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Research article

Education

PERCEPTION OF LAW STUDENTS AT SINÚ UNIVERSITY ABOUT THEIR ADAPTATION TO THE QUALIFYING EXAM FOR THE EXERCISE OF LITIGATION IN COLOMBIA

信义大学法学院学生对参加哥伦比亚诉讼资格考试的看法

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Abstract

The objective of this research is to analyze the training offer of the legal profession in Colombia from the sociocritical theory of Pierre Bourdieu, in order to examine the adaptation of law students to the changes of the globalized environment. This article aims to establish, the perception of law students at the University of Sinú regarding their adaptation to the qualifying exam for legal litigation. The novelty of this study is an additional and essential requirement for a lawyer to practice litigation in his profession, since the approval of the qualifying exam will depend on whether the Superior Council of the Judiciary (CSJ) can issue the professional lawyer card. This article describes a new method in socio-legal research, based on statistical analysis, which allows determining how they perceive the qualifying exam for legal litigation. The evaluation of the new method effectiveness is confirmed with the calculation of 150 surveys applied to law students, and new results complement previous studies. The novelty and scientific contribution aims to decant that the legal profession as such, changes due to the social changes that countries are experiencing, for this reason the science of law changes its characteristics, functions, etc. because it has particularities from country to country, as argued, and the conclusions point to determine that it is necessary to continue building data on Law 1905 of 2018, that is, to continue with the philosophical discussion on the Enabling Law of the legal profession , not situate ourselves in the mere suspicion of this.

Keywords: Advocacy, Litigation, Access to Justice, Law Schools, Legal Training, Enabling Law

摘要 本研究的目的是从皮埃尔· 布迪厄的社会批判理论中分析哥伦比亚法律职业的培训情况，以考察法学院学生对全球化环境变化的适应情况。本文旨在了解西努大学法学院学生对于适应法律

诉讼资格考试的看法。这项研究的新颖性是律师在其职业中从事诉讼的附加且基本的要求，因为资格考试的批准将取决于最高司法委员会是否可以颁发专业律师卡。本文描述了一种基于统计分析的社会法律研究新方法，可以确定他们如何看待法律诉讼资格考试。对法学院学生进行的 150 项调查的计算证实了对新方法有效性的评估，新结果补充了之前的研究。新颖性和科学性的贡献旨在揭示法律职业本身会因各国正在经历的社会变革而发生变化，因此，法律科学因其具有不同国家的特殊性而改变其特征、功能等， 正如所争论的那样，结论表明有必要继续建立关于 2018 年第 1905 号法律的数据，即继续对法律职业授权法进行哲学讨论，仅仅将置我们对此的怀疑之中.

关键词: 倡导、诉讼、诉诸司法、法学院、法律培训、授权法

I. INTRODUCTION

This analysis mainly occupies the perception of the students of the School of Law of the University of Sinú in Cartagena, with reference to Law 1905 of 2018, known as the Law Enabling the Legal Profession, for various reasons: Firstly, because The legal profession as such changes due to the social changes that countries are experiencing, for this reason the science of law changes its characteristics, functions, etc. because it has its own particularities from country to country, as argued [1] and also because the nature of the subject requires that the reality of legal systems be described, such as the Colombian one, because shortcomings or obstacles in the legal regulation of the legal profession, since the legal profession in this country has undergone various changes throughout history that are interesting from various points of view.

Today, Latin American and Colombian universities, especially, have faculties or law schools focused on the search for academic excellence, taking the programmatic contents towards training in skills and renewing legal studies, since social changes affect the way in which we live and work daily, that is why the Ministries of Education in Latin America are forcing Higher Education Institutions to rethink the occupation and profession of the legal profession.

In the 19th century, teaching about communications was very important, since it was an occupation that required knowledge of roads and how they could be affected by rain, but that trains, planes and motor transport made this occupation disappear. Lawyers can smile because they seem immune to these changes, since this is a profession that has been stable over time, lawyers continue to be trained for the professional practice of law in society.

Other authors [2] include Latin America within the Roman law tradition that was bequeathed to Spanish law that they introduced to this region of the American continent, which is why many Latin American countries share the same legal culture, which it gives the same way of approaching the law and conceiving the role of lawyers and other actors in the legal system; and argue that in the first years of the Spanish conquest lawyers were prohibited from passing through America without special permission, the purpose of the above was not to prohibit the existence of lawyers, since countless of them had been sent by the Spanish crown as judges or officials. What was avoided was their proliferation and that they generated lawsuits and other evils, which they brought with their presence.

But starting in the 16th century, the kings of Spain authorized the opening of law studies in the universities that had already been established in the Americas by the Jesuits and other confessional orders, and the title of lawyer was granted to a great number of people born in America, hence the idea of changing or reforming legal education has been recurrent in Latin America and changes have been made since the beginning of the 19th century, especially in matters of content and teaching methods, since according to the perception of authors who have proposed such changes have been perpetuated over time and that they need to be changed because they are behind the changes in global society of the new ways of conceiving the law, or of the demands of the legal profession, such an event occurs in Colombia with the implementation of Law 1905 of 2018, known as the Enabling Law of the legal profession.

The reforms of legal education that we have experienced in Latin America, and in the world, respond to the needs that are established in society through legal practice that in Colombia shows that current lawyers lack professional ethics in the legal practice, a situation that is producing disastrous results in the client-togado relationship. These results are mixed, since there

are things that are lost and others that are gained, and there are unexpected results, as outlined by the violation of the planning principle in state contracting as the basis for the declaration of disciplinary responsibility in Colombia.

II. Importance of Research Training in Law Studies

Research plays an important role in law, nationally and internationally, since it is a tool implemented by universities, so that their students in law faculties and schools seek to search for their own knowledge, with the implementation of strategies Pedagogical such as PBL or problem-based learning, a pedagogical and investigative strategy implemented at the Law School of the University of Sinú, for a comprehensive training of the graduate who is going to take the qualifying exam, without violating due process.

Today's world of life is highly competitive, which is why scientific research in law is needed, because it could not only be used as a study tool but also a tool for social change, with it we can know and explore the current problems that present the daily life of human beings.

Legal or socio-legal research also affects the globalization of law, since, although we are supposed to be able to share knowledge and theories with anyone in the world through the Internet and new information technologies and communication, the science of law admits in itself, that there is a world law or a globalized law.

It seems that the trend in this globalized world is the internationalization of legal theories and norms, which is seen in Latin America, through the judgments of the Inter-American Court of Human Rights, on the preservation of indigenous territories by part of the Colombian State, from the postulates of critical humanism and this is where the importance of research in law enters, since, if the legislator produces trends such as the qualifying exam for future trial lawyers in Colombia, it is originating ideas and trends that are already taking place in places such as the European continent and some Latin American countries.

Such legal imposition would be more difficult if we did not have in the faculties and law schools the development of legal or socio-legal research processes, which are displayed in the products that result from the various research projects in the classroom that are based on PBLs or problem-based learning, such as theater related to law, which is a tool to work on the equality of people, since we could not contradict those tendencies or theories produced by the most developed countries in research, such as the United States or Spain.

III. Discussion: Problem-Based Learning (ABP) in Law Schools in Colombia in Front of the Enabling Law of the Advocacy

In very general terms, teaching means instructing, indoctrinating, training with rules or precepts; on the other hand, learning is acquiring knowledge of a science, an art, a trade, through study or experience, from the above it can be concluded that it is feasible for someone to learn without another person teaching them, and within From this context, it is considered that problem-based learning allows law students to facilitate learning because within the classroom the student(s) investigate(s) to solve legal or socio-legal problems.

Learning to do in the classroom, with the pedagogical strategy of problem-based learning, allows learning to take the qualifying exam for the practice of law in Colombia, because it helps to improve the skills required by a trial lawyer and all improvement is change; For this reason, classroom research allows us to denote that learning beyond the information transmitted by the teacher causes changes in knowledge, behaviors, attitudes, values, priorities, and all of these are desirable and good changes.

Problem-based learning is the consequence of the interaction between learners and the legal information that the teacher transmits, a situation that is ideally facilitated by the teacher when organizing research projects in the classroom or scientific research projects carried out by students who are part of a research hotbed.

Such an event happens to the extent that the apprentice is motivated to change for the better, and it is applied in the real world of Law and Advocacy to the extent that the apprentice has contact with what has been studied, by putting it into practice. of socio-legal investigations, for example, carrying out the stages of said investigation successfully to integrate said learning into the daily reality of life that is impacted by the Law, in the case at hand in carrying out the qualifying exam for the exercise of the legal profession

In the initial pages of the work Methodology of the Teaching of Law, when dealing with "education as communicative reproduction" and "education as knowledge creation", he describes the pedagogical problems of current times. This

is a problem that is not uncommon in Colombia, which is why, as an alternative, the Method of Facilitating the Learning of Law arises.

The role of the educator of law "is limited to reproducing knowledge, communicating experiences and archetypes, which he delivers to the disciple as eternal truths or true judgments", within what has been called "administrative and dosed education" and as today There is talk of training by competencies, for this reason it is considered that problem-based learning favors the alignment of the necessary competencies for the professional performance of lawyers, who graduate from Law Schools, since it allows mastery of the dimension epistemology that admits to the future graduate, the mastery of the fundamentals of validation of scientific knowledge, the use of the corresponding intellectual instruments and the consistent practice, a situation that must be seen materialized, in the result of the qualifying exam that is going to be carried out, in order to be certified in the exercise of the legal profession.

The innovations and transformations as well as the pertinent academic updates based on the social changes inherent to human life are essential aspects in the creation and pursuit of any field of knowledge; however, the law seems to be an area that is not very dynamic despite the legislative, conceptual, and theoretical changes that the legislators of the States assume [3] because this analysis considering the criticisms of its formalism and secrecy.

The legal field has been studied mostly with its own theoretical-methodological frameworks that regularly maintain a positivist and dogmatic line as long as it is a normative science. Even with this justification, law as a social science requires building critiques that make it advance according to the needs of today's society.

When looking at the legal field as a market that produces bureaucratic provisions, it is characterized as a social space that gives special value to patriarchal attitudes and bureaucratic processes that link legal knowledge with public positions or assignments through the domination of these spaces by mostly men.

A. Problem Statement: The Enabling Law in Colombia (Law 1905 of 2018)

The Colombian legislator created with Law 1905 of 2018 a new state exam that must be taken by graduates of the faculties and law schools of Colombian universities, which is known as the qualifying exam to practice as a trial lawyer, and is an essential requirement to practice the legal profession in Colombian territory; but the law has not established, fundamentally, a good relationship with multiculturalism, even considering that this, in general, seeks the equality of students and graduates of law schools and faculties.

The person for whom the law is constructed is a fundamental part of the legal system, this person can be a man or a woman in their most matriarchal roles, such as mother, concubine, or wife. The sexes, socially constructed, have different symbolic characteristics since man is symbolically constructed as the holder of the power that structures social reality [4].

With the aforementioned law, the legislator sought to provide legal and administrative tools to the Superior Council of the Judiciary for the control of graduates from law programs, for when they obtain their professional card, showing the excellent quality with which they have been trained; and with judgment C-594 of 2019, the Constitutional Court made firm compliance with this requirement for those who start studying law since 2018, excluding those who had already started studying and those who have already studied law. They had graduated as lawyers.

The high constitutional magistrates allege that the legal profession in Colombia implies a social risk, therefore, universities should be required to issue law degrees with the suitability of those who will dedicate themselves to the professional practice of law, because some faculties or law schools, They no longer require their graduates to take the preparatory exams, but they themselves organize a Diploma of legal improvement or a Graduate Seminar, turning the qualifying exam into a new requirement that determines the obtaining of the professional title of lawyer.

A fundamental aspect of law from its classical conceptions, is its neutrality, the law is shown as an impartial normative compilation, it recognizes itself as a tool of justice, by decreeing itself as a neutral system of application of legal norms to achieve the Social harmony, however, being a science surrounded by the great stories of modernity, interweaves in its postulates the idea that the human being, as a rational being, acts selflessly when building the legal system and with it the norms applicable to specific contexts, which reinforces the neutral and disinterested position of the law [5]. This position ends up benefiting certain groups and discriminating against others.

On the other hand, the law also, as a regulatory scheme, limits the powers within the structures of the State, it is a tool of this to establish the rules of the legal game [6]. In this way, legal agents (jurists) also have a strong link

with power, given their position as social and political theorists [7]. This does not necessarily benefit the field of law, in some cases, on the contrary, it limits the growth and social strengthening of legal life.

The habitus that occurs in the field of law is hierarchical and as a disposition of the body expresses the dynamics of unequal social relations, in a classical theoretical way in legal literature this conception is defended and with it the law makes possible the execution of symbolic violence and abuse of power.

The law, from a critical point of view, has the effect of maintaining unequal social relations [8] and with this legitimizes inequality, and legal operators have the task of maintaining the law with internal coherence, they are the ones who reproduce the law as an unquestionable neutral system, which limits its transformation.

The field of law can be seen as a system that is activated according to certain logics and dynamics of its own, its operators or the agents that exist in the field are in charge of promoting those specific norms [9] and, nevertheless, sometimes when playing with their own rules, they minimize the social consequences.

The law is closely linked to institutional decisions through legal norms, since the State transforms political struggles into objective application of norms in accordance with its judicial or administrative bodies [10] and when social actions have a legitimate order. that is based on the validity and legitimacy of models of conduct (legal norms) turns out to operate more effectively, that is why the law is a viable instrument for social domination [11].

The State is a center of political and legal power; therefore, it exercises domination through its own rules, one of those rules is the superiority of man. The State concentrates various capitals that are covered by the symbolic capital that legitimizes its authority through the provisions incorporated in the agents and the unrecognized aspects in the social trajectory of the law as a market producer of provisions, indicate that it has a structure of power that is based on legitimate bases that act in the bureaucratic field that is characterized as a space for struggles and manipulation of public goods that uses legislation to establish the rules of the game, also serving the law as a justification for decisions policies to hold and defend power.

The field of law has fundamental theoretical axes that govern its operation, an example of this is Hans Kelsen's theory of knowledge in which there is a reduction of the right to positive legal precepts and said reduction sharply limits that the law establishes , as a system, a close link with the regulations and leaves aside aspects of a social nature, vital for any science that studies society [12].

B. Pierre Bourdieu's Sociological-Critical Perspective to Study the Field of Law

The theory on which this article is based is that of Pierre Bourdieu's economics of social practices, a theory that explains the way in which a social field works according to the resources that are produced in it. The field of law, in this study, is seen as a market that produces masculine and bureaucratic dispositions that, according to supply and demand, continues to reproduce its own legitimate position as a center of power, which is affirmed as an effect of social hysteresis, which it means fixation on the past despite social transformations.

The Bourdian theory comes from the influence of Marx, Durkheim, and Weber, since Bourdieu [13] analyzes and integrates the conceptions, concepts, and perspectives of the main sociological authors to integrate them into a perspective in which some of the most representative sociological and philosophical traditions converge to analyze social reality.

The theory used makes use of three main concepts, the field, the habitus and the capital. These concepts are closely related and are translated as ways of being, thinking and acting of the agents of a specific social space. Capital as social energy is imbricated in the activities carried out by the agents, who show their dispositions according to their internalized capitals and the value of said capitals in their scope of action (field).

The field can also be understood as a space of forces that are printed on the people who occupy said space. People (agents) act differently according to their position. The field is a space for struggles that seek to transform those forces based on the rules of the game and the capitals in dispute.

Capital is understood as the principle that distinguishes the fields. Social fields can be differentiated based on the types of capital that is at stake in them. Each field is structured according to the distribution of its capitals In each field there are capitals for which struggles between agents are carried out, each field has, as already mentioned, a particular logic and defines the importance of certain capitals within it For example, in the academic or scientific field, one of the most important capitals is cultural capital, since it has great value and there is a constant struggle to accumulate it, which does not occur in

other fields, for example. The field of bodybuilding.

The specificity of each field is distinguished by the capital that fluctuates in it and that is at stake according to the set of assets that accumulate given the investment and reconversion conditions.

Finally, the habitus, which is mostly known for its adjustment scheme, between the objectively occupied position and the dispositions linked to it. The most frequently occurring situation between a field and a habitus is that the second adjusts to the first, that is, the habitus as a scheme that generates practices tends to couple and identify with the social conditions that have produced it, which manifests the phenomenon of social reproduction.

Every habitus is made up of a series of attitudes, thoughts, ways of being and feeling that are the dispositions that can be understood as:

"The set of generative schemes from which the subjects perceive the world and act in it, these are socially structured and have been shaped throughout the history of each subject and suppose the internalization of the social structure, of the concrete field of social relations in which the social agent has been shaped as such, but at the same time they are structuring" [14].

The dispositions or the habitus, necessarily depend on what is at stake within the specific field of which one is speaking, since the capitals in tension are not the same in different fields, and have their particularities and with it the dispositions with which that is faced with the struggle and competition.

One of the central concepts of this research is Colombian Law 1905 of 2018, known as the Enabling Law for the Legal Profession, which is a provision understood as "a set of thought schemes, emotions, ideas, values, beliefs, experienced subjectively resulting from prolonged exposure to an objective and specific social position" [15] and the ways of being, thinking, feeling and acting, when it refers to dispositions, are not limiting, they include cognitive, affective factors, socialization processes and experiences that constitute the social trajectory of each agent [16].

The three concepts described operate in a complex way in each case, in the legal field it is possible to notice peculiarities with respect to bureaucratic and masculine provisions. Bourdieu, through his sociological theory applied to the world of law, explains the resistance to change that the legal field presents, both the formal structures of law and the relationship between these same structures and legal professionals.

The legal field is determined by the relations of force that provide structure and direct its conflicts, and also by its internal logic, since legal actions limit the space of the possible and legal solutions. The clearest form of domination is through self-regulation and the other fields.

Traditionally, the law is reduced to the application of its legal norms, extraordinarily it shows factual relationships with sociological, historical, political or bureaucratic elements. Critical or renewing positions of the law are also excluded, possibly because these positions reduce its power. The foregoing is also explained by recognizing that within the legal field the interest of the dominant classes are reproduced, for example, jurists belong, in fact, to dominant classes since legal or political-legal practitioners make important social decisions while maintaining a very close relation of the economic field. In the legal field, in turn, agents are trained who, after being legally instructed, reposition themselves as legislators, advisors for the creation of legal norms or public officials in various institutions [17].

The law in its historical trajectory has been used by the modern State to facilitate the homogenization of the social system. Specifically, Roman law, which is the substantial core of the law applied in Mexico, Venezuela, Colombia, and other Latin American countries, has been absorbed by public power through officials of the judicial system. The foregoing denotes the strong relationship between state entities and the law as a system of legal norms.

The field of law is activated according to certain logics and dynamics of its own, its operators or the agents in the field are in charge of promoting those specific norms [18]. These logics and dynamics present sexist characteristics, therefore, they are unequal, since the law is a masculine element and not neutral in its practical operation, although in the discourse it is a neutral and egalitarian social element for people [19].

These traditional practices in law, in turn, show that the State makes the monopoly of the use of physical violence persist, however, according to Bourdieu, it carries out the use of symbolic violence, in a territory specific to a given population. The use of symbolic violence is carried out in two ways: under structures and mechanisms and by mental structures that have the vision of the existence of the State as something natural. Thought that takes the root from the creation of the Modern State to this time, fixing itself despite the passage of time and the transformation of society.

C. The Hysteresis Effect in the Field of Law

Hysteresis is a physics term recovered and applied to the social sciences by Bourdieu, to explain the delay between an already completed educational inculcation process and its effects on current conditions, which demand immediate practices regarding different from those that are being operated [20].

The hysteresis effect appears in the legal field, then, as a mismatch because it is a less present case when it comes to habitus: "But there are also cases of discrepancy between habitus and field in which the conduct is unintelligible unless one introduces in the picture the habitus and its specific inertia, its hysteresis" [21] in this way, the past tends to make an appearance in the current conditions in an infraconscious way and is only detectable by the objective practices, in which the mismatches between the demands of the context and the outdated resources they are faced with.

D. The Epistemological and Methodological Position of the Economics of Social Practices

The economy of social practices, proposes an epistemological-methodological way of knowing each social space in Latin America for the training of lawyers, from the social perspective of Pierre Bourdieu, two aspects of the same reality are studied: the objective and the subjective, and each social space has its own social trajectory and structural characteristics of its normative system, in the case of the objective conditions of its existence, demographic and institutional data, and general particularities of the context. The subjective aspect entails knowing the mental structures, ways of thinking and considerations of the agents that belong to the social reality studied: Legal operators.

The critical methodological tools provided by the examined theory make it possible to link such generous aspects of the legal field, since it is studied as an independent social space in terms of its rules, its trajectory, and the provisions produced by it. Some aspects to consider are the immovable positions of the law and the way in which power is perpetuated within it.

The two aspects mentioned have been classified as contradictory in the study of reality according to qualitative and quantitative considerations, however, every context is mediated by issues embedded in structural reality and from the perspectives of the people who circulate socially in them. This constitutes the two moments of Bourdian research, the objectivist moment and the subjectivist moment, which is a second methodological moment. The notions of field and habitus allow a practical analysis of social reality, only building abstractions of it.

The epistemological and methodological path in social research seeks first to outline the structure of the field, together with the logic of its operation and in a second moment to recognize the relationships between singular agents through their personal trajectories and perceptions. Both moments sequentially constitute a complementary methodology, under which institutional data and the social trajectory of the context are first acquired and later, with this information organized and clear, the point of view of the agents selected as key informants is known, in the case at hand, Law 1905 of 2018, known as the Enabling Law of the legal profession in Colombia.

E. Statistical Analysis of the Survey Applied to Law Students at the University of Sinú

In this item, it seeks to establish, through statistics, the perception of law students at the University of Sinú, about their adaptation to the qualifying exam for the litigation of the legal profession in Colombia.

Regarding the methodology used, this is an applied, descriptive, and cross-sectional investigation, since it will serve to measure and qualify what the investigated population thinks about their adaptation to the qualifying exam for legal litigation.

The instrument used was a survey prepared by the researchers, which was applied at the law school of the Universidad del Sinú in Cartagena (Tables 1-10, Fig. 1-10).

Table 1.
Do you think that an additional and indispensable requirement is required to practice the profession, such as the qualifying exam for litigation, and that the Superior Council of the Judiciary (CSJ) can issue the professional lawyer card?

Option	Frequency	Percentage
Yes	15	10%
No	135	90%
Total	150	100%

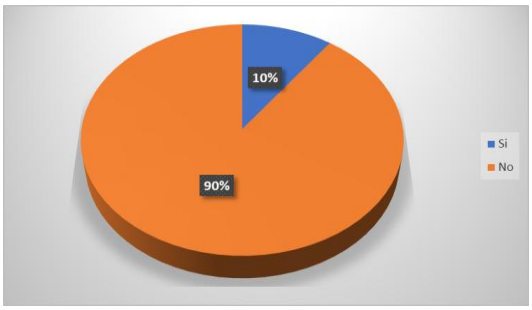

Figure 1. Infographic for Table 1

Table 2.
Do you believe that the qualifying exam for litigation is a mechanism that allows evaluating and verifying the academic aptitudes of future legal professionals?

Option	Frequency	Percentage
Yes	31	21%
No	119	79%
Total	150	100%

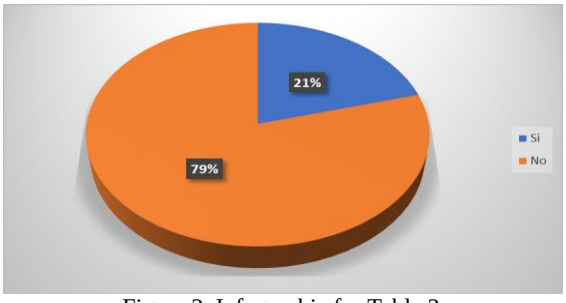

Figure 2. Infographic for Table 2

Table 3.
Do you believe that the creation of the qualifying exam for litigation makes it clear that the State does not trust the mere criteria of universities to train lawyers?

Option	Frequency	Percentage
Yes	130	87%
No	20	13%
Total	150	100%

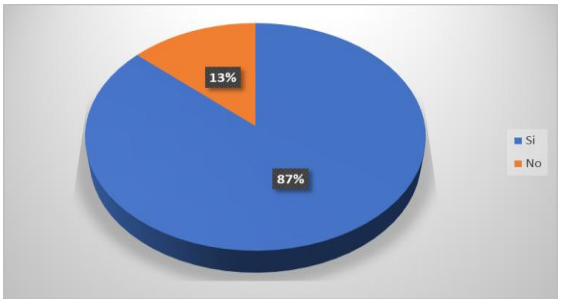

Figure 3. Infographic for Table 3

Table 4.
Do you believe that the creation of the qualifying exam for litigation is based on the negative assessment that there is about the quantity, quality and suitability of legal professionals in Colombia?

Option	Frequency	Percentage
Yes	68	45%
No	82	55%
Total	150	100%

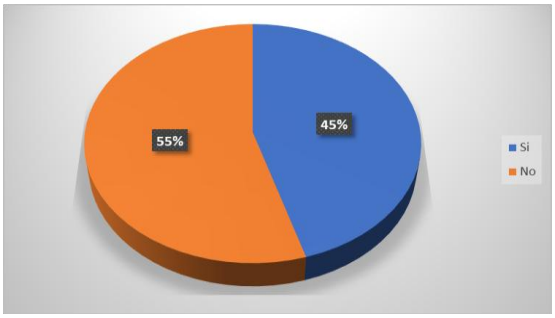

Figure 4. Infographic for Table 4

Table 5.
Do you think that in Colombia there is low quality in the training and academic preparation of lawyers?

Option	Frequency	Percentage
Yes	67	45%
No	83	55%
Total	150	100%

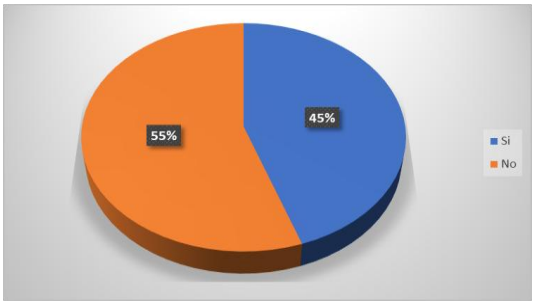

Figure 5. Infographic for Table 5

Table 6.
Do you believe that the qualifying exam for litigation is understood as a filter to prevent those who are not sufficiently trained to practice Law from obtaining their professional card?

Option	Frequency	Percentage
Yes	40	27%
No	110	73%
Total	150	100%

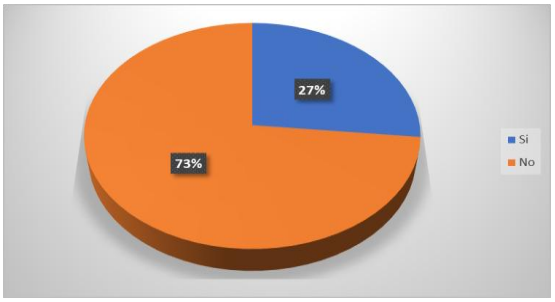

Figure 6. Infographic for Table 6

Table 7.
Do you believe that the qualifying examination for litigation guarantees Colombian society that the lawyers who defend their interests have the minimum skills and knowledge and are ethically and professionally suitable?

Option	Frequency	Percentage
Yes	25	17%
No	125	83%
Total	150	100%

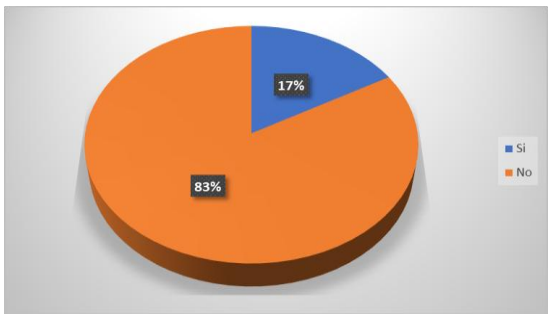

Figure 7. Infographic for Table 7

Table 8.
Do you think that the qualification exams for litigation, which have served in other jurisdictions such as the United States and Germany to mitigate academic deficiencies and filter students who do not have the basic knowledge for appropriate professional performance, will also be used in Colombia for this purpose?

Option	Frequency	Percentage
Yes	54	36%
No	96	54%
Total	150	100%

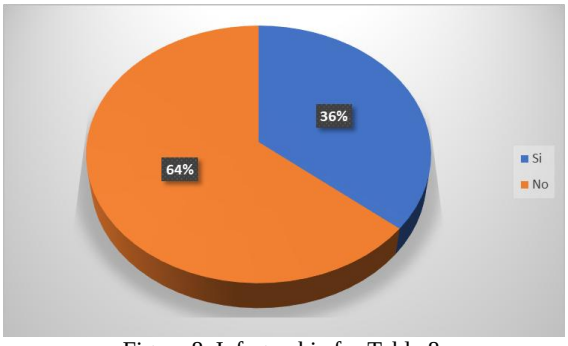

Figure 8. Infographic for Table 8

Table 9.
Do you know what the academic and personal competencies, aptitudes and criteria are going to be evaluated, as well as the contents, methodology, structure, length and way of asking and answering in the qualifying exam of the legal profession?

Option	Frequency	Percentage
Yes	128	85%
No	22	15%
Total	150	100%

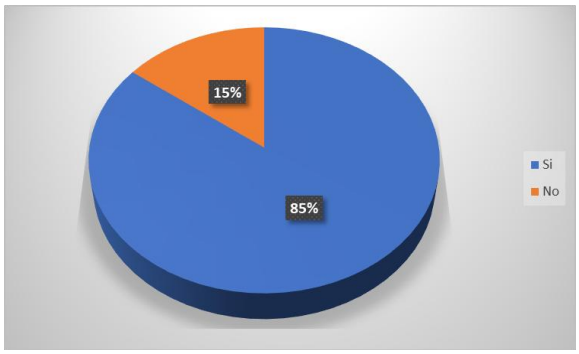

Figure 9. Infographic for Table 9

Table 10.
Do you think that the study plans and pedagogical strategies such as problem-based learning of the Law School of the University of Sinú, meet the needs to pass the qualifying exam?

Option	Frequency	Percentage
Yes	129	85%
No	21	15%
Total	150	100%

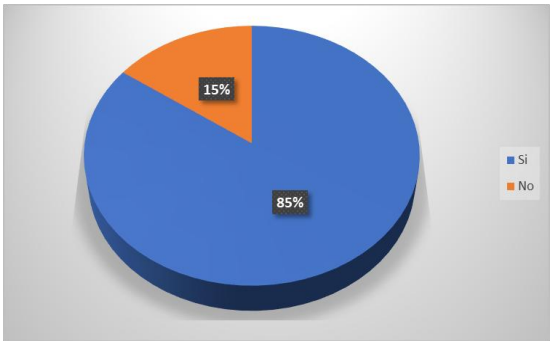

Figure 10. Infographic for Table 10

With the issuance of Law 1905 of 2019, the Colombian legislator hopes that the habitus of litigating lawyers will change when they go to the judicial apparatus, because various factors reduce the quality of service: the congestion of the offices, the dramatic delay judicial decision, and the unjustified delay of the processes.

Perception is one of the inaugural themes of psychology as a science and has been the object of different explanation attempts in the disciplines that make up the social sciences, one of them is the one offered by Gestalt, which states that it can be affirmed that , from the enormous amount of data provided by sensory experience (light, heat, sound, tactile impression, etc.), perceptual subjects take only that information that can be grouped in consciousness to generate a mental representation concept that We take to provide the perception of the respondents for this inquiry, we see how the law students of the University of Sinú, said that they believe that an additional and essential requirement is required, such as the qualifying exam for litigation, in order to practice the profession and that the Superior Council of the Judiciary (CSJ) can issue the lawyer's professional card; Yes by 10% and No by 90%.

Likewise, they said about whether they believe that the qualifying exam is a mechanism that allows evaluating and verifying the academic aptitudes of future professionals in Law; Yes in 21% and No in 79%; and they said they knew if they believe that the creation of the qualifying examination for the litigation makes it clear that the State does not trust the mere criteria of the universities to train lawyers; Yes by 13% and No by 87%.

They also said they knew that the creation of the qualifying exam for litigation is based on the negative assessment that there is about the quantity, quality and suitability of legal professionals; Yes by 45% and No by 55%; and that in Colombia there is a low quality in the training and preparation of lawyers; Yes by 45% and No by 55%.

They also said that the qualifying exam for litigation is understood as a filter to prevent anyone who is not sufficiently trained to practice law from obtaining her professional card; Yes by 27% and No by 73%; and that the qualifying exam for litigation guarantees Colombian society that the lawyers who defend their interests have the minimum skills and knowledge and are ethically and professionally suitable; Yes by 17% and No by 83%.

The law students of the University of Sinú, when surveyed, said that they believe that the qualification exams have served in other jurisdictions such as the United States and Germany to mitigate academic deficiencies and filter students who do not have the basic knowledge to the adequate professional performance, will also serve in Colombia for this purpose; Yes by 36% and No by 54%.

They claim to know what the academic and personal competencies, aptitudes and criteria are going to be evaluated as well as the content, methodology, structure, length and way of asking and answering in the qualifying exam for litigation; Yes by 85% and No by 15%.

In addition to believing that the study plans and pedagogical strategies such as problem-based learning of the Law School of the University of Sinú, meet the needs to pass the qualifying exam for litigation; Yes by 85% and No by 15%.

In addition, when comparing the results of the present study with previous studies, we consider the experience of the legal profession in Chile, considering that the number of oaths taken by the Supreme Court of Justice to recent graduates during the last 12 years [22], it can be seen that more than 40,000 lawyers have entered the Chilean legal market. This figure can be contrasted with the number of lawyers who in the same period joined the Chilean Bar Association and it can be seen that a little more than a tenth of the lawyers who were sworn in during the period 2010-2021, voluntarily opted for professional membership.

The option for collegiate is not an inconsequential fact from the disciplinary point of view, since it reflects the gap in disciplinary control that exists between registered and non-registered lawyers. Indeed, the large proportion of lawyers who are not registered (87%) avoid "effective" disciplinary control for the simple fact of not registering, and with this, practically deprives their clients of the possibility of claiming against bad practices. The reality of registered lawyers is totally different, that these, precisely because they are registered, face an effective disciplinary control system before which clients or other operators of the legal system can claim professional misconduct and eventually obtain remedies, agreements, and even disgraceful sanctions, despite a disciplinary infraction.

In other words, when a lawyer is registered, he exposes his professional practice, and his reputation, to the scrutiny of a third party, with effects on his person or his assets, but not the lawyer who is not registered. Well then, the General Council of the Bar Association, noticing the difficulties caused by the disciplinary control gap in Chile for the well-being of the consumer of legal services, agreed to urge the Constitutional Convention to propose a new rule in its draft Constitution, which would allow the legislator to re-establish mandatory affiliation to a professional association as a precondition for the exercise of certain professions and thus force homogeneous disciplinary control, as the Colombian government is currently doing, by regulating through Law 1905 of 2018, the legal profession in Colombia and its being declared Constitutional, by the Constitutional Court through Sentence C-138 of 2019.

IV. CONCLUSION

With the state exam, known as the qualifying exam for the practice of the legal profession, the legislator hopes to respond to the expectations of judges who perceive that current lawyers, who face each other in legal disputes, are fearful of judicial contention denoting that there is a weakness in the judicial system due to the poor preparation of the graduates of the faculties and law schools of the Colombian universities.

From the Bourdian methodological perspective, in this document two types of structures are studied; the first are external social structures and the second are internalized social structures, that is, the first are the social positions that have been built from the practice of law itself and the second are the dispositions incorporated by the agents from their social trajectory.

These two concepts go together methodologically, and constitute a false dichotomy according to Bourdieu who conceives objectivism and subjectivism as partial, but not irreconcilable, they are two moments that are in a dialectical relationship, given that social structures exist twice -which social is made up of objective relationships, but that individuals also have a practical knowledge of these relationships – a way of perceiving them, evaluating them, feeling them, living them and investing this practical knowledge in their ordinary activities, a double reading is imposed on the sociologist of

their objects of study [23].

Objectivist thought rescues the objective relationships that condition the training practices of Colombian lawyers, that is the objective sense of perspective, but there is also subjectivist thought that considers the lived sense of the practices of graduate lawyers graduated from the law schools, since agents have perceptions and representations, which are the foundation of their experiences.

Future lawyers graduated from the law schools of Latin American universities are called upon to play an important role within societies so that they are democratic, since governments should not only contribute to the maintenance of social peace, promoting the use of appropriate mechanisms for conflict resolution, but litigants are also required to undertake an ethical and responsible exercise of judicial actions within the justice system [24].

The detection of the first moment focuses on recognizing the macro level conditions that law schools have in their universities, since it corresponds to the institutional issues that are handled within it, such as the population and demographic data of its students and the Geographical data that indicate where lawyers are being trained in Latin America, which indicates particularities of the social space.

The objective of the second moment is to know the micro level of the field, based on the epistemological thoughts of legal training, which enunciates a series of knowledge, emotional assets, attitudes and individual social trajectory of each training agent and those who are being trained. in the legal career. This information is acquired based on the entry and permanence in the field, since that is how the provisions are built.

The methodology proposed by Bourdieu implies a critical reflective process in which an epistemological rupture is made, which also turns out to be a social rupture. These ruptures often generate disagreements with the notions shared by the social groups in which they belong. conducts the inquiry, such as that among those surveyed are Venezuelan migrants supported by UNHCR to study law in Colombia, in the case at hand regarding Law 1905 of 2018, known as the Law Enabling the Law Profession.

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Likewise, the methodology that integrates Pierre Bourdieu's theory of the economy of social practices considers that the data is not legitimate by itself, hence the need to overcome the naivety that implies blindly believing in the data provided by legal training in Latin America.

Within the limitations that we found when carrying out the research within the School of Law of the Sinú University in Cartagena, we found that one of the practical difficulties is the limit of time available to explore a research topic and control the changes that occur, since the school semester takes place in 4 months, twice a year, a time period in which the natural time restrictions are presented to the weeks in which students carry out their partial evaluations and ignore the research process and the impact of this limitation is the need to carry out research. future on this topic.

And the perspective of the research is to build the data, that is, to make a philosophical discussion about Law 1905 of 2018 known as the Law Enabling Law, so as not to place ourselves in the suspicion of this since the importance of this investigation arises from the relationship with the roles played by trial lawyers in Colombia and their relationship with the legal profession in terms of access to justice for their clients.

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