial construct for a nation in need of institutional stability and legal certainty to safeguard the exercise of citizens' rights.

The formalist dimensions of the rule of law have evolved under the current constitutional framework governing the country, which incorporates a system of checks and balances within legislative activity. From an antiformalist perspective, written law is now understood as just one component within a complex matrix of legal norms. Accordingly, it must be integrated with jurisprudential, contractual, and customary pronouncements – among other relevant sources. Despite these theoretical evolutions in Colombian legal scholarship, the country's legal culture continues to uphold the dominance of traditional legislative authority. This is evident in the limited controls over written laws, the autonomy in determining

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legislative agendas, and the potential for enacted laws to contravene other legal norms. Thus, antiformalist trends have been significantly constrained by prevailing legislative practices.

The extensive authority retained by the traditional legislator places them in an advantageous position relative to other governmental entities and even to the electorate that selects them. Consequently, other political actors recognise the Congress of the Republic as a powerful authority that must be appeased to secure the adoption of necessary legislative enactments. This dynamic is particularly evident in the case of the executive branch, which relies on legislative approval of its initiatives to advance its governance agenda. Although this arrangement ostensibly creates mechanisms of checks and balances, the Congress of the Republic of Colombia exploits its power to coerce the executive into awarding positions or contracts in exchange for legislative support – a practice colloquially termed "jam" (*mermelada*, in Spanish). Despite the fact that this practice should be unequivocally condemned by Colombian society, given its manifestation as a form of corruption within the legislative process, it is paradoxically socially sanctioned as an expected feature of the political reality of the Colombian political class.

Accordingly, this article addresses the following research question: What is the conceptual scope of *jam* as a normalising strategy for corrupt practices in the legislative activities currently undertaken in Colombia? In this context, the hypothesis posited is that *jam* entails legislators receiving benefits from the national government, which usually take the form of positions for their affiliates or contracts for their associates in exchange for favourable votes on executive legislative proposals – a practice that is deemed acceptable by the social collective, and viewed as an expected norm among the political class in Colombia. To substantiate this hypothesis, a critical hermeneutic approach with a political focus is employed, utilising qualitative research methods with documentary analysis as the principal data collection strategy.

To address the research question and validate the proposed hypothesis, this article sets forth the following general objective: to ascertain the conceptual scope of *jam* as a normalising strategy for corrupt practices within the legislative activities presently undertaken in Colombia. In pursuit of this objective, the article delineates the following specific aims: first, to outline the political dimensions of *jam* involving specific Colombian legislators and national government officials currently representing the executive branch; and second, to systematise the justificatory narratives from the collective imagination that legitimise *jam* within the Colombian political milieu as a normalisation of corrupt practices linking members of the legislative branch with the national executive branch in contemporary settings.

Colombian *Jam* in Legislative and Executive Power Practices

The Colombian legal system fundamentally relies on the *iustheory* of formalism, adopted as a theoretical transplant from the European context, recognised as a major progenitor of legal theories. Accordingly, the early Colombian national constitutions engaged in contextualised interpretations of European positivist and naturalist schools to confer legitimacy on legal constructs intended for application in the country – a process that could be characterised as a misreading.[4] Consequently, due to the integration of various legal schools, a substantial portion of the written laws currently in force in Colombia is understood within a presumed hermeneutic framework aspiring toward perfection.[5] This rationale is grounded in the premise that written laws are enacted by the Congress of the Republic, which holds a traditional legislative role legitimised by popular sovereignty inherent in representative democracy. Thus, legal practitioners are expected to advance mimetic interpretations of these laws.

Such mimetic interpretative practices were strategically employed in Colombia to achieve legal certainty in contexts marked by power struggles and the capricious decisions of ruling authorities. Accordingly, the Colombian legal order sought to ensure that written law would supersede the will of any individual wielding power, thereby affecting the socio-legal realities within the national territory.[6] This notion – that written law could alter realities and constrain arbitrary decision-making – reinforced deference to the traditional legislator's work as a method for ensuring that the general interest prevails over particularistic interests. Indeed, legislative power operates under minimal constraints according to the theory of checks and balances, with certain norms subject to analysis exclusively by constitutional courts from formal – rather than substantive – perspectives.[7] Similarly, judicial scrutiny of written laws acknowledges the traditional legislator's autonomy as the supreme source of law.

Nevertheless, this formalist conception of law has been challenged by recent legal reforms aligned with the iustheory of antiformalism, which emphasises realism, utilitarianism, and functionalism.[8] In this context, innovative disruptions

4 J. Perilla, *Misreading as a jus theory-creating possibility in a globalized context from a transnational perspective*, "Estudios de Derecho" 2024, 81(177), pp. 1–21.

5 J. Etcheverry, *Judicial Formalism, Activism, and Discretion*, "Díkaion" 2020, 29(2), pp. 336–351.

6 J. Guerra, *La Influencia del Formalismo y del Antiformalismo Dentro de Colombia como un Estado Social de Derecho*, "Revista Cultural Unilibre" 2019, 1(1), pp. 26–30.

7 Y. Celemín, *Constitutional Substitution: reflexions from the check and balances principle*, "Prolegómenos" 2020, 23(46), pp. 15–33.

8 A. Caballero, *New legal realism: a promising legal theory for interdisciplinary and empirical research about the 'law-in-action*, "Novum Jus" 2022, 16(1), pp. 209–228.

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have been introduced to allow written law to coexist with other equally legitimate sources of law, fostering a more pluralistic consolidation of the legal system.[9] Notable advancements include enhanced judicial oversight for the protection of fundamental rights, increased autonomy of indigenous communities, and greater respect for contractual agreements between private law subjects.[10] Yet, none of these developments have significantly curtailed the substantial power of the Congress of the Republic within a rule of law framework, given that written law enacted by this body continues to hold a predominant role within the Colombian legal system.

In practice, the intended antiformalism has devolved into an abstract formalistic design, leaving intact a legal culture – as implemented in practice – that remains defined by formalism based on written law as the supreme source of legal authority.[11] This legislative dominance is particularly evident in its interplay with the executive branch, currently exercised by the national government and led by the President of the Republic, elected through popular vote.[12] This dynamic stems from the underlying notion that the primary purpose of the rule of law was to counterbalance the caprices of the sitting ruler, thereby serving as a constitutional check on executive power.[13] Consequently, the prevailing legal norms in Colombia necessitate that most initiatives coming from the national government obtain approval from the Congress of the Republic.

This dependency of the national government on the legislative branch is evident at multiple levels, beginning with the National Development Plan, which must be approved by the Congress of the Republic each time a new president assumes office.[14] Thus, every four years, the incumbent president is required to submit to the Congress of the Republic a plan outlining the policy frameworks under which they will govern; without such a plan, the president lacks the authority to undertake actions necessary to fulfil the campaign promises that secured their election.[15] Once the National Development Plan is approved and in effect for four years, the

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9 J. Perilla, *Los centennials como un reto antiformalista para las Facultades de Derecho*, "Revista Pedagogía Universitaria y Didáctica del Derecho" 2021, 8(1), pp. 11–28.

10 S. Bagni, *Una exploración del pluralismo jurídico intercultural en la jurisprudencia de Bolivia, Colombia y Ecuador*, "Revista Derecho del Estado" 2024, 58, pp. 61–90.

11 L. Ortega, *Political Control and the Rule of Law in Colombia: The Role of Congress in Constitutional Safeguarding*, "Estudios Constitucionales" 2024, 22(1), pp. 329–360.

12 F. Barrientos, *Does More Internal Democracy Lead to Greater Electoral Success? The Selection of Presidential Candidates by Governing Parties in Latin America*, "Colombia Internacional" 2024, 118, pp. 197–229.

13 P. Ospina, *The new Latin American constitutionalism, presidentialism and revocation of the mandate*, "Justicia" 2023, 28(43), pp. 227–238.

14 M. Berrío, *The National Development Plan 2018–2022 „Pacto por Colombia, pacto por la equidad". Reflections and proposals*, "Revista de Economía Institucional" 2020, 22(43), pp. 195–222.

15 L. Vallejo, *El Plan Nacional de Desarrollo 2022–2026: Colombia, potencia mundial de la vida*, "Apuntes del Cenes" 2023, 42(76), pp. 13–16.

national government must then seek congressional approval for the budget necessary to implement its initiatives.[16] Furthermore, any proposal that entails a policy shift must be presented by the national government as a legislative bill, which also requires congressional approval.

This illustrates that, although the legislative and executive branches are formally considered equal, in practical political terms, the Congress of the Republic exerts a subordinating influence over the national government through its actions. In fact, the Congress of the Republic is not subject to equivalent checks and balances to be performed by the executive branch, given that the president of the republic, who signs laws into effect, also possesses the authority to object to them. However, such objections may be overridden by the Congress of the Republic, in which case the president of the Senate assumes the role of signing the law into effect, rendering the state's president's approval unnecessary.[17] Consequently, the political rivalries within the legislative branch are substantial, as it is acknowledged that the genuine power of the Colombian State resides there. Therefore, the majorities within the Congress of the Republic determine the nation's trajectory, constrained only by their internal agreements and legitimised by a popular sovereignty that is predominantly significant for winning elections every four years.

In this context, it is particularly noteworthy that members of the Colombian Congress are acutely cognisant of the substantial influence they wield within the Colombian political framework. The election of congressional members constitutes a paramount interest for the entrenched power structures within the country, while professional procedures are established to negotiate with these legislators for the enactment of specific legislative norms.[18] The issue at hand is that such negotiation processes involve both private economic power entities and the national government under similar conditions, whereby something must be offered in exchange for a vote in a particular direction within legislative proceedings. Consequently, those engaging in negotiations with legislators must provide what is within their capacity, extending beyond mere symbolic efficacy from which contemporary global constitutional models are constructed.

In the case of the national government, and in contrast to business entities managing and driving the country's private economy, there is no direct cash available for disbursement to legislators. Instead, the national government operates

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[16] C. Velandia, *Origins of regional planning in Colombia and its challenges for the territory of the 21st century*, "*urbe. Revista Brasileira de Gestão Urbana*" 2021, 13, pp. 1–19.

[17] J. Peralta, *Simbolismo jurídico: una aproximación al populismo legislativo. Análisis del artículo 129 de la Ley 1098 de 2006*, "Prolegómenos" 2020, 23(46), pp. 35–50.

[18] S. Soto, *La vieja y la nueva separación de poderes en la relación entre el Poder Ejecutivo y el Poder Legislativo*, "Estudios constitucionales" 2018, 16(2), pp. 449–480.

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with a budget allocated in kind, and is committed through two primary mechanisms: public positions subject to free appointment within executive branches and state contracts that must be awarded to private sector entities for execution.[19] Thus, certain national government officials base their legislative negotiations on offering positions or contracts, thereby contributing to the electoral support of congressional members. This does not imply that the legislator will assume a specific position or grant a particular contract directly, but rather that they possess the ability to recommend individuals of their choosing to benefit from these prerogatives and, in many cases, ensure a share of the benefits for the recommending Congress member.

Although such behaviour is legally condemnable, it has become increasingly entrenched in everyday political practices. This phenomenon is so pervasive that Colombian society has coined a colloquial term to describe it: *jam*. This term implies that politicians reciprocally apply a consumable substance to themselves, which, due to its lubricating properties, facilitates the advancement of political matters.[20] Thus, *jam* is a reality felt at all levels, and is acknowledged by the political class as an essential component of power dynamics. Consequently, the legal repercussions are minimal, as they are sanctioned by the legislative body through formalised laws, and the few cases that progress to judicial review face limited sentencing. Thus, *jam* has become an ingrained aspect of contemporary Colombian political life.

The criticism of this phenomenon extends beyond ethical or moral considerations. These practices can be criticised for the developmental constraints they impose, as they distort societal investment resources. Additionally, they impact social mobility, given that individuals without a congressional recommendation are deprived of opportunities to access desirable, attractive positions. Furthermore, these practices can undermine fair competition, as the manipulation of public tenders restricts pluralistic competition under equitable conditions. Among other potential consequences, what is particularly striking is the general acceptance of this mode of political operation by Colombian society, with scant challenge to the management of power in the country. Thus, it is pertinent to examine in the following section the underlying reasons that legitimise the phenomenon of *jam* and its role in normalising the corruption that currently pervades the state of Colombia.

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19 L. Da Ros, *Checks and Balances: The Concept and Its Implications for Corruption*, "Revista Direito GV" 2021, 17(2), pp. 1–30.

20 J. Perilla, *El clientelismo político como un riesgo para el Estado Constitucional de Derecho colombiano*, "Krytyka Prawa. Niezależne Studia nad Prawem" 2023, 15(4), pp. 7–20.

Legitimation of *Jam* as a Normalisation of Corruption in the Colombian State

As established in the preceding section, the colloquial term *jam* refers to a complex process involving the allocation of state positions or contracts to members of the Colombian Congress in exchange for votes on legislative initiatives that affect the operations of the executive branch. This phenomenon permeates multiple dimensions of national political life, privileging the particular interests of congressional members over the public good. Consequently, certain executive branch representatives permit legislators to influence appointments within state entities and recommend beneficiaries for public contracts, often with electoral or financial ties to them. Although such negotiations might be expected to remain covert, *jam* has become an overtly accepted element of Colombia's political landscape.

This normalisation is particularly striking within a rule of law framework that ostensibly encompasses social, democratic, and constitutional dimensions. These foundations should empower society as a whole to exercise power ethically, prioritising the general interest over particular interests through mechanisms of majority decision-making that provide checks on official authority.[21] Public funds, derived from taxpayers, are intended to address social needs rather than serve the personal interests of elected representatives. From a formal perspective, one would therefore expect a strong societal condemnation of the increasingly evident practice of *jam* in Colombian politics.

In reality, however, *jam* has been absorbed into the political culture as an intrinsic feature of governance. Criticism is largely confined to small, marginal groups without broad social support, and there is little sustained public demand for change.[22] In response to this normalisation, scholars have sought to identify the underlying reasons for the legitimisation of *jam*. A synthesis of their findings suggests three key explanations: (1) the formalist design of Colombian legal culture fosters an excessive trust in the legislative process; (2) the collective imagination is shaped by a reverential fear of political elites; and (3) electoral behaviour reflects a degree of complicity, as voters often expect personal benefits in return for their support.

The first explanation is grounded within the *iustheoretical* framework underpinning Colombian legal formalism, which grants the traditional legislator the authority to create law with aspirations of perfection. While the ability of legislators to produce optimal laws is questionable, this formalist design carries significant

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21 S. Calabresi, *The Rise and Fall of the Separation of Powers*, "Northwestern Law Review" 2012, 2(106), pp. 527–550.

22 D. Henao, *El Derecho a „que sea intentado" en Colombia a la luz del Estado Social de Derecho*, "Revista de la Facultad de Derecho y Ciencias Políticas" 2021, 51(135), pp. 587–616.

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symbolic weight and represents a check on the abuses historically committed by the executive branch.[23] It instils confidence that codified law protects society from the arbitrary will of individual rulers. This belief, rooted in Colombia's history of rights violations, explains the enduring public trust in legislative constraints on executive authority – even if such trust is misplaced, given that much of the political class, including Congress, has been complicit in these abuses. And although understanding these beliefs out of context may seem complex, it must be considered that they respond to the historical processes in which there were no guarantees for citizens' rights.

To explain this excessive confidence in legislative power, it is necessary to consider that Colombian society has endured persistent violence throughout its modern-day history, in which state power has frequently acted against societal interests. The Colombian state has been implicated in forced disappearances, torture, extrajudicial executions, and numerous human rights violations, which have only recently begun to receive significant attention.[24] Given that Colombia's president is the visible face of state authority, responsibility for such abuses is often attributed to the executive branch. Consequently, many citizens have viewed legislative checks on the national government as guarantees against the recurrence of these events. However, this perspective represents a narrow understanding of the state apparatus as a whole, since many such abuses have also involved the broader political class, including Congress. Thus, public trust rests less on individual actors than on the written law itself.

The first reason, concerning the symbolic trust that the general populace places in codified law, is reinforced by a second reason: the reverential fear that many citizens harbour towards Colombia's political elites. Empirical evidence shows that state power has historically been controlled by entrenched economic or familial oligarchies, who posses the authority to distinguish between groups that operate within the legal framework and those relegated to extralegal spheres.[25] Thus, despite the constitutional recognition of human rights – including the freedoms of protest, expression, and political oversight – the practical reality is that these powerful actors retain the capacity to suppress dissent and enact measures against those who challenge their dominance, often under the guise of protecting societal interests.

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[23] A. Ruiz, *La arbitrariedad del poder: la palabra y la idea en la historia constitucional*, "Revista de estudios histórico-jurídicos" 2021, 43(1), pp. 723–747.

[24] M. Mejía, *Conceptual Delimitation of the Phenomenon of Extrajudicial Executions*, "Díkaion" 2021, 30(2), pp. 499–527.

[25] J. Ríos, *La Paix sans Consensus : Les Discours des Élites Militaires et Ex-Guérilleros sur l'Accord avec les FARC-EP en Colombie*, "DADOS" 2024, 68(1), pp. 1–36.

Consequently, it is unsurprising that social leaders who criticise Colombia's power structure frequently disappear or are assassinated in full view of a largely powerless society. Moreover, efforts to exercise human rights are often criminalised under dubious legal interpretations justified by the perceived threat to public order. These phenomena xist not only within formal legal mechanisms but also within a para-state apparatus operating with minimal oversight or accountability.[26] As a result, a segment of Colombian society, which symbolically trusts in codified law, while symbolically trusting codified law, simultaneously fears provoking those who wield state power and therefore seeks to comply with their decisions rather than challenge them. Such quotidian dynamics, in which reprisals for exercising rights are common, ensure that the social collective refrains from questioning entrenched practices such as clientelism.

This brings us to the third explanation for the normalisation of clientelism: the underlying complicity that begins at the ballot box when individuals vote to elect members of the Congress of the Republic. As most of the electorate recognises the symbolic value of law yet fears contesting the processes through which it is created, their ultimate aim is often to ingratiate themselves with those in positions of power. Consequently, votes are cast to signal support for these elites in the hope of eventually securing tangible benefits, such as appointments or contracts.[27] Although this behaviour may appear paradoxical, individuals place trust in those they fear, believing that these powerful figures may eventually intervene to improve their social standing. Thus, voters frequently support historically powerful politicians in the expectation that such alliances will facilitate social mobility, which remains difficult under Colombia's prevailing power dynamics.

During electoral periods, the majority of individuals cast their votes primarily out of personal interest rather from a commitment to collective societal progress. Accordingly, many citizens involve themselves as closely as possible in campaigns for traditional politicians, seeking visibility and, once these politicians are elected, attempting to secure personal benefits through their intervention. This phenomenon, colloquially known as jam, ultimately manifests in the distribution of appointments or contracts to these voters, who become eventual beneficiaries of a corrupt system. While not all supporters of the victorious legislator can be accommodated, there is often a lingering hope of future inclusion within these clientelist networks. Thus, in anticipation of personal gain, individuals refrain from reporting such

[26] H. Zuluaga, *Por la vida, ¿Hasta la vida misma?: Líderes sociales en Riesgo (Colombia)*, "El Ágora U.S.B." 2019, 19(2), pp. 313–321.

[27] L. González, *Vote buying in Colombia: How does the ghost dress and what are its implications?*, "Reflexión Política" 2020, 22(46), pp. 44–57.

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practices, instead prioritising the fulfilment of the prebend promised in exchange for their vote.

The dynamics of these practices reveal that *jam* is a political phenomenon deeply entrenched in corruption, in which benefits are exchanged for specific legislative votes. As a result, the activities of the Congress of the Republic are not purely juridical processes but are mediated by political considerations favouring particular individuals over the public good. Although these practices have structural consequences that are widely condemnable, they are legitimised by iustheoretical arguments concerning the role of law in curbing executive abuses, by fear-driven deference to powerful elites, and by the electorate's hope of personal benefit through complicity in *jam*. Thus, Colombia's political reality coexists with a spectrum of legislative corruption that has been normalised through the colloquial appropriation of *jam*.

Conclusions

The current Colombian legal system embodies a rule of law framework grounded in a *iustheoretical* perspective aligned with formalism. This paradigm posits that written law is the highest source of legal authority, aspiring to perfection as it is enacted by the Congress of the Republic in the exercise of popular sovereignty. This formalist conception sought to constrain the power of the contemporary executive branch, aiming to achieve legal certainty in the protection of citizens' rights. Consequently, legal practitioners, including those within the national government, have been required to engage in mimetic interpretations, operating within a system in which checks and balances are exercised through the collective will of the traditional legislator.

Although formalism as a legal theory has increasingly been challenged by antiformalist initiatives that emphasise the role of alternative sources of law, the relationship between the executive and legislative branches has not undergone transformative change. The national government must still secure the approval of the Congress of the Republic to fulfil its constitutional functions. This requirement is grounded in the constitutional mandate for congressional approval of the National Development Plan proposed by each incoming president, the annual budgets, and any proposed shifts in public policy. Thus, the national government remains subordinated to the Congress of the Republic within a constitutional design of checks and balances intended to safeguard the public interest.

In this context, this framework compels the national government to ensure that members of Congress vote in favour of its initiatives, as only through such

support can the president deliver on campaign promises. To this end, some members of the executive negotiate with legislators, offering public positions or state contracts in exchange for legislative votes. This practice, colloquially referred to as *jam*, is deeply problematic: legislation is no longer crafted to advance the general interest but rather to satisfy narrow, particularistic goals. Moreover, the law – drafted by legislators themselves – provides no substantial mechanisms for sanctioning these exchanges. As a result, the corruption inherent in *jam* reverberates across Colombian society, with political, social, and economic consequences.

Despite these detrimental effects, *jam* has been normalised under the rationale that it is necessary to "grease the wheels" of legislative processes for political gain. Thus, clientelist practices associated with jam are tolerated – even endorsed – by much of society, with little meaningful opposition to the growing visibility of corruption in Colombian politics. Academic discussions have therefore sought to explain why such a reprehensible practice has been normalised, leading to the identification of three systematising reasons: one dogmatic, one social, and one individual.

The The first, dogmatic reason is the symbolic trust in written law as a means of securing rights – a trust historically justified by the need to prevent the recurrence of state-led violence against Colombian citizens. The second, social reason relates to the reverential fear that many Colombians harbour toward entrenched political elites, whose power renders any opposition potentially dangerous. The third, individual reason reflects a pragmatic calculation: for many, aligning with powerful figures and voting in their favour offers the only viable path to social mobility, often in exchange for public positions or state contracts. Thus, *jam* involves not only politicians but also those who passively accept and even seek to benefit from it, driven by fear and the hope of future gain.

Accordingly, *jam* can be understood as a political phenomenon that normalises corruption within Colombia's socio-political reality, reflecting a practice embedded in the political culture of the broader social body. This conclusion, responding to the research question and consistent with the general objective, affirms the hypothesis that Colombian *jam* entails legislators receiving benefits – positions for their associates or contracts for their recommenders – from the national government in exchange for favourable votes on executive legislative initiatives, and that such practices are widely perceived as an expected element of Colombian politics. Consequently, *jam* opens a hermeneutic framework for critically examining the role of written law in Colombian reality. Yet addressing this phenomenon remains not only an academic challenge demanding rigorous study but also a risky endeavour for those who dare to denounce it, whether from political or scholarly platforms.

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References

Bagni S., *Una exploración del pluralismo jurídico intercultural en la jurisprudencia de Bolivia*, Colombia y Ecuador, "Revista Derecho del Estado" 2024, 58, pp. 61–90. https://doi.org/10.18601/01229893.n58.03

Barrientos F., *Does More Internal Democracy Lead to Greater Electoral Success? The Selection of Presidential Candidates by Governing Parties in Latin America*, „Colombia Internacional" 2024, 118, pp. 197–229.

Berrío M., *The National Development Plan 2018–2022, "Pacto por Colombia, pacto por la equidad". Reflections and proposals*, "Revista de Economía Institucional" 2020, 22(43), pp. 195–222. https://doi.org/10.18601/01245996.v22n43.09

Caballero A., *New legal realism: a promising legal theory for interdisciplinary and empirical research about the 'law-in-action*, "Novum Jus" 2022, 16(1), pp. 209–228. https://doi.org/10.14718/NovumJus.2022.16.1.9

Calabresi S., *The Rise and Fall of the Separation of Powers*, "Northwestern Law Review" 2012, 2(106), pp. 527–550.

Celemín Y., *Constitutional Substitution: reflexions from the check and balances principle*, "Prolegómenos" 2020, 23(46), pp. 15–33. https://doi.org/10.18359/prole.3601

Da Ros L., *Checks and Balances: The Concept and Its Implications for Corruption*, "Revista Direito GV" 2021, 17(2), pp. 1–30. https://doi.org/10.1590/2317-6172202120

Etcheverry J., *Judicial Formalism, Activism, and Discretion*, "Díkaion" 2020, 29(2), pp. 336–351. https://doi.org/10.5294/dika.2020.29.2.1

González L., *Vote buying in Colombia: How does the ghost dress and what are its implications?*, "Reflexión Política" 2020, 22(46), pp. 44–57. https://doi.org/10.29375/01240781.3992

Guerra J., *La Influencia del Formalismo y del Antiformalismo Dentro de Colombia como un Estado Social de Derecho*, "Revista Cultural Unilibre" 2019, 1(1), pp. 26–30. https://doi.org/10.18041/1909-2288/revista_cultural.1.2019.6475

Henao D., *El Derecho a "que sea intentado" en Colombia a la luz del Estado Social de Derecho*, "Revista de la Facultad de Derecho y Ciencias Políticas" 2021, 51(135), pp. 587–616. https://doi.org/10.18566/rfdcp.v51n135.a13

Mejía M., *Conceptual Delimitation of the Phenomenon of Extrajudicial Executions*, "Díkaion" 2021, 30(2), pp. 499–527. https://doi.org/10.5294/dika.2021.30.2.7

Ortega L., *Political Control and the Rule of Law in Colombia: The Role of Congress in Constitutional Safeguarding*, "Estudios Constitucionales" 2024, 22(1), pp. 329–360. https://doi.org/10.4067/s0718-52002024000100329

Ospina P., The new Latin American constitutionalism, presidentialism and revocation of the mandate, "Justicia" 2023, 28(43), pp. 227–238. https://doi.org/10.17081/just.28.43.7002

Peralta J., *Simbolismo jurídico: una aproximación al populismo legislativo. Análisis del artículo 129 de la Ley 1098 de 2006*, "Prolegómenos" 2020, 23(46), pp. 35–50.

Perilla J., *Los centennials como un reto antiformalista para las Facultades de Derecho*, "Revista Pedagogía Universitaria y Didáctica del Derecho" 2021, 8(1), pp. 11–28. https://doi.org/10.5354/0719-5885.2021.61529

Perilla J., *El clientelismo político como un riesgo para el Estado Constitucional de Derecho colombiano*, "Krytyka Prawa. Niezależne Studia nad Prawem" 2023, 15(4), pp. 7–20. https://doi.org/10.7206/kp.2080-1084.635

Perilla J., *Misreading as a jus theory-creating possibility in a globalized context from a transnational perspective*, „Estudios de Derecho" 2024, 81(177), pp. 1–21.

Ríos J., *La Paix sans Consensus : Les Discours des Élites Militaires et Ex-Guérilleros sur l'Accord avec les FARC-EP en Colombie*, „DADOS" 2024, 68(1), pp. 1–36.

Ruiz A., *La arbitrariedad del poder: la palabra y la idea en la historia constitucional*, "Revista de estudios histórico-jurídicos" 2021, 43(1), pp. 723–747. https://doi.org/10.4067/S0716-54552021000100723

Soto S., *La vieja y la nueva separación de poderes en la relación entre el Poder Ejecutivo y el Poder Legislativo*, "Estudios constitucionales" 2018, 16(2), pp. 449–480. https://doi.org/10.4067/S0718-52002018000200449

Vallejo L., *El Plan Nacional de Desarrollo 2022–2026: Colombia, potencia mundial de la vida*, "Apuntes del Cenes" 2023, 42(76), pp. 13–16. https://doi.org/10.19053/01203053.v42.n76.2023.16467

Velandia C., *Origins of regional planning in Colombia and its challenges for the territory of the 21st century*, "urbe. Revista Brasileira de Gestão Urbana" 2021, 13, pp. 1–19.

Zuluaga H., *Por la vida, ¿Hasta la vida misma?: Líderes sociales en Riesgo (Colombia)*, "El Ágora U.S.B." 2019, 19(2), pp. 313–321. https://doi.org/10.21500/16578031.4386