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Constitutional control as a guarantee of the rule of law: Analysis of the concentrated model in Latin America

El control de constitucionalidad como garantía del estado de derecho: análisis del modelo concentrado en América Latina

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Gladys Doris Manrique Castro
https://orcid.org/0009-0007-5925-2797
gdmanriquem@ucvvirtual.edu.pe
Universidad César Vallejo. Lima, Peru

Abstract
This study analyzes the centralized model of constitutional review in Latin America and evaluates its effectiveness in strengthening the rule of law and protecting fundamental rights. To this end, a qualitative and comparative methodology was adopted, based on a systematic review of constitutional doctrine, analysis of key jurisprudence, and semi-structured interviews with constitutional law specialists. The focus is on Colombia, Mexico, and Peru, nations with constitutional courts inspired by Kelsenian thought. The findings reveal that, despite its theoretical pillars—constitutional supremacy, interpretive centralization, and jurisdictional specialization—its practical effectiveness is limited by structural factors: politicization in the appointment of judges, budgetary constraints, weak judicial autonomy, and an incipient constitutional culture. However, the experiences of Colombia and Mexico highlight progress toward an active and rights-based constitutionalism, with a greater emphasis on the protection of rights.

Keywords: constitutional review, rule of law, centralized model.

Resumen
Este estudio analiza el modelo concentrado de control de constitucionalidad en América Latina y evalúa su eficacia para fortalecer el Estado de Derecho y proteger derechos fundamentales. Para ello, se adoptó una metodología cualitativa y comparativa, sustentada en revisión sistemática de doctrina constitucional, análisis de jurisprudencia clave y entrevistas semiestructuradas a especialistas en derecho constitucional. El enfoque se centra en Colombia, México y Perú, naciones con tribunales constitucionales de inspiración kelseniana. Los hallazgos revelan que, pese a sus pilares teóricos —supremacía constitucional, centralización interpretativa y especialización jurisdiccional—, su efectividad práctica se ve limitada por factores estructurales: politización en la designación de magistrados, restricciones presupuestarias, debilidad en la autonomía judicial y una cultura constitucional incipiente. Sin embargo, las experiencias de Colombia y México destacan avances hacia un constitucionalismo activo y garantista, con mayor incidencia en la protección de derechos.

Palabras clave: control de constitucionalidad, estado de derecho, modelo concentrado.

Introduction
Over recent decades, Latin America has undergone profound political, legal, and institutional transformations, driven by transitional processes aimed at consolidating democratic systems. These processes emerged in response to prolonged periods of authoritarianism, governmental instability, and breakdowns of constitutional order, circumstances that laid bare the fragility of state institutions and the weakness of mechanisms for controlling power. In this context, building a robust rule of law has become a central objective for guaranteeing legality, ensuring the protection of fundamental rights, and legitimizing the exercise of public authority. From a garantista perspective, Ferrajoli (2001) contends that the rule of law is not limited to the formal requirement of legality but entails the constitutionalization of the legal order as a material constraint on the arbitrary exercise of

power. This view is complemented by Bobbio (1986), who emphasizes that the effectiveness of the rule of law demands the subjection of all public powers to general norms, previously established and impartially applied.

Within this framework, constitutional review constitutes a fundamental institutional mechanism for preserving constitutional supremacy and ensuring the coherence of the legal system. Through this instrument, the conformity of state norms and acts with constitutional mandates is verified, ensuring that the exercise of power remains within legally established bounds. Although constitutional theory recognizes various modalities of review (diffuse, concentrated, and mixed) the concentrated model has acquired particular relevance in Latin America. Inspired by the doctrine of Kelsen (2009), this model assigns to a specialized body the exclusive competence to declare the unconstitutionality of laws and to render definitive interpretations of the Constitution. Kelsen conceived of this body as a "negative legislator," tasked with purging the legal order without supplanting the democratic legislator. In a complementary vein, Hesse (1995) argued that the real efficacy of the Constitution depends on the existence of institutions capable of rendering it operational in the face of political pressures.

Various countries in the región, including Colombia, Peru, Chile, and Guatemala, have adopted the concentrated model in order to overcome the limitations of diffuse review, especially the lack of jurisprudential uniformity and weak constitutional defense. By centralizing constitutional interpretation in a technical, specialized body, the aim is to improve the quality of legal reasoning, reinforce legal certainty, and strengthen the democratic legitimacy of decisions. In this regard, Brewer-Carías (2015) maintains that the creation of constitutional courts responds to the need to establish autonomous instances capable of effectively controlling political power. A notable example is Colombia's Constitutional Court, whose judicial activism and progressive approach to fundamental rights have made it a regional reference point (Nieto, 2008).

Nevertheless, the implementation of the concentrated model of constitutional review in Latin America has encountered significant challenges. Although its normative design seeks to strengthen institutional stability and limit the exercise of power, its practical effectiveness is conditioned by structural factors such as the degree of judicial autonomy, the mechanisms for selecting justices, the availability of resources, and the political context in which these courts operate. Gargarella (2010) warns that many of these bodies operate within presidential systems characterized by weak separation of powers and insufficient control mechanisms.

Criticism of the model intensifies in light of contemporary phenomena affecting democratic institutionalism, such as the politicization of courts, executive interference in judicial decisions, regressive constitutional reforms, and the erosion of checks and balances systems. García (2008) and Valadés (2010) agree that an adequate institutional design is insufficient unless accompanied by a robust constitutional culture and political practices that respect judicial independence. From another perspective, Salazar (2013) acknowledges the transformative potential of constitutional courts in contexts of social inequality, provided they act with sensitivity to citizen demands. For his part, Tushnet (2008) warns of the risks of so-called "strong constitutionalism" when it becomes disconnected from the principles of representative democracy.

In practice, numerous constitutional courts in the region operate under adverse conditions, marked by political pressures, budgetary constraints, and low levels of citizen trust. To this is added an incipient constitutional culture, characterized by limited knowledge of constitutional defense mechanisms and weak social appropriation of the Constitution as a legally binding norm. In this sense, Salazar (2013) underscores the importance of strengthening civic education as an indispensable complement to constitutional review.

Given this landscape, a critical analysis of the functioning of the concentrated model of constitutional review in Latin America is necessary, assessing both its contributions and its limitations. The central objective of this study is to examine this model as a guarantee of the rule of law, analyzing its normative design, practical application, and real effectiveness. The hypothesis holds that the concentrated model can contribute significantly to strengthening the rule of law, provided it enjoys functional autonomy, a solid institutional structure, and political and social backing, although its impact varies according to the degree of democratic maturity and the political context of each country, in line with Ginsburg (2003) and Hirschl (2004).

It should be noted that this study incorporates, for its analysis, the theoretical contributions of various authors, which are detailed below:

Doctrinal evolution of constitutional review

The concentrated model, originally formulated by Kelsen (2009), proposes the existence of a specialized constitutional court tasked with ensuring the supremacy of the Constitution over ordinary legislation. This model stands in opposition to the diffuse U.S. system, in which all judges may exercise constitutional review.

Bobbio (1986) expands this perspective by noting that modern constitutionalism entails the institutionalization of legal limits on political power. In this way, constitutional review is not merely a procedural technique but a structural guarantee of the democratic state.

Meanwhile, Ferrajoli (2001) contends that constitutional garantismo seeks to reduce the gap between the formal validity of norms and their substantive legitimacy, such that constitutional review acts as an instrument of defense against abuses by the legislative and executive powers.

The concentrated model in Latin America

The reception of the Kelsenian model in Latin America has been heterogeneous. In countries like Colombia, the Constitutional Court has played an active role in expanding fundamental rights (Couso, 2004). In Mexico, the 2011 constitutional reform expanded the protection of human rights through both concentrated and diffuse review (Carbonell, 2012). In Peru, the Constitutional Tribunal has adopted a garantista approach, albeit with limitations arising from its political dependence and limited coercive capacity (Brewer-Carías, 2015).

Hesse (1992) emphasizes that the normative force of the Constitution depends on its effective integration into social and political practice. In Latin America, this ideal faces structural challenges linked to institutional instability and weak judicial independence.

Structural factors conditioning effectiveness

The effectiveness of the concentrated model of constitutional review is conditioned by a series of institutional, political, and cultural factors that directly affect its practical operation. Gargarella (2010) warns that, in Latin America, the persistent tension between democracy and constitutionalism has generated an imbalance between the democratic legitimacy of popular origin and the exercise of judicial control. In this sense, the consolidation of constitutional review depends not only on its normative design but also on the existence of a stable political environment, independent judges, and a legal culture that recognizes constitutional supremacy as a limit on power.

Constitutional review constitutes one of the fundamental pillars of contemporary constitutionalism and the legal architecture of democratic states. Its primary purpose is to guarantee the primacy of the Constitution over any infra-constitutional norm or public act that contravenes its essential principles. This mechanism, which can take various configurations, seeks to prevent or correct deviations of power that affect the core of the constitutional order. Along these lines, Häberle (2000) conceives the Constitution as an "open order," whose defense requires institutional instruments capable of rendering it effective against norms or acts that violate it. This conception is complemented by the typology proposed by Loewenstein (1957), who distinguishes between normative, nominal, and semantic constitutionalism, highlighting that only in the first does constitutional review truly fulfill its function of limiting power.

From a historical perspective, two predominant models of constitutional review have developed. On the one hand, the diffuse model, characteristic of the U.S. system from the precedent of Marbury v. Madison (1803), in which any judge may decline to apply a norm considered contrary to the Constitution. This model was critically analyzed by Bickel (1986), who described it as a necessary "counter-majoritarian" function in consolidated democracies. On the other hand, the concentrated model, formulated by Kelsen (2009), reserves the authority to declare unconstitutionality to a specialized court. Kelsen defined this body as a "negative legislator," charged with expelling from the legal order norms incompatible with the Constitution. However, Schmitt (2024) questioned the supposed technical neutrality of this tribunal and warned of the risks of its politicization, a tension that remains present in the Latin American context.

In Latin America, the concentrated model has consolidated as an institutional response to the deficiencies of diffuse review, particularly jurisprudential fragmentation and weak constitutional defense. Its adoption seeks to ensure a unitary interpretation of the Constitution, strengthen the coherence of the legal system, and endow constitutional review with greater legitimacy. Brewer-Carías (2015) argues that this trend forms part of a broader process of constitutionalization of law, aimed at transforming the Constitution into a truly operative norm. This phenomenon is also situated within what Grimm (1991) terms the constitutionalization of politics, where courts assume a central role in shaping the democratic order.

Various countries in the region have institutionalized constitutional courts or strengthened the competences of their supreme courts to exercise constitutional review. This process responds to the need to reinforce legal certainty, elevate the quality of jurisprudence, and improve the effective protection of fundamental rights. Prieto (1995) highlights that centralized review reaffirms the Constitution as the supreme parameter of legal validity, while

Martí (2006) emphasizes that the specialization of constitutional judges allows for a deeper analysis of the fundamental values of the political community.

In the Peruvian case, the concentrated model was formally established with the 1993 Constitution, through the creation of the Constitutional Tribunal as an autonomous body responsible for safeguarding constitutional supremacy. This tribunal exercises both abstract and concrete review, in addition to resolving competence conflicts between state powers. Nevertheless, its performance has been marked by political tensions, questions about the independence of its magistrates, and controversies over high-impact rulings. Bazán (2015) underscores the need to strengthen the institutional guarantees that ensure its effective autonomy, while Ferrer (2013) warns that instability in appointment processes undermines the credibility of these bodies.

In Mexico, the system has evolved toward a partially concentrated model following the 1994 constitutional reform, which expanded the attributions of the Supreme Court of Justice of the Nation to hear constitutional actions and controversies. Although traces of diffuse review remain, the Court has consolidated itself as the authoritative interpreter of the Constitution. However, Fix-Fierro (2024) points out that politicization in the selection of its ministers has affected its legitimacy, while Huerta (2023) warns that this situation may weaken its capacity to act as an effective counterweight.

Colombia constitutes a paradigmatic case. With the 1991 Constitution, the Constitutional Court was created as the exclusive body for abstract review and the protection of fundamental rights. Its progressive jurisprudence has positioned it as a regional reference, although its activism has generated tensions with other state powers. Uprimny (2001) recognizes that this activism can strengthen the rule of law but also carries risks if it lacks adequate accountability mechanisms. García (2008) warns that judicial hyperactivism can generate institutional wear and tear if not articulated with democratic spaces.

The concentrated model rests on four essential principles: interpretive centralization, functional specialization, constitutional supremacy, and legal certainty. These pillars theoretically justify the model as an instrument for protecting the rule of law. Ferrajoli (2001) contends that the constitutional state requires normative controls capable of curbing abuses of power, while Dworkin (1986) conceives the Constitution as a text of principles oriented toward the protection of dignity and equality.

Nevertheless, the effectiveness of the model depends on structural factors. Judicial autonomy is indispensable, for without independence from political powers, courts may become instruments of legitimation. Couso (2004) documents the obstacles to judicial independence in the region, and Roznai & Jacobsohn (2003) emphasize that the legitimacy of these bodies is based both on their technical competence and on their perceived impartiality.

Likewise, transparency in the appointment of magistrates, sufficient budgetary resources, and the existence of a robust constitutional culture are determining conditions. Möllers (2013), López (2011), and Nino (1992) concur that without these elements constitutional review loses effectiveness. Finally, although the model has enabled relevant advances, Sabsay (2008) cautions that its success must be evaluated by its structural impact on the relationship between the state and citizenship. Consequently, the concentrated model represents an advanced form of control over political power, whose effectiveness depends on institutional and cultural conditions that require constant strengthening.

Methodology

The research was developed under a qualitative and comparative legal approach, oriented toward understanding the functioning of the concentrated model of constitutional review in Latin America. This approach enabled the analysis of the phenomenon within its institutional and political context, attending to both normative aspects and the actual practices of the bodies responsible for constitutional review. The study also adopted an exploratory and analytical character, with the purpose of delving into the strengths, limitations, and challenges presented by this model in the cases of Peru, Colombia, and Mexico.

The methodology was organized as a multiple case study, selecting these three countries for the diversity of their experiences and their relevance in the region. The research combined documentary analysis with semi-structured interviews, allowing for the integration of normative, doctrinal, jurisprudential, and testimonial sources. In the documentary phase, an exhaustive review was conducted of constitutions, organic laws, internal regulations, specialized literature, and institutional reports, in order to reconstruct the legal and institutional framework of each constitutional justice system. Subsequently, in the analytical phase, a comparative examination was carried out of competences, levels of autonomy, access procedures and standing, as well as the scope of each court's decisions, supplemented by the study of landmark jurisprudential cases.

In the empirical phase, semi-structured interviews were conducted with experts and former magistrates, guided by a thematic framework that allowed for flexible but ordered information gathering on the practical functioning of the courts and the factors influencing their effectiveness. Both documentary information and interviews were analyzed through thematic coding, which organized the findings around categories such as judicial independence, institutional effectiveness, and constitutional culture. To reinforce the validity of the results, source triangulation was employed, which permitted the cross-referencing of doctrinal, legal, and empirical data.

Finally, the comparative analysis was supported by country-structured matrices, which facilitated the identification of similarities, differences, and relevant patterns. Although the study recognizes limitations inherent to the qualitative approach, such as the difficulty of generalizing conclusions and dependence on access to updated information, the choice of this methodology is justified by the complexity of the object of study, since constitutional review can only be adequately understood through an approach that integrates its normative design and its real performance within the political and legal system of each country.

Results and discussion

Table 1 synthesizes the most relevant responses from interviewees, grouped by thematic categories derived from content analysis.

Table 1

Summary of expert responses on constitutional review

Category	Colombia	Mexico	Peru
Judicial Independence	Constitutional Court with strong autonomy; appointments based on meritocratic criteria.	SCJN with partial independence; tensions with the Executive.	Political dependence in TC appointments.
Institutional Effectiveness	High legitimacy and compliance with rulings (T-025/2004).	Strengthened amparo after 2011 reform (AI 148/2017).	Irregular compliance with judgments (STC N.º 0009-2018-PI/TC).
Constitutional Culture	Strong legal culture regarding fundamental rights.	Wide academic and social dissemination.	Scarce citizen constitutional education.

Note. Report of responses on constitutional review

The results show that the strength of the concentrated model depends not only on its normative structure but on its interaction with a political and institutional environment that guarantees independence, transparency, and constitutional culture.

The comparative analysis of the concentrated model of constitutional review in Latin America, with emphasis on the cases of Peru, Colombia, and Mexico, has made it possible to identify a series of common patterns and relevant divergences regarding its normative configuration, institutional performance, and capacity to effectively guarantee the rule of law. The main results obtained from the three phases of the research, documentary, analytical, and empirical, are synthesized below, along with their critical discussion.

In all three countries analyzed, the concentrated model has favored the consolidation of coherent jurisprudential bodies, contributing to the unification of interpretive criteria and the strengthening of constitutional supremacy. In Colombia, the Constitutional Court has developed a solid jurisprudential line, with a high impact on the protection of fundamental rights, control of the legislative power, and regulation of states of exception. The use of the acción de tutela has expanded access to constitutional justice, endowing the Court with an active role in the defense of individual guarantees.

In Mexico, the Supreme Court of Justice of the Nation has gained prominence since the 1994 reform, assuming exclusive competences to resolve actions of unconstitutionality and constitutional controversies. Although it retains elements of diffuse review, the growing use of binding criteria (jurisprudential theses and precedents) has promoted a more uniform interpretation of the Constitution.

In Peru, the Constitutional Tribunal has played a central role in resolving inter-institutional conflicts and in the doctrinal development of fundamental rights. Although its impact has been more oscillatory, there are valuable precedents in matters of normative control and minority protection.

These cases demonstrate that, in contexts where constitutional courts enjoy a certain degree of autonomy and institutional support, the concentrated model can act as an effective counterweight against arbitrary decisions of political power, contributing to the strengthening of the rule of law.

Nevertheless, despite jurisprudential advances, the results also show that the concentrated model faces persistent structural limitations. One of the most relevant is the lack of full judicial independence, mainly derived from systems of magistrate appointment heavily influenced by partisan interests.

In Peru, various episodes have revealed the politicization of the Constitutional Tribunal, especially in contexts of political crisis, where the congressional majority has sought to control the composition of the body through questionable procedures. This situation has generated public distrust and weakened the perception of the tribunal's legitimacy.

In Mexico, although the SCJN has managed to maintain relative institutional stability, the process of appointment of ministers by the Executive Branch, with Senate ratification, has been criticized for favoring politically aligned appointments. This limits impartiality and may compromise neutrality in sensitive cases.

Colombia represents a partially more institutionalized model, since magistrates are elected by the Senate from shortlists proposed by the President, the Supreme Court, and the Council of State. This mixed system has allowed a certain plurality, although it is not free from political tensions.

These dynamics reveal that the effectiveness of the model depends not exclusively on its normative configuration but also on the quality of the political process that sustains it. The politicization of constitutional courts negatively affects their functional autonomy and jeopardizes their role as guarantors of the constitutional order.

Another set of findings concerns the operational obstacles faced by the bodies in charge of concentrated review. In all three countries, budgetary constraints, scarce technological modernization, high caseloads, and administrative management deficiencies were identified, which directly impact the courts' decision-making capacity.

Furthermore, there is low social appropriation of the Constitution and limited knowledge of constitutional defense mechanisms among citizens. This weakness in legal culture reduces the effectiveness of the model as a tool for citizen oversight and hinders the formation of a democratic consensus around respect for the constitutional framework.

The study also reveals a lack of effective mechanisms for enforcing constitutional decisions. In some cases, Executive or Legislative bodies have disobeyed rulings, which reveals weaknesses in the structure of institutional coercion and in the articulation between branches of government.

The concentrated model, in its theoretical design, is endowed with solid principles: interpretive centralization, technical specialization, and constitutional supremacy. However, practical implementation falls short of this ideal, due to contextual factors that condition its effectiveness. The interviews conducted revealed a widespread perception among experts of the need to reform magistrate selection processes, improve judicial infrastructure, and promote greater transparency and accountability of the courts.

Likewise, a growing concern was identified regarding the political instrumentalization of constitutional review, which has produced rulings that, rather than strengthening the rule of law, end up legitimizing questionable decisions of political power.

Despite these difficulties, the concentrated model has made important contributions to strengthening the rule of law in Latin America. Among the most notable achievements are: the consolidation of a technical and coherent constitutional jurisprudence; the effective protection of fundamental rights in situations of vulnerability; and the promotion of a culture of power control from a constitutional logic.

Nevertheless, challenges persist. Institutional fragility, political instability, and the lack of civic education remain barriers to consolidating a concentrated model that is truly autonomous, effective, and respected. The key lies in strengthening the structural conditions that enable courts to operate independently, endowing them with sufficient resources, and fostering a citizenry that understands and values the role of constitutional review as a pillar of the democratic system.

Now, in order to complement the results, a semi-structured interview was applied to experts, from which the following results were obtained:

Table 2

Expert interview results

Categories	Results

Concentrated Model of Constitutional Review	How do you assess the effectiveness of the concentrated model compared to the diffuse model in Latin America? *Interviewee 1. The concentrated model is more effective and better guarantees fundamental rights.* *Interviewee 2. The concentrated model is more effective for protecting the Constitution and rights, as long as it is adapted to social needs.*
Independence and Legitimacy	How independent do you consider constitutional courts to be currently vis-à-vis political powers? *Interviewee 1. There is a lack of total independence in the courts; selection and control processes should be improved.* *Interviewee 2. Judicial independence is key; political influence weakens constitutional review and affects its legitimacy.*
Practical Effectiveness and Limitations	What are the main obstacles faced by constitutional courts in the exercise of their functions? *Interviewee 1. There are political and management obstacles that reduce the effectiveness of the concentrated model.* *Interviewee 2. There are political and compliance obstacles that reduce the effectiveness of the model; autonomy and effective application of rulings need to be strengthened.*
Impact on Rights and Society	Which constitutional court decisions do you consider most relevant in terms of protecting fundamental rights? *Interviewee 1. The concentrated model contributes to protecting rights, although its image depends on its impartiality.* *Interviewee 2. The concentrated model strengthens rights and contributes to social justice; its legitimacy also depends on civic education.*
Reforms and Proposals	What reforms do you consider necessary to strengthen the autonomy and independence of constitutional courts? *Interviewee 1. Reforms are needed to strengthen the independence and credibility of the constitutional court.* *Interviewee 2. Structural and educational reforms are proposed to consolidate judicial independence and a robust constitutional culture in the region.*

The interview results, in relation to Table 2, show that the concentrated model of constitutional review is considered by experts as the most effective for guaranteeing the supremacy of the Constitution and the protection of fundamental rights. However, both agree that its effectiveness depends on its adaptation to social needs and the political context of each country.

Regarding the independence and legitimacy of constitutional courts, a common concern about political influence on their functioning is evident. Interviewees point out that the lack of autonomy in the appointment of magistrates affects credibility and citizen trust in the constitutional justice system.

With respect to practical effectiveness and limitations, political, administrative, and compliance obstacles to rulings are identified that limit the proper exercise of the concentrated model. This demonstrates that a solid legal framework alone is insufficient; rather, institutional will and political backing are required to implement court decisions.

Regarding the impact on fundamental rights, interviewees recognize that the concentrated model has contributed to strengthening rights protection, although they caution that its legitimacy also depends on the impartiality of its decisions and on the civic education of society.

Finally, on the topic of reforms and proposals, both agree on the need to strengthen the independence, transparency, and constitutional training of courts, as well as to promote a legal culture that values respect for the Constitution.

Overall, the results reflect that the concentrated model is the most suitable for guaranteeing constitutional supremacy, but its real effectiveness depends on institutional strengthening, judicial independence, and citizen trust.

Conclusions

The concentrated model has strengthened the constitutional order, but its effectiveness varies according to the political-institutional context. In Latin America, concentrated review has allowed the consolidation of a coherent interpretation of the Constitution, contributing to legal stability and the strengthening of the rule of law. Nonetheless, its practical effectiveness is directly linked to the institutional environment of each country. Factors such as the independence of the judiciary, transparency in the appointment of magistrates, and respect for the separation of powers are decisive for the model to fulfill its democratic objectives.

Constitutional courts have played a key role in the defense of rights, although they face external pressures. In countries such as Colombia, Mexico, and Peru, the courts in charge of concentrated review have achieved significant advances in the protection of fundamental rights and the control of political power. However, these achievements have frequently been threatened by the politicization of institutions, lack of adequate resources, and interference from the Executive and Legislative branches, which undermines the impartiality and credibility of their decisions.

The normative design of the concentrated model is sound, but it requires institutional and cultural support. Although the model has solid theoretical and legal foundations, such as interpretive centralization, functional specialization, and constitutional supremacy, its full operation demands structural conditions that are often not consolidated in the region. A robust constitutional culture, citizen access to defense mechanisms, and legal education are fundamental elements that must be promoted to legitimize and reinforce the role of constitutional courts.

In synthesis, a reform agenda is required that guarantees the autonomy and effectiveness of the model. For concentrated constitutional review to truly guarantee the rule of law, it is urgent to implement reforms aimed at shielding its independence and improving its operability. These include the adoption of meritocratic mechanisms for the appointment of magistrates, the guarantee of sufficient institutional resources, transparent accountability, and the strengthening of civic and constitutional education. Only in this way will it be possible to consolidate constitutional courts that function as genuine guarantors of the democratic order in Latin America.

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