

Anti-Pedagogical Conduct And Anti-Pedagogical Damage: Substantive Pedagogical Illicitness in the Face of Non-Compliance with the Duty of Protection. A Five-Case Study

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Abstract

This research unravels how, based on the circumstances that led to the implementation of virtual education, motivated by the 2020 crisis, the possibility of making visible anti-pedagogical acts and conducts in educational processes was generated. **Objectives:** to identify, differentiate, and characterize the substantive and procedural figures that concretize anti-pedagogical damage through a case study. **Methodology:** qualitative research was developed in which the status of anti-pedagogical conduct originating from pseudo-educators was addressed, who, despite their juridical position, configured pedagogical substantial illicitness towards and for their students, victims of anti-pedagogical damage. **Results:** The findings show that anti-pedagogical conduct constitutes a frequent phenomenon within the educational environment, regardless of school level or country, since pseudo-educators who cause damage to their students through these conducts proliferate within the school environment. In short, these conducts are suffered constantly, repeatedly, and systematically by students who do not possess means, mechanisms, or tools to defend themselves from such situations. **Conclusion:** It becomes a pro homine necessity to develop and adopt a pedagogical disciplinary process that sanctions pseudo-educators for the anti-pedagogical damages caused. Likewise, the research supports the defense and necessity of the use of cell phones in Colombian educational institutions, whether private or public, as it was confirmed that cell phones and social networks made it possible to make visible the violence exerted by pseudo-educators.

Keywords: pedagogical disciplinary sanction; concealment of anti-pedagogical harm; pedagogy; understanding the science of pedagogy; ethical-pedagogical suitability as a constitutional duty.

Introduction

This research product is conceived from the perspective of Educational Decolonization (Ometochtzin, 2023; Grosfoguel, 2024) and transcends the conception of a limited academic result by constituting itself as a theoretical input for those who reflect on thought and learning. From this perspective, the disciplinary process is recognized as an essential element for socio-educational and democratic construction and, therefore, must establish mechanisms of sanction and even exclusion from teaching practice for those who incur in "anti-pedagogical conducts" (Arcos-Chaparro & Epia-Silva, 2019; 2024; 2025; 2026) that affect students.

The original research project, entitled "Due Disciplinary Process of Teachers of Private Educational Entities of Formal Education for Anti-Pedagogical Conduct" (2023), had as its object of study the conducts of anti-pedagogy exercised in the private educational sector by the so-called "pseudo-educators," a concept developed by Arcos-Chaparro and Epia-Silva (2019; 2025, p. 67; 2026, p. 21), who point out that these practices are carried out by persons who, although they exercise teaching at different levels of formal education, lack the pedagogical foundations necessary to perform it.

The study established that anti-pedagogical conduct does not arise solely from the lack of pedagogical knowledge (Arcos-Chaparro & Epia-Silva, 2019), but also from attitudes associated with supine ignorance and arrogance derived from the social prestige attributed to the teaching function (Arcos-Chaparro & Epia-Silva, 2024). This condition allows us to understand how some subjects, protected by the institutional authority of the educational exercise, sometimes come to assume positions of superiority over other social actors, such as their own students.

In accordance with Bourdieu (2008), this relationship can be understood through the concept of homo academicus, defined as the subject who, due to his belonging to the academic and institutional field, possesses recognition and social legitimacy. From this dominant social position, he exercises a symbolic authority sustained not only by knowledge but also by his degrees, trajectory, the institution represented, and the social value of the teaching figure.

In the educational context, this symbolic authority is manifested in the classroom, where the teacher occupies a differentiated position in relation to students due to the asymmetrical power relationship inherent to the formative process. From this perspective, such a position may allow some "pseudo-educators" (Arcos-Chaparro & Epia-Silva, 2019; 2025; 2026) to evade or minimize their responsibility for anti-pedagogical acts, protected by the institutional and social recognition of the teaching function.

Anti-pedagogical conducts comprise behaviors, actions, or juridical acts that acquired greater visibility during the global phenomenon of 2020 with virtual education; however, these practices already existed in face-to-face education; they were just not made visible. This context of global educational emergency made it evident that anti-pedagogical practices are not only exercised by individuals without pedagogical training but also by professionals who consider themselves knowledgeable in "this science" (Carreño Cardozo & Castro Ballén, 2008; Arcos-Chaparro & Epia-Silva, 2019; Abreu-Valdivia et al., 2021, pp. 132-139)

The research analyzes five cases in which male and female teachers use their position of school authority in an authoritarian manner (in primary, secondary, and university education) against students who are victims of their anti-pedagogical conduct as pedagogical juridical acts to develop conducts of substantial pedagogical unlawfulness which, as Arcos-Chaparro and Epia-Silva (2024) point out, violate the educational due process through these aggressions.

According to Samper (2014), it is necessary to clarify that the term "alumnos" should not be used because this Greco-philosophical Eurocentric denomination corresponds in origin to the word A-limunen, which means "person who is dimmed and without their own light" (p. 81). More precisely, it is a term that corresponds to beings without the opportunity to create their own cognitive lights, being a dismissive denomination for those who intend to learn.

The research addresses five cases of anti-pedagogical conduct and acts that occurred in India, Central America, and South America. These were selected to evidence the configuration of notable conducts of "substantial pedagogical unlawfulness" (Arcos-Chaparro and Epia-Silva, 2019, 2025, 2026), which serve in an exemplary manner both to identify what anti-pedagogical conduct is and to determine the behavior of contempt for pedagogical science. In this regard, the study analyzes the need to establish disciplinary mechanisms applicable to those who exercise teaching at the different educational levels of the Colombian State, with respect to formal institutions with a granted operating license, whether in private or public schools, due to the fact that some educators, male and female, develop practices contrary to pedagogical science through anti-pedagogical conduct and acts.

These practices not only affect and violate the human dignity of the students who suffer from them, but also the "educational due process" (Arcos-Chaparro & Epia-Silva, 2024). Their effects transcend the direct victims, as they also impact those who witness the conduct and acts of anti-pedagogy, generating fear, insecurity, or uncertainty regarding the teacher's or female teacher's actions.

The absence of disciplinary consequences for this anti-pedagogical conduct has generated, in the Colombian school environment, a perception of lack of protection among students. Likewise, silence due to fear of personal or academic retaliation that the anti-pedagogical aggressor teachers, male or female, may take against the student's favors impunity, which is even implicitly tolerated by the educational entities themselves, where the pseudo-teachers commit such conduct with the complicity of the directives, thus developing a status of educational corruption (Denham, 2012; UNODC, 2017) headed by the pseudo-educators.

In this sense, it is necessary and justified to establish disciplinary mechanisms that allow addressing these anti-pedagogical behaviors or conducts as anti-pedagogical juridical acts (more precisely as substantial pedagogical unlawfulness), because they corrupt the functional duty of the exercise of teaching in Colombia. Disciplinary sanctions for anti-pedagogy must exist to guarantee an education in accordance with the comprehensive protection of students of all ages, including adults, who also, precisely because they are learners, find themselves in a very high degree of inferiority, subordination, and vulnerability due to hierarchical inferiority or, in the exact words of the Constitutional Court, in a "juridical situation of dependency, as occurs, for example, with workers with respect to their employers, or with students vis-à-vis their teachers or vis-à-vis the directors of the establishment to which they belong" (C. Const., Judgment T-490/18, 2018).

State of the Art

In Colombia, in the educational and juridical spheres, an asymmetrical disciplinary conception has prevailed, which, hand in hand with the abuse of law by educational institutions, has placed mainly on students the responsibility for the generation and commission of conduct susceptible to sanction. This perspective has configured an institutional

presumption according to which behaviors that affect coexistence and the educational process come essentially from those who receive the training, leaving in the background the analysis of the actions of those who exercise the teaching function.

However, the current dynamics of the Colombian educational system make it possible to evidence that disciplinary responsibility cannot be limited exclusively to the student. At the different levels of education, from preschool to university education, there are male and female teachers and education professionals who may engage in conduct, behaviors, and practices contrary to the fundamentals of pedagogy, configuring what in this research is called "anti-pedagogical conduct" (Arcos-Chaparro & Epia-Silva, 2019; 2024).

From this perspective, the so-called "pseudo-teachers, male or female" (Arcos-Chaparro & Epia-Silva, 2019, 2025, 2026) represent an educational problem that needs to be recognized and studied because their actions not only affect the pedagogical relationship with students but also alter the formational process toward society in general. Therefore, the present study seeks to provide elements of analysis that allow for understanding the existence of such anti-pedagogical practices and broaden the discussion on the disciplinary responsibility of those who exercise teaching when their actions contradict the fundamental principles of pedagogy.

Methodology

This juridical-socioeducational study, with a qualitative approach (MAXQDA, 2026), as described by Correa-Martínez et al. (2025), starts from the following question: In what way does the action or omission of teachers and trainers in educational institutions, public and private, translate into the execution of anti-pedagogical conduct that violates the teaching-learning process and the dignity of the learners? To answer this question, the multi-method research developed by Zamora et al. (2023) will be employed through the "case study" method (Stake, 1999), analyzing five cases that evidence the existence of anti-pedagogical conduct in different educational contexts.

The study corpus is composed of five representative cases: the first corresponds to the university "female teachers" from Mendoza (Argentina) in Figures 1 and 2; the second, to the engineering professor who humiliates a student with Asperger syndrome at the Autonomous University of Nuevo León (UANL, Mexico) in Figure 3; the third, to the primary school female teacher who physically assaults a student during a school event in the department of Sucre (Colombia) in Figure 4; the fourth, to the secondary school teacher in India who beats a student to death because of a spelling mistake; and the fifth, to the female teacher from Honduras who strikes a female student in the face while uttering degrading expressions (Shut the fuck up!) in Figures 5 and 6.

The five selected cases, originating from India, Central America, and South America, are pertinent to the aims and objectives of this research because they allow for the analysis of different manifestations of anti-pedagogical conduct carried out in diverse educational contexts. These events show how some teachers, sheltered by the position of authority conferred upon them by their role within the formative process, engage in practices that affect not only the student directly involved but also the classroom climate, the educational community, and the family and social environment surrounding the learner. This goes beyond mere description to problematize the teaching function and generate theoretical-conceptual contributions in favor of the restoration of students' rights.

Likewise, Grounded Theory (Corbin & Strauss, 2015; Drew, 2023) will be incorporated as a central strategy for conceptual construction from emergent data, given its dual dimension as a research design and a technique for the collection, systematization, and analysis of information (Rodríguez, 2021). Added to this is the qualitative documentary method, through which the empirical and digital material (metadata) associated with the five cases is examined. This methodological articulation enables a rigorous triangulation between normative sources, documentary evidence, and the factual realities of the events addressed, allowing us to understand anti-pedagogy not as a sum of isolated acts, but as a structural phenomenon that damages the pedagogical relationship, violates students' rights, and breaches the responsibility inherent to the exercise of the teaching function.

As it is constituted as a systematic investigation, as Martínez (2006) maintains, this approach gives the process rigor and efficiency, insofar as it develops as a dialectical process between the concepts of science and knowledge. In this way, the analysis is reconstructed on an "ecosystemic" perception (authors' emphasis), in which it is understood that knowledge generates research and research, in turn, produces knowledge.

In the search for truth as method and process, reality is conceived as interconnected through the dynamics of complexity, interdisciplinarity, and its subsequent dynamics. Within this framework, transdisciplinarity operates as the articulating axis of the research by integrating the method of pedagogical hermeneutics from the critical

problematization of Paulo Freire (2005; 2013) to interpret socio-educational realities. From this perspective, the postulates of Iván Illich (1984) on deschooling are incorporated as an analytical category that questions the institutionalized structures of the Colombian educational system, which, according to Epia-Silva and Arcos-Chaparro (2026a), stand out for their normo-Eurocentric (Dussel, 2014) and, consequently, uncritical character.

The approach to the problem is framed within the critical paradigm (Mujica-Johnson, 2024), adopting a qualitative design based on non-probabilistic purposive convenience sampling. Through this, five representative cases are delimited, aimed at making anti-pedagogy visible at different stages of the educational system. Using a deductive-analytical logic of explanatory-predictive scope, the collected data were subjected to the following inclusion criteria: the sufficiency of the material to document anti-pedagogical manifestations; the presence of common elements in the aggressors' *modus operandi*; and the capacity of the case to determine the existence of patterns of concealment or institutional omission on the part of the educational institutions in the face of the actions of the pseudo-educators.

The data analysis technique will be structured around three axes or analytical dimensions:

1. **Categorization and taxonomic classification:** Identification and typification of the anti-pedagogical behaviors detected in the corpus of cases.
2. **Contextual and dogmatic examination:** Contrasting the selected cases to verify the way in which anti-pedagogical manifestations are configured in diverse educational environments.
3. **Hermeneutics of visibilization and denunciation:** Interpretation of the socio-technological conditions under which these practices become public, analyzing the role of direct audiovisual recording carried out by students as a mechanism of rupture in the face of institutional invisibilization.

The results will be addressed based on the analysis and reflection of the five cases examined, which, by themselves, demonstrate that anti-pedagogical behaviors, substantial pedagogical unlawfulness, and anti-pedagogical harm constitute disciplinary infractions that demand to be typified and sanctioned.

Research Results

First case: the female university teachers from Mendoza (Argentina)

Events that occurred in March 2021 at the Faculty of Architecture, Urbanism, and Design of the University of Mendoza involved three female university professors during an exam conducted through the Zoom platform (Mariño, 2021; Infobae, 2021). The "female pseudo-teachers" (Arcos-Chaparro & Epia-Silva, 2025; 2026) who appear in Figure 1 demonstrated a complete ignorance of the technical and pedagogical management of the tool. They ended the test but left the synchronous session open, keeping the recording active.

The female pseudo-educators, abusing their rights and their dominant position inside the classroom, and flagrantly infringing on their functional duty, poured forth vulgar expressions and instigated deliberate actions to harm the discentes' academic performance, exclaiming: "Let's fuck them all up, even the last one!" (see Figure 1) [Original español: ¡hagamos mierda a todos, incluso al último! see Figure 1]. This conduct not only exposed the punitive arbitrariness in the evaluation but also configured an open "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2019; 2024; 2025; 2026) and the consummation of anti-pedagogical damage with continental resonance.

From the evidentiary perspective in the disciplinary field, the comments captured in the session (Figure 1) constitute a free confession, being a spontaneous and indisputable statement that brings to light the arbitrariness with which the female pseudo-educators acted. Prevailing themselves of their authoritarian position and exceeding the limits of their functional duty, the female pseudo-educators expressed an evident coercive bias against the students, becoming particularly irritated by the solidity and argumentative confidence of a female student (conduct that, in their own words, "that attitude fucks me up," see Figure 1). This behavior shows that the lack of pedagogical tools is compensated for through intimidation and intentional failing, which supports the configuration of a "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2014; 2026) and the consummation of an undeniable anti-pedagogical damage.

Figure 1. Synchronous record evidencing the anti-pedagogical behavior of three female-evaluators from the University of Mendoza, who, given their lack of suitability and didactic training, resort to coercion and arbitrary collusion to unjustifiably fail the students.

Profesoras se burlaban de alumnos durante examen y todo quedó grabado

Son docentes de la Facultad de Arquitectura, Urbanismo y Diseño de la Universidad de Mendoza.



Entre los comentarios de otras colegas, quienes también estaban en la reunión, se escucharon: "Pongámosles un 6 para que no las escuchemos nunca más. Yo no la puedo ver". En respuesta a ello, otra responde: "Aparte tiene un tono, la piba (la chica), muy segura de sí misma que te jode, porque da como hecho..".

Methodological note. The photographic record retrieved from Mariño (2021) shows anti-pedagogical behaviors and expresses contempt towards the student body. At the center of the scene is Professor A. H. T., who, according to official Instagram data (@extension_um, 2024), as of July 1, 2024, remained linked to the Faculty of Architecture in extension work. This permanence confirms that the female professor was never removed from the academic environment after her actions, which exposes the permissiveness of the University of Mendoza in the face of substantial pedagogical unlawfulness and the violation of due educational process. Such impunity perpetuates anti-pedagogical damage to the students' mental health by confirming that the behaviors of the female professor are not disciplined or sanctioned, but rather supported by the administration and the Rector's Office of the institution. The anti-pedagogy deployed by the female teachers has its genesis in a structural ignorance, originating both in the lack of knowledge in the handling of ICT and in the open lack of training in the science of teaching and learning. In this context, the University of Mendoza (Argentina) completely dispenses with the requirement of pedagogical competencies for the exercise of the chair. This is confirmed by Figure 2, taken from the Statute of the University of Mendoza (2021), whose Article 44 demonstrates that suitability in the science of pedagogy does not constitute a requirement nor a relevant factor for this educational entity. This normative omission acquires special gravity considering that the institution, created in 1959 and integrated into the public welfare regime through Resolution No. 44/87 of 1994 (within the framework of Law 14,557) receives resources from the Argentine State, so its structural permissiveness facilitates the configuration of substantial pedagogical unlawfulness and the consummation of anti-pedagogical damage.

Figure 2. Statutory provision of the University of Mendoza that confirms the absence of a requirement for pedagogical knowledge in its teaching staff, a structural omission that favors the consummation of anti-pedagogical damages in the classroom.

Artículo 44. La categoría docente otorgada a cada profesor deberá corresponder efectivamente a sus cualidades docentes, experiencia, méritos académicos y de investigación y demás antecedentes de ese orden, sin que tenga relevancia a ese respecto la dedicación horaria a la cátedra. En aquellos casos en que se produzca una vacante y no existan postulantes al cargo que reúnan las condiciones requeridas para su eficaz desempeño, deberá recurrirse al nombramiento anual de un suplente, hasta tanto se resuelva definitivamente la situación.

Methodological note. The analysis of Article 44 of the Statute of the University of Mendoza (2021) reveals the absence of a requirement for a degree or pedagogical preparation for its teaching staff. The statutory appeal to

"teaching qualities" constitutes an argumentative artifice (red herring) aimed at concealing the lack of didactic suitability through ambiguous concepts. By making pedagogical training invisible as an explicit requirement for entry into university teaching, the institution validates a disjointed model that perpetuates arbitrariness in the classroom and the impairment of the student's due process of education.

Based on the notorious facts analyzed, it is concluded that the University of Mendoza has incurred a negligent omission and manifest complicity in the face of the anti-pedagogical acts committed by the female teachers of the Faculty of Architecture, Urbanism, and Design. This institutional inaction not only validates the abuse of the dominant position in the classroom but also fosters the configuration of "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2019; 2024; 2025; 2026) and the consummation of anti-pedagogical damage in the teaching environment. In this scenario, invoking the postulates of the pedagogy of the question (Freire & Faundez, 2013), it is imperative to formulate the following questions:

How are "teaching qualities" to be understood in this context? Far from referring to methodological knowledge or pedagogical suitability, the expression in the Statute of the University of Mendoza of Argentina operates as a rhetorical stratagem aimed at concealing the pedagogical invalidity of the academic body. By not conditioning entry to the chair on training in the science of teaching-learning, the university turns "qualities" into a subjective, malleable, and discretionary attribute. This normative laxity denatures the guarantor function incumbent upon the educator and female-educator, allowing professional incompetence to be masked behind formal authority and leading to acts of coercion and undermining of the student's dignity.

What do "teaching qualities" concretely consist of, and where was their exercise manifested in the performance of these female professors in Figure 1? Far from accrediting any suitability, the female evaluators classified as "female pseudo-educators" by Arcos-Chaparro and Epia-Silva (2024), from the University of Mendoza, exhibited an absolute lack of pedagogical training and deployed openly hostile behaviors against students placed in a position of manifest asymmetry and defenselessness in the classroom. This proceeding evidences that the omission of pedagogical requirements denatures the educator's and female educator's function as guarantor, transforming evaluation into an instrument of arbitrary coercion that consolidates the configuration of "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2024, 2026) and the consummation of undeniable anti-pedagogical damage.

Can the use of the classroom to intimidate students and manipulate the grading system with the explicit purpose of making them fail the subject be considered a "teaching quality"? Such actions do not represent a standard of suitability for female educators, but rather the abusive exercise of authority by the female evaluators in Figure 1, who confuse academic rigor with arbitrariness. This practice vitiates the purpose of the teaching-learning process and confirms the urgent need to sanction these anti-pedagogical behaviors due to the consummation of anti-pedagogical damage and the impairment of the fundamental and human rights of students, with respect to the right to education and not to receive cruel or degrading treatment.

Can it be argued that the actions of these female professors responded to a pedagogical logic or intention? By no means. Their conduct did not fit within a teaching-learning model, but rather into a punishable, disciplinable, and arbitrary practice aimed at undermining the student body. The lack of suitability and the absence of ethical principles in the classroom transformed the evaluation into a scenario of aggression, confirming that the behavior of the evaluators was openly anti-pedagogical and contrary to the functional duty of university teaching.

Second case: an engineer who humiliates a student with Asperger syndrome at the Autonomous University of Nuevo León (UANL), Mexico

The events described took place during a synchronous session taught by Professor César Augusto Leal Chapa in the Faculty of Mechanical and Electrical Engineering (FIME) of the Autonomous University of Nuevo León, within the framework of remote education due to the pandemic (Clarín Editorial Staff, 2020; RPP Editorial Staff, 2020), as illustrated in Figure 3. The audiovisual record, 9:34 minutes long, documents verbal aggressions, stigmatization, and systematic anti-pedagogical behaviors against a student (whose identity is withheld to protect his dignity), evidencing the consummation of an overt substantial pedagogical unlawfulness and the consummation of anti-pedagogical damage in the virtual learning space.

The audiovisual material evidences how the teacher instrumentalizes evaluation and stigma as mechanisms of coercion. At minute 0:58, he attacks the student's cognitive sphere ("If you continue, I am going to fail you for lack of intellectual capacity"), a pattern that escalates at minute 2:11 and incurs public stigmatization at minute 2:38 by

stating about another student: "You are just like 'J', sick in the head." The conduct culminates at minute 2:43 with a generalized coercive threat ("You are not going to pass an exam with me"). Such actions demonstrate the breach of the educator's functional duty, which translates into the consummation of systematic anti-pedagogical damage through the perversion of the teaching role.

The audiovisual sequence evidences a systematic escalation of intimidation and stigmatization. At minute 3:49, the teacher invalidates the student's adaptive process ("This is not kindergarten!"), and then, at minute 4:01, incurs a serious aggression against the moral and psychological integrity of student "J" ("J is a jerk who is going to need to have his brain removed!"). This pattern of coercion transcends to the threat of conflict at minute 5:26 ("You are going to see trouble!") and to the reiteration of public stigma at minute 6:55 ("You are like 'J', sick in the head!").

The denaturalization of educational praxis culminates between minutes 7:40 and 9:25 through an authoritarian reaffirmation of the role (I am the teacher! You are not going to be engineers! You are correcting me!) and interruptions aimed at ridiculing the student again. Taken together, these expressions exceed the bounds of discipline to constitute the configuration of an overt "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2019; 2024; 2025; 2026), whose direct consequence is the consummation of anti-pedagogical damage that injures the dignity, mental health, and right to education of the student in higher education.

Figure 3. Video evidence of the existence of anti-pedagogical acts and behaviors by a pseudo-educator who is an engineer.



Methodological note. The capture of the audiovisual record was extracted from the DOFITO portal (2020), based on news coverage from Yahoo! and El Universal (2020). This document records how Professor Edgar Danilo Domínguez Vera came out in support of César Augusto Leal Chapa after the latter uttered violent disqualifications against third-semester students, suggesting that one of them should have his brain removed. This corporate backing not only invalidates the damage caused but also exposes the institutional precariousness of the Faculty of Mechanical and Electrical Engineering (FIME), whose engineering professors completely lack pedagogical training, human sensitivity, and elementary didactic competencies for the exercise of teaching, reducing university praxis to authoritarianism, verbal violence, and the perpetuation of an anti-pedagogical stigma.

The analysis of the second case concludes by clarifying that, currently in 2026, the Mexican professor continues to perform his duties as if nothing had happened, since his actions were never sanctioned by the educational institution. This impunity reaffirms the sense and investigative direction of the present study, demonstrating that acts of substantial pedagogical unlawfulness not only exist in higher education but are ignored, covered up, and tolerated by the universities themselves, leaving the consummation of anti-pedagogical damage unpunished.

Third case: a primary school female teacher who hits a 6-year-old student during a school presentation in the department of Sucre (Colombia)

Facts that occurred on August 27, 2022, at the Palacio Educational Institution (San Onofre, Sucre, Colombia). This case documents the actions of female teacher Norela Luna Julio, who carried out physical aggression through

spanking (three hits and yanks) in the context of the commemoration of the Battle of Boyacá (Soriano, 2022; Subdirectiva Viva, 2022). The violence publicly deployed as retaliation for the infant's paralysis due to stage fright not only consummated direct anti-pedagogical damage to the student's dignity but also configured an overt "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2019; 2024; 2025; 2026) by perverting the essence of the formative act. The audiovisual record also shows the passivity of an adult in a light blue shirt (figure 4), whose inaction contributed to the impunity and visibility of the abuse in the school environment.

Figure 4. Audiovisual record of the event: physical aggression against the student and institutional/social passivity. The scene evidences the deployment of anti-pedagogical conduct in a public space and the failure to protect by the observing adult (light blue t-shirt), contravening the constitutional duty of reinforced protection for children.



Methodological note. It can be seen that the school presentation where the child was assaulted had the presence of more adults, including the person who captured on video the anti-pedagogical aggressions of the female teacher.

The seriousness of the fact requires going beyond the traditional reading of the Colombian Penal Code and formal disciplinary offense to place the discussion in the "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2024) displayed by the female pseudo-educator "Norela Luna Julio" (Semana, 2022). The use of physical aggression in response to the child's emotional paralysis distorts the substance of the educational act and subverts the teaching relationship into a dynamic of coercion. This behavior generated manifest anti-pedagogical damage, injuring the student's dignity and affective-cognitive sphere within an official State facility. Likewise, the deliberate abstention of the subject present at the scene (figure 4) validates the abuse and reinforces the impact of the violation, turning the omission of aid into a concurrent factor that makes visible the urgency of sanctioning anti-pedagogy from within the Colombian legal system.

Teachers in public educational institutions in Colombia have the status of public servants and, by virtue of their special relationship of subjection to the State, are obligated to guarantee the effectiveness of constitutional article 44 and the legal order. Although Law 1098 of 2006 (Code of Childhood and Adolescence) in its articles 9, 11, and 41 (numerals 2, 19, 20, 21, and 34) enshrines the prevalence of rights, co-responsibility, and the duty of comprehensive protection towards children and youth, this normative framework is insufficient to address the phenomenon of anti-pedagogy.

Given the lack of an express typification that sanctions the conduct of pseudo-educators or female pseudo-educators, the pressing need to promote a legislative framework that autonomously sanctions "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2019; 2024) becomes evident, understood as the serious breach of the functional duty to educate through acts that are against the dignity and formative process of the student.

In the structure of the Code of Childhood and Adolescence, Article 42 delimits the obligations of educational centers, while Article 43 develops their substantial ethical duty. For the analysis of this third case, numeral 2 of Article 43 imposes the duty to protect children and youth against physical aggression, psychological aggression, humiliation, or institutional mockery; however, said precept evidences a marked tutelary limitation, as it does not allow for redressing the anti-pedagogical damage nor reproaching the "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2024) incurred by the pseudo-educator or female pseudo-educator.

This protection is formally complemented by numerals 4, 5, 6, and 9 of Article 44, finding its neuralgic point in Article 45, a norm that provides:

ARTICLE 45. Prohibition of cruel, humiliating or degrading sanctions. Directors and educators of public or private centers of formal, non-formal and informal education may not impose sanctions that entail physical or psychological mistreatment of the students in their charge, or adopt measures that in any way affect their dignity. Likewise, their inclusion under any modality in school coexistence manuals is prohibited (L. 1098, art. 45, 2006).

As is clearly noted, public servants who exercise teaching are prohibited (legally, constitutionally, and ethically) from imposing sanctions through the use of force or physical punishment, as occurred with the aggression perpetrated by the female pseudo-educator in San Onofre (Sucre, Colombia). Although Article 45 of the Code of Childhood and Adolescence recognizes that cruel, humiliating, and degrading treatment manifests itself in the school environment, said norm exhibits an ostensible vacuum of punishability because it omits to typify "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2019; 2024) and lacks a specific sanctioning and procedural regime to judge and repair the anti-pedagogical damage inflicted by pseudo-educators or female pseudo-educators.

With the purpose of eradicating violence, Law 2089 of 2021 taxatively prohibited the use of physical punishment and degrading treatment against minors in Colombia, extending its scope of application to "environments," defined as "all contexts where the life of children and adolescents takes place, among them: (...) educational or community centers, public or virtual spaces" (art. 2, lit. c). However, although the norm formally falls upon school premises, its scope is insufficient as it does not structure a specific reproach regarding the violation of the teaching functional duty. By omitting the judgment of "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2024), the legal system invalidates the aggression and leaves the perversion of the formative act unpunished. Therefore, in consonance with the pedagogy of the question of Paulo Freire and Faundez (2013), the reality is problematized through the following questions:

1. To what extent does physical aggression exercised by a female teacher in a public school space transcend simple bodily injury to constitute a substantial pedagogical unlawfulness, turning the formative act into a public humiliation that instrumentalizes the student and inflicts irreparable anti-pedagogical damage to their dignity?
2. Does not the blow inflicted by an adult on the anatomy of a student within the school premises not only fit the definition of physical punishment and degrading treatment, but constitute irrefutable proof of a substantial pedagogical unlawfulness that perverts the educational function and consummates direct anti-pedagogical damage?
3. Under what legal and ethical category should the conduct of the female pseudo-educator who substitutes pedagogical praxis with physical coercion be classified, if not under that of a substantial pedagogical unlawfulness that perverts the substance of the public educational function and generates an anti-pedagogical damage that the common disciplinary regime has been incapable of sanctioning autonomously?
4. Does the behavior of the female pseudo-educator in physically assaulting the minor constitute the legitimate exercise of disciplinary authority, or does the audiovisual record demonstrate the consummation of a substantial pedagogical unlawfulness, characterized by a visceral and impulsive act that destroys the formative purpose and generates direct anti-pedagogical damage?

In Colombia, beyond the constitutional framework, there are provisions that prohibit aggressive conduct by adults against minors in educational spaces. In this regard, Judgment C-066 of 2022 of the Constitutional Court, relying on the precedent of Judgment C-1003 of 2007, broadened the scope of Law 2089 of 2021, specifying that child maltreatment does not require habitual or repeated acts. Nevertheless, in teaching praxis this criterion goes further: the mere occurrence of aggression not only constitutes a formal infraction, but consummates "a substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2019; 2024; 2025; 2026) by denaturing the educational function and causing instantaneous and irreparable anti-pedagogical damage to the student's dignity, which makes visible the urgency of autonomously sanctioning the perversion of the formative act due to the occurrence of anti-pedagogical damage.

More clearly, Judgment C-066 of 2022 of the Constitutional Court specified that the definition of child maltreatment operates autonomously, without depending on a qualified result or on the reiteration of harmful acts. Conditioning the existence of maltreatment on the persistence over time of the aggression implies an open transgression of Article 12 of the Constitution, "which prohibits torture and cruel, inhuman or degrading treatment" (Const. P., art. 12, 1991), an outrage that clashes head-on with the maxim *ad impossibilia nemo tenetur*, since no student is obliged to endure actions that violate their dignity or integrity within the formative space.

Consequently, under the "mandate of special protection and best interests of the child" (Const. P., art. 44, 1991), maltreatment is not only consolidated from the first aggressive act but instantaneously configures a "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2019; 2024; 2025; 2026) when it occurs in the classroom environment, generating irreparable anti-pedagogical damage that the current legal system fails to sanction with the required specificity. Therefore, the creation of an autonomous sanctioning regime regarding the sanctioning of anti-pedagogical conduct is required.

According to the press report by Rosas (2022), the subsequent conduct of the aggressor female educator focused on privately seeking out the relatives of the minor with the purpose of presenting apologies. This behavior, analyzed in light of national and international standards for child protection, reveals a flagrant violation of the right to dignity and the centrality of the child in the educational environment (Committee on the Rights of the Child, 2001; 2003).

By displacing reparation to the private sphere among adults, the "female pseudo-educator" (authors' emphasis) incurred in the reification of the student, disregarding that the principle of reparatory symmetry (Villarán, 2019; Henao, 2015; JEP, 2025) requires that the restitution of violated dignity be consonant with the nature of the grievance. In this framework, General Comment No. 12 of the UN Committee on the Rights of the Child and the Convention on the Rights of the Child (UNICEF Comité Español, 2006; Comité de los Derechos del Niño, 2006; 2009) imposes the imperative to listen to and recognize the minor as an active subject of rights in the school. One asks: When, how, and where was the minor heard? One asks: Who heard the minor?

Listening to the child, in this context and with respect to the case sub examine, does not entail any risk of revictimization but rather constitutes a fundamental guarantee that the minor directly receives apologies and public retraction in the same scenario in which he suffered the grievance, provided that the child so wishes and freely accepts it. However, in analyzing the actions of the family of the assaulted child, the possible existence of a phenomenon of family alienation is noted, to the point that the minor's own family nucleus made invisible the anti-pedagogical conduct executed against him. This pernicious conduct of the "female pseudo-educator," aimed at evading institutional sanction and consummating impunity for her fault, highlights the need to concretize the reparatory act, which guarantees that society and the academic community verify the symbolic and effective reproach for the anti-pedagogical damage originated in the evident substantial pedagogical unlawfulness.

At this point, and based on the principle of "reparatory symmetry" (emphasis added by the authors), the need for concrete action on the part of the aggressor female educator that guarantees non-repetition of anti-pedagogical conduct and acts becomes evident. However, as Arcos-Chaparro and Epia-Silva (2025) have denounced, in Colombia, pedagogy has become prostituted and debased, which is why safeguarding the guarantee of due process of formation has not been a priority for the Congress of the Republic, nor for the magistrates of the high courts, nor for the governments in office.

Due to this structural omission, "currently, the legal system does not have a disciplinary process to sanction anti-pedagogical conduct or the lack of ethical-pedagogical suitability that is required as a constitutional duty from paragraph 3 of Article 68 of the National Constitution" (Arcos-Chaparro & Epia-Silva, 2019; 2024, pp. 4-7), a circumstance that perpetuates institutional impunity and the consummation of anti-pedagogical damage.

On the other hand, the press release by Rosas (2022) indicates that a disciplinary process was opened against the female educator. Nevertheless, it is valid to affirm that such a situation in Colombia does not constitute a demonstration of an effective disciplinary sanction for the commission of "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2019; 2024; 2025; 2026). This is due, in the first place, to the fact that Law 1952 of 2019 never regulates, describes, or typifies the disciplinary sanction for anti-pedagogical damage.

Secondly, and as a more serious aspect, the general disciplinary process does not establish a specific disciplinary regime for teachers, and what can be applied from Law 1952 of 2019 with respect to teachers must be carried out, in the first instance, by the certified secretariats of education and, in the second instance, by the Attorney General's Office (bodies with no knowledge in the science of pedagogy), and only with respect to Article 25 of Law 1952, which explains:

ARTICLE 25. Addressees of the disciplinary law. The addressees of the disciplinary law are public servants, even if they are retired from service, and the private individuals contemplated in this law. For the purposes of this law and in accordance with Article 38 of Law 489 of 1998, the managers of cooperatives, foundations, corporations and associations that are created and organized by the State or with its majority participation are disciplinable public servants. Indigenous people who exercise public functions or administer State resources will be disciplined in accordance with this code (Law 1952, art. 25, 2019).

Note that in the wording of Article 25, educators from private institutions are excluded, even though in Colombia education is a public service. Faced with this, it is worth asking: why were private individuals who provide public services excluded from disciplinary liability and, specifically, teachers who provide the public service of education in the private sector? The question then arises: why, with respect to educators, was the educational function denatured in the private sector?

The issue lies in the fact that neither in the certified secretariats of education nor, much less, in the Attorney General's Office are there professionals with knowledge in the science of pedagogy (Arcos-Chaparro & Epia-Silva, 2024); that is, it is impossible for a teacher to be sanctioned for developing anti-pedagogical behaviors. Thus, one may ask: how can they judge that a conduct, a behavior, or a fact is anti-pedagogical when the authorities in charge of said investigation lack the basic pedagogical knowledge to qualify, analyze, or examine the seriousness of the substantial pedagogical unlawfulness?

Now, from reading Article 25 of Law 1952 of 2009, it is clear that only conducts related to the administration of State-nation resources are sanctioned, a situation in which only the directors or principals of the educational institution are found, but not teachers in general, and even less so for the affectation of the legal duty in the provision of the public service of education through anti-pedagogical conduct or due to anti-pedagogical damage.

Another aspect of the inapplicability of Law 1952 of 2019 itself with respect to teachers can be seen in the text of Article 23, which provides:

ARTICLE 23. Guarantee of the public function. In order to safeguard public morality, transparency, objectivity, legality, honesty, loyalty, equality, impartiality, celerity, publicity, economy, neutrality, efficacy and efficiency that must be observed in the performance of their employment, position or function, the disciplinable subject shall exercise the rights, fulfill the duties, respect the prohibitions and abide by the regime of disqualifications, incompatibilities, impediments and conflicts of interest, established in the Political Constitution and in the laws (Law 1952, art. 23, 2019).

As is clearly evidenced, the provisions of Articles 23 and 25 collide and generate an evident regulatory vacuum, insofar as: 1. although Article 23 generically covers official teachers in their capacity as public servants, together with Article 25, it omits to contemplate the teaching exercise in the private sector, leaving it outside disciplinary control; 2. they do not literally and comprehensibly indicate the viability of disciplinarily sanctioning the non-compliance or the deficient provision of the public service of education; and 3. neither Article 23 nor 25 enshrines any sanction for anti-pedagogical conduct. This normative omission aggravates the state of vulnerability and constitutional fragility in which students find themselves in Colombian territory.

Fourth case: the homicide of a student in India for a spelling mistake

According to press reports (Internacional, 2022; Destacados. Sociedad, 2022; Redacción Internacional, 2022), the events occurred in September 2022 in a boarding school in India, where a fifteen-year-old student (whose name is withheld for dignity reasons) was assaulted after failing to answer an evaluation. That this event occurred in a boarding school aggravates the violation of the duty of custody, due process in education, and evidences damage from behaviors that go beyond anti-pedagogy.

According to press notes, a "pseudo-educator" in India grabbed a fifteen-year-old student by the hair, beat him with a stick, and kicked him, causing injuries that later led to his death in a hospital. The reports indicate that the aggressor belonged to a higher caste, which shows how sociocultural prejudices and the caste system can reproduce practices contrary to children's rights. This is especially concerning considering that India ratified the Convention on the Rights of the Child (CRC) on December 11, 1992 (Prakash Srinivasan & Shruthi S., 2024), whose Article 19 establishes the obligation to protect children against all forms of physical or mental violence, abuse, neglect, maltreatment, or exploitation.

It is a well-known fact that India, since 1992, has undertaken the commitment to prevent all forms of violence against minors. However, the murder of a fifteen-year-old student at the hands of a teacher, motivated by a spelling mistake,

evidences the lack of effective application of the Convention on the Rights of the Child (CRC). This fact also reflects how discrimination based on caste and socioeconomic conditions can violate the dignity and rights of minors, contradicting the fundamental principles of education, as pointed out by the Constitutional Court in Judgment C-376 of 2010:

Accessibility: requires an educational service free of racism, classism, and discrimination; however, in the fourth case under examination, these conditions predominated in the relationship of domination within the classroom.

Availability: requires a sufficient and adequate educational offer. In this case, the events occurred in a boarding school, evidencing possible deficiencies in the student's protection conditions.

Adaptability: requires that the institution respond to the context and needs of the student. In the analyzed case, adequate attention was not guaranteed to the student in the face of his learning difficulties, as he suffered physical aggression from his teacher for not correctly answering an evaluation.

Acceptability: presupposes a "due educational process" (Arcos-Chaparro & Epia-Silva, 2024, p. 11). which guarantees pedagogical content and protection mechanisms in an environment free of violence and respectful of pro homine rights. Regarding the fourth case, the student's death evidences that such an educational system does not ensure his dignification.

This abhorrent event exposes the absolute ignorance of the human rights of learners, as well as the non-observance of the "theory of estoppel (teoría del acto propio), with which the principles of legitimate trust, good faith and due process were violated" (Arcos-Chaparro & Epia-Silva, 2024, p. 14). At the same time, the violation of the principle of educational secularism is evidenced, which maintained the pseudo-educator in a divine status over the student, and the direct transgression of human dignity in the classroom. All of this represents the most severe form of "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2019; 2024; 2025; 2026) and the irrational consummation of a lethal anti-pedagogical damage that annuls the formative function at its root.

Upon investigating and tracing the procedural status of the pseudo-educator, the news reveals that, according to press notes, he was never located to be subjected to criminal proceedings. This situation evidences how violence exercised against vulnerable populations in India can remain unpunished, both in the criminal and disciplinary spheres. The murder of a child due to a spelling mistake constitutes an inhumane act that should have no place anywhere in the world and also evidences the conditions of educational and pedagogical abandonment faced by populations belonging to lower castes in India, not only on the part of local authorities but also of international organizations in charge of protecting human rights, education, and pedagogy.

Fifth case: Female Teacher from Honduras who hits a teenage female student in the face and even yells at her: Shut the fuck up!

These facts took place on July 9, 2026, in the municipality of Morazán, department of Yoro, Honduras, in the República de Cuba Educational Center [Centro Educativo República de Cuba] (Redacción, 2026). There, the female pseudo-educator Perla Yamaira Díaz Mejía (Diario La Prensa, 2026) was caught on a 48-second video, in which, at second 10, she is seen raising her left upper limb and delivering a blow to the face of a female student (Canal Telecafé, 2026), as seen in Figure 5. This anti-pedagogical conduct reveals the existence of "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2019; 2024; 2025; 2026) and the materialization of anti-pedagogical damage to the detriment of the female student, who suffered these acts inside the classroom and in front of her classmates.

Said pupil-students, aware of their status as minors and finding themselves in a state of absolute helplessness in the face of the despotic exercise of female teaching power, found no other way to defend the assaulted girl or to break the circle of impunity than to resort to filming by means of a cell phone. Recording the female teacher became their only act of legitimate resistance and summary evidence in the face of institutional violence. The aggression, however, was not limited to physical violence: the female pseudo-educator proceeded to shout expressions at the student such as "Shut the fuck up!" (see figure 6), a language and a way of acting that ostensibly aggravate her anti-pedagogical behaviors, demonstrating a total rupture of the duties of protection, decorum, and dignity that the educational function demands.

Figure 5. Note that it constitutes a notorious and fully identifiable fact, both in the video and in the image, that the female pseudo-educator violated the limits of the students' personal space and engaged in anti-pedagogical conduct.



Source: Image taken from Telecafé's Facebook.

It is crucial to specify, in accordance with the objectives and investigative purposes of this document, that the video was recorded by a female student, a classmate of the first victim. This second girl, far from being a passive spectator, was physically attacked by the "female pseudo-educator" upon noticing the recording of the events. The aggressor struck her in the chest after violently rebuking her with the expressions: "Why are you recording me?" and "I'm gonna smash your fucking phone!" (see figure 6). This second attack not only corroborates the repeated commission of extremely serious anti-pedagogical behaviors but demonstrates how the exercise of resistance and the defense of rights in the classroom was met with greater physical and verbal brutality, expanding the substantial pedagogical unlawfulness toward multiple learners in the same class session.

Figure 6. This audiovisual evidence constitutes the incontestable proof of the damages due to anti-pedagogy that the teacher's anti-pedagogical conduct inflicted upon a collective of young students, blatantly exposing the transgression of the functional duty, of protection, and the deconstruction of the educational function in the classroom



Source. Taken from Mundo Noticias (2026) Facebook page.

It is a priority to highlight that, for the president of the Education Commission of the National Congress of Honduras, Arnold Burgos, the acts of the lady merit her immediate dismissal as an educator (Redacción, 2026). This decision is celebrated and supported, on the understanding that this Honduran gentleman comprehends the "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2019; 2024; 2025; 2026) committed by the female pseudo-educator. Likewise, Radio América (2026) reports that the aggressor educator was detained by the police on July 10, 2026.

Subsequently, SWI swissinfo.ch (2026) explains that the recording occurred because the female teacher had a history of aggressions, but no one had ever been able to prove said aggressions; thus, any allegation without evidence would

only be considered gossip. At this point, a Honduran judge granted conditional release to the "female pseudo-educator" so that she could mount her defense within her criminal proceedings. According to the teacher's lawyer, "the judge ordered release" because the teacher had no criminal record (Diario El Herald, 2026).

At this point, it is desired to highlight that in both Honduras and Colombia an unquestionable reality occurs: the ignorance of judges and the justice system regarding the existence of anti-pedagogical behaviors, as well as the complete lack of knowledge of the science of pedagogy. This "cognitive anorexia" (authors' emphasis) regarding the science of teaching led the Honduran judge to downplay the conduct and the anti-pedagogical harm and to grant freedom to a woman who practiced teaching without any kind of "ethical-pedagogical suitability" (Arcos-Chaparro & Epia-Silva, 2024).

In conclusion, the case of the female teacher in Honduras constitutes a clear manifestation of anti-pedagogical conduct and substantial pedagogical unlawfulness: the physical and verbal aggression, coupled with the attempt to suppress through violence the only act of resistance by the students, namely the audiovisual recording, demonstrates an absolute breach of the constitutional duty of care. At least in Colombia, there should also exist the disciplinary sanction of expelling from the teaching profession any pseudo-educator or female pseudo-educator who commits anti-pedagogical damage in the classroom.

Discussion

The five cases examined in this investigation irrefutably demonstrate the existence of anti-pedagogical behaviors and the consequent anti-pedagogical damage. In Colombia, it is an urgent, imperative, and human rights necessity to structure a disciplinary due process that guarantees the adequate weighing of "substantial pedagogical unlawfulness" (Arcos-Chaparro & Epia-Silva, 2019; 2024; 2025; 2026). Within this framework of disciplinary dogmatics, it is pertinent to specify the definitions among the legal figures developed to facilitate their conceptual delimitation (see Figures 7 and 8).

Before addressing said explanation, it is a priority to specify that, in the Colombian legal system, the exercise of teaching is conditioned upon compliance with the constitutional mandate that requires "ethical-pedagogical suitability for the exercise of teaching" (Arcos-Chaparro & Epia-Silva, 2024, p. 13). This requirement of higher rank cannot under any circumstances be interpreted as an optional or discretionary norm, for as it is enshrined in the text of the Political Constitution of 1991, it constitutes a functional duty of unavoidable and unpostponable compliance for anyone who exercises educational praxis, both in the public and private sectors. Pedagogy is a formal science; therefore, its apprehension and exercise must be based on rigorous academic and scientific training, it being legally and epistemologically inadmissible to reduce it to a purely empirical or pragmatic practice.

What should be understood by substantial pedagogical unlawfulness? It is the behavior, conduct, or act that constitutes a violation of the principles of the science of pedagogy, teaching ethics, and the exercise of teaching. It is configured at the moment in which the educator, whether from the private or public sector, diverts his work from the human purposes of pedagogy and education and the constitutional purposes established in Articles 67, 68, and 83 of the Political Constitution and, instead, employs or executes arbitrary, authoritarian, discriminatory methods or methods devoid of pedagogical support, such as those analyzed, by way of example, in the present document (Arcos-Chaparro & Epia-Silva, 2024; 2025; 2026).

"Substantial pedagogical unlawfulness" in Colombia is configured *ipso facto* when the ignorance or denial of the constitutional requirement of "having ethical-pedagogical suitability" is evidenced (Arcos-Chaparro & Epia-Silva, 2024, p. 13). This occurs when the person exercising teaching ignores the science of pedagogy and "pedagogical knowledge" (Gallego-Badillo, 1992), incurring what Karl Popper called "chosen or deliberate ignorance." In this sense, there is anti-pedagogical conduct when the educator exercises his work without knowing the what, the how, the why, and the wherefore of teaching-learning.

It is necessary to warn that the mere invocation of "academic rigor" (authors' emphasis) does not constitute, in itself, a cause for justification against substantial pedagogical unlawfulness. In the field of the science of education, academic rigor requires didactic transparency, previously established evaluation criteria and rubrics or assessment parameters clearly communicated to the learner. Therefore, an extemporaneous, surprise evaluation lacking previously communicated objective criteria does not constitute a manifestation of academic demand or excellence, but rather an expression of arbitrariness and abuse of power in the classroom, capable of vitiating the pedagogical act and configuring an anti-pedagogical conduct.

Types of substantial pedagogical unlawfulness for Colombia:

There are three types:

- Substantial pedagogical unlawfulness by action or active both in the private and public sectors.
- Substantial pedagogical unlawfulness by omission both in the private and public sectors.
- Substantial pedagogical unlawfulness for exercising teaching without scientific knowledge of pedagogy, applicable both in the private and public sectors.

Consequently, substantial pedagogical unlawfulness is configured by any act, omission or exercise without scientific qualification that defrauds the constitutional duty of the teacher; as well as by the deliberate or negligent action of whoever, even having pedagogical knowledge, executes conducts contrary to its praxis and ethics. Only legitimate academic demand and administrative non-compliances that do not affect the pedagogical act or pedagogical knowledge are excluded.

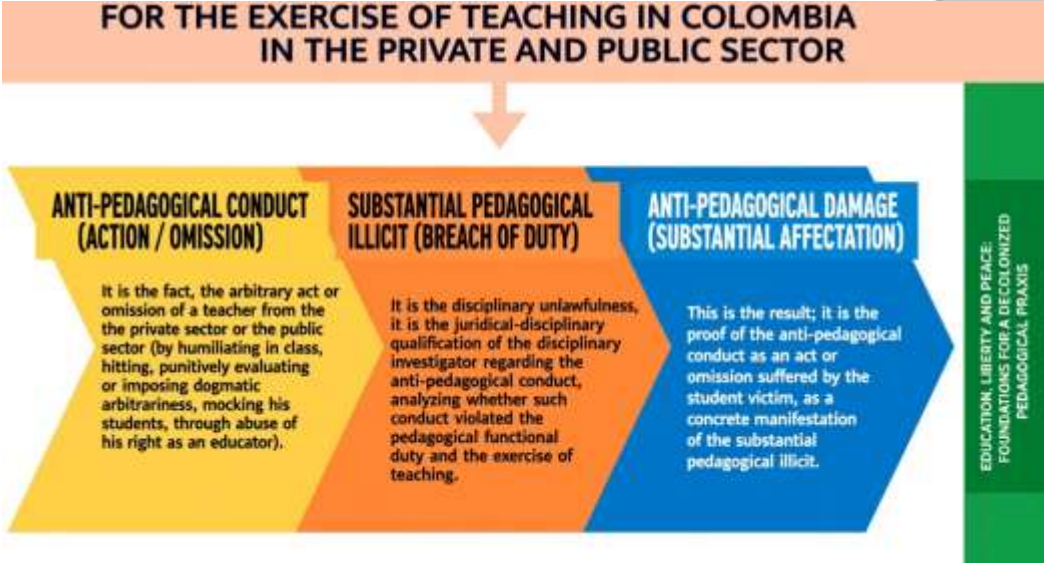
What is anti-pedagogical damage? It is the objective result of substantial unlawfulness and, as its name indicates, constitutes the damage, injury or effective endangerment of the legally protected interest. It occurs when the teacher affects the student's Metacognitive development and his dignity as a person, as well as the effective provision of the constitutionally protected public service of education. This implies that the student must receive an education provided by a person who is ethically and pedagogically suitable, qualified to develop didactics, educational processes and assume educational praxis without causing substantial alterations, injuries or breaches of the "due process of formation" (Arcos-Chaparro & Epia-Silva, 2024, p. 11), both in the private and public educational sectors.

What is the functional pedagogical duty and of the exercise of teaching?

Its understanding is circumscribed to five conditions of praxis:

- **Compliance with the constitutional mandate:** To comply with the constitutional requirement of the guiding principle of possessing ethical-pedagogical suitability, both in the educational field of the private and public sectors.
- **Guarantee of a human praxis:** To exercise teaching in a human way and for human beings; therefore, a "due educational process" (Arcos-Chaparro & Epia-Silva, 2024, p. 11) free from all types of aggressions, active or passive violence, and from the concealment of "anti-pedagogical conducts" (Arcos-Chaparro & Epia-Silva, 2024; 2025) must be guaranteed.
- **Subjectivity and integral formation:** To guarantee a teaching-learning process where the student is assumed as a subject of rights and his integral formation is consolidated in attention to the context, his prior knowledge and his **personal dignity**.
- **Emancipatory character of dignity:** To guarantee an educational process that liberates the dignity of the student which, consequently:
 - i) Be free from actions or omissions that violate the personal corporeal sovereignty of the learner (without subordinating formation to demands of vaccination, self-censorship or self-injuries); ii) Does not constrain, limit or disable the right to free thought and free expression; and iii) Fosters critical thinking and education for freedom.
- **Decolonized praxis:** To develop a liberating educational process that remains decolonized and exempt from contemporary "xenocolonialist" and Eurocentric impositions (Epia-Silva & Arcos-Chaparro, 2026a, p. 302; 2026b; 2026c, 1179).

Figure 7. Matrix of juridical-technical formulation regarding the pedagogical labor due process and the pedagogical disciplinary due process of the public sector.



Source. From the authors.

Figures 7 and 8 have a correlation and complementarity with respect to: 1. The legal-disciplinary types and 2. The dogmatic systematization of the concept of "substantial pedagogical illegality"(Arcos-Chaparro & Epia-Silva, 2019; 2024; 2025; 2026). In them it is evident that the structural anti-pedagogy is shaped both by the direct action of the teacher who incurs such praxis, and by the abusive interference of administrative agents of the school staff who, being deprived of suitability and pedagogical praxis, carry out acts of unlawful interference. These actions violate the due process curriculum by imposing arbitrary requirements and co-opting evaluation (strictly a pedagogical instrument), simulating the granting of academic incentives and violating the educational autonomy and functional competence of the classroom teacher by conditioning maximum quantitative qualification to the performance of spurious activities. This institutional pathology materializes when psychologists, coordinators or other administrative actors external to the direct instructional process manipulate the evaluative scale as a coercive device, perverting the constitutional function of education and incurring a consummate substantial pedagogical illegality.

CRITERION	ANTI-PEDAGOGICAL CONDUCT	ANTI-PEDAGOGICAL DAMAGE
LEGAL NATURE	Act or omission (Behavior): It is the factual manifestation or the act or omission displayed by the teacher in the classroom or school environment.	Result or affectation (Effect): It is the substantial, material or immaterial consequence that such conduct produces on the subject or the formative process.
STRUCTURAL COMPONENT	Equivalent to the phase of development or commission of the infraction (the doing or failure to do by the educator that contravenes the principles of pedagogy).	Equivalent to the materialization of the substantial illicit (the violation or real impairment of the legal duty to educate and of the fundamental right to education).
CONCRETE MANIFESTATION	Examples: Using humiliation as a disciplinary method, disqualifying the student's criteria, applying punitive evaluations outside the curriculum or verbal or psychological violence, subjecting the student to vaccination, imposing on the student dogmas of faith, or ways of thinking, prohibiting the use of cell phones in the educational institution.	Examples: School dropout, learning trauma, impairment of human dignity, loss of epistemological interest or annulment of the free development of the learner's personality. Sometimes suicidal behaviors and suicidal acts.
CAUSAL RELATIONSHIP	It is the cause or antecedent: the conduct is the vehicle through which the anti-pedagogical praxis is exercised.	It is the effect or result: it arises as a direct or indirect consequence of the applied anti-pedagogical conduct.

Figure 8. Structure of the juridical-disciplinary figures of the pedagogical labor due process and the pedagogical due process in the public sector.

Source. By the authors.

Methodological note. Methodological note: Figure 8 presents the 4 structuring criteria of anti-pedagogical conduct and anti-pedagogical damage.

Therefore, when resuming the analysis of Law 2089 of 2021, and in application of the pedagogy of the question in the manner of Freire and Faundez (2013), it is worth asking: why did the Congress of the Republic of Colombia only contemplate and establish in the legal system the hypothesis that violence occurs exclusively in homes, attributing the role of aggressors to parents and expropriating the exercise of parental authority? Likewise, it is worth inquiring: why, from a position alien to scientific rigor, did Congress transform the dynamics of family life into a supposed generalized syndrome of Colombian society, structuring public policies aligned with Western-centric international phenomena (Canavate, 2007; Dussel, 1990) where the private is assumed to be political?

The following questions should be formulated: where does the private sphere remain? Is it not evident that Law 2089 of 2021 seeks the fragmentation of Colombian families, configuring itself as an instrument of unjust law in the terms of Gustav Radbruch, by expropriating the parental authority of parents to transfer it to the nation-state, treating the children of families as commodities appropriable by the governments in power?

Likewise, it is worth questioning: why did the Congress of the Republic of Colombia concentrate its efforts on regulating domestic violence, neglecting the need, urgency, and relevance of structuring a disciplinary-pedagogical regime to sanction malpractice in education due to the occurrence of anti-pedagogical conduct and anti-pedagogical damage? Does this problem lack significance for Colombian society? Or is it that a public policy aimed at sanctioning anti-pedagogical conduct is not a priority because those who are part of Congress and draft the laws lack training in pedagogy?

In the same line of the educational problematization proposed by Freire (2005), the following questions should be formulated: why does the Colombian Constitutional Court recurrently structure its jurisprudential analyses based on the use of "xenophobic justice" (Epia-Silva & Arcos-Chaparro, 2026c, p. 1179), omitting that in Colombia violence and mistreatment towards children and youth originate and are reproduced more frequently in school environments and educational institutions (Román & Murillo, 2011; Cardozo et al., 2018, p. 122) than in homes themselves? Likewise, it is worth inquiring: why does the Constitutional Court exclude from its assessments the responsibility of teachers from public and private institutions as generators of acts of violence and mistreatment against their students (Ruiz-Ramírez et al., 2020), and that such behaviors constitute systematic, constant and repeated practices in the Colombian school environment?

In the same sense, it is appropriate to ask: why has the Colombian Constitutional Court systematically omitted, ignored or made invisible the fact that certain teachers engage in anti-pedagogical conduct that cause serious anti-pedagogical damage, as occurred in Judgment T-252 of 2023, in which the high court, far from safeguarding the dignity of the minor who is a victim of school violence, minimized his emotional integrity and mental health?

Likewise, it is worth inquiring: why did the Constitutional Court make invisible the anti-pedagogical damage suffered by the minor in said case, by declaring the existence of consummated damage and refusing to protect his dignity with acts of integral reparation? It is worth questioning: does the decision adopted in Judgment T-252 of 2023 constitute ostensible evidence of a profound lack of knowledge of pedagogical science on the part of this jurisprudential body, preventing it from elucidating: when, how and under what circumstances anti-pedagogical conduct and anti-pedagogical damage are configured?

At this point, the decision of Judgment T-252 of 2023 clearly shows that the Constitutional Court of Colombia suffers from a profound and notorious lack of knowledge of the science of pedagogy, to the point of declaring the "current lack of object due to consummated damage" (C. Const., T-252 of 2023) arguing that said figure did not limit the Corporation from ruling on the merits of the violence suffered by the minor at the hands of his classmates. In view of this, it is worth questioning: why did the Constitutional Court, neither in the obiter dicta, nor in the ratio decidendi, nor in the operative part, take care to rule on the anti-pedagogical conduct of both the educational institution and the authorities involved in the situation of damage against the minor? Could it be because the reporting magistrate and the other constitutional magistrates suffer from a supine ignorance of pedagogical science that did not allow them to notice the anti-pedagogical damage?

It is worth questioning: if the Constitutional Court declared the existence of "consummated damage" (C. Const., T-252 of 2023), why did it omit to substantiate: (i) the typology of the damage suffered by the minor, (ii) the dimension of said affectation and (iii) the configuration of the anti-pedagogical damage despite its flagrant consummation? This omission evidences that the Corporation did not recognize how the inoperability of educators in the face of school

bullying and the negligence of the competent authorities, derived from a supine ignorance of pedagogical science, constitute anti-pedagogical conduct that generate damage. Consequently, the minor was subjected to ethical-pedagogical and institutional violence of a state nature that the Constitutional Court itself, given its epistemological blindness in pedagogy, was incapable of glimpsing, conceptualizing and protecting.

This ignorance of the science of pedagogy led the Constitutional Court to rule that it could do nothing due to the existence of "consummated damage," without admitting that this constitutes a clear example of anti-pedagogical damage. Consequently, the minor victim of school bullying was left in a situation of aggravation, since the high court, due to its lack of knowledge of pedagogical science, did not impute the anti-pedagogical conduct at the appropriate time nor with respect to the agents who deployed them. Thus, Judgment T-252 of 2023, in its operative part, abandons the child victim of anti-pedagogical conduct and damage without any protection of his dignity, fostering impunity for both the teachers and the educational institution involved.

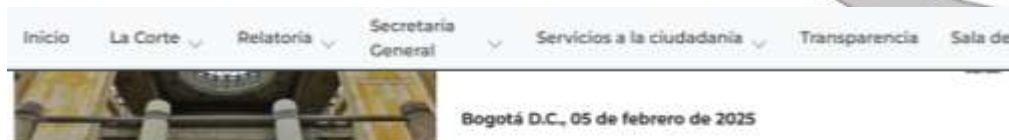
This ignorance of the science of pedagogy led the Constitutional Court to rule that it could do nothing due to the existence of "consummated damage," without admitting that this constitutes a clear example of anti-pedagogical damage. Consequently, the minor victim of school bullying was left in a situation of aggravation, since the high court, due to its lack of knowledge of pedagogical science, did not impute the anti-pedagogical conduct at the appropriate time nor with respect to the agents who deployed them. Thus, Judgment T-252 of 2023, in its operative part, abandons the child victim of anti-pedagogical conduct and damage without any protection of his dignity, fostering impunity for both the teachers and the educational institution involved.

As already stated, it was the Constitutional Court itself that argued that, with respect to consummated damage, it would carry out the legal analysis under the horizon of the principle of the best interests of the child. However, the Corporation incurred in a formalist evasion, shielding itself in the consummation of the damage to declare the lack of object and deny protection to the victimized minor in Judgment T-252 of 2023.

It is evident that the integrity of the assaulted minor was displaced from the constitutional analysis. If the Court had transcended procedural rigorism to examine the material reality of the affected person, it would have identified the structuring of an anti-pedagogical damage. This affectation not only violates the child's mental health and conditions his school experience under fear, with the latent risk of suicidal ideation and persistent trauma, but it demanded a guarantor position to order comprehensive care for its sequelae. Nevertheless, for the Constitutional Court of Colombia, the circumstances of a low-income minor, victim of systematic school bullying, were not determining factors to repair his dignity nor his mental health.

At this point, it is imperative to analyze who was the magistrate who carried out the substantive analysis of the circumstances of manner, time and place of the minor victim within Judgment T-252 of 2023: Reporting Magistrate Jorge Enrique Ibáñez. This official of the Constitutional Court, according to the information presented in Figure 9, served as an educator, but does not possess any knowledge about the teaching-learning process, as recorded in Bulletin 018 of the Constitutional Court (February 5, 2025), in the references of Ibáñez (2024), and in the records of *Ámbito Jurídico* (2020), the *Confecámaras Congress* 2026 (n.d.), *La Silla Vacía* (2021) and *El Siglo* (n.d.). In all these records it is confirmed that the magistrate has exercised teaching without having training in the science of pedagogy, an ignorance that degrades the educational process and prevented him from scientifically judging the dimension of both the anti-pedagogical damage and the anti-pedagogical conduct inflicted on the minor within Judgment T-252 of 2023.

Figure 9. Bulletin 018 of the Constitutional Court where the academic life of Magistrate Ibáñez is published and where it is shown that he served as an educator, but without knowledge of the science of pedagogy.



La Sala Plena de la Corte Constitucional eligió al magistrado Jorge Enrique Ibáñez Najjar como nuevo presidente de la Corporación y a la magistrada Paola Andrea Meneses Mosquera como vicepresidenta. Los altos dignatarios empezarán a cumplir sus funciones a partir del 10 de febrero del año en curso.

El magistrado **Jorge Enrique Ibáñez Najjar** es abogado y especialista en Derecho Constitucional de la Pontificia Universidad Javeriana y magister en Derecho, DEA (Magister) en Derecho Internacional Público, doctor en Derecho, Summa Cum Laude, y postdoctor en Derechos Humanos y Derecho Penal Internacional de la Universidad Alfonso X El Sabio, de Madrid España. Doctor Honoris Causa en Educación de la UNAD.

Se destacó como investigador, académico y consultor en las áreas de su formación y experiencia profesional, esto es, derecho constitucional, derecho administrativo, derecho económico, derecho internacional y derecho privado, con experiencia en el ejercicio de la administración de justicia en sede arbitral como árbitro nacional e internacional, lo mismo que como promotor de los mecanismos alternos de solución de conflictos, especialmente como Amigable Compondor. Fue Conjuez del Tribunal Administrativo de Cundinamarca, del Consejo de Estado –Sala de Consulta y Servicio Civil– y de la Corte Constitucional.

Ha sido profesor de Derecho Constitucional, Derecho Administrativo y Derecho Económico en las Universidades Javeriana, los Andes, Rosario, Externado de Colombia, Sergio Arboleda, Santo Tomás, Libre, Norte de Barranquilla e Ibagué. Fue director de la especialización en Derecho Administrativo de la Universidad del Rosario (1992-1997), director de la especialización en Derecho Administrativo de la Universidad Javeriana (1998-2004) y director de la Especialización en Derecho Sustantivo y Contencioso Constitucional de la Universidad Javeriana (2000-2004).

Fue asesor de la Asamblea Nacional Constituyente de Colombia en 1991, de la Asamblea Constituyente del Ecuador (1997) y de procesos constituyentes en la República Dominicana (1998). Fue funcionario del Banco de la República (1983-1994), consultor del Banco Interamericano de Desarrollo (1993-2000) y de diferentes áreas de la administración pública en procesos de reestructuración y modernización del Estado.

El perfil completo del presidente de la Corte, en el que se puede detallar sus publicaciones académicas, distinciones y su experiencia como docente, lo pueden encontrar en el siguiente enlace: <https://www.corteconstitucional.gov.co/lacorte/ibanez.php>

Source. taken from Bulletin 018 of the Constitutional Court of Colombia (2025).

It must be stated, then, that Judgment T-252 of 2023 constitutes the jurisprudential reproduction of anti-pedagogical acts that materialize anti-pedagogical damage and legitimize the actions of "pseudo-educators" (Arcos-Chaparro and Epia-Silva, 2019; 2025, p. 67; 2026, p. 21) through forms of "prostitution of the science of pedagogy" (Arcos-Chaparro and Epia-Silva, 2025). The foregoing configures a "direct violation of the constitutional duty derived from the guiding principle of ethical-pedagogical suitability, enshrined in the third paragraph of Article 68 of the Political Constitution" (Arcos-Chaparro & Epia-Silva, 2019; 2024). As researchers Arcos-Chaparro and Epia-Silva (2019, 2024, 2025, 2026) and Arcos-Chaparro (2023) have extensively argued, anyone who intends to practice teaching in Colombia must, at a minimum, demonstrate and accredit suitability in the knowledge of pedagogy, a scientific knowledge whose apprehension is only formally obtained in the cloisters of higher education. This constitutional duty, of course, does not exempt either the magistrates of the high courts or those who practice teaching at the university level.

But it happens in the panorama of juridical insecurity in Colombia, as researchers Arcos-Chaparro and Epia-Silva (2019) previously demonstrated, that especially the magistrates of the high courts, and specifically those of the Constitutional Court, suffer from a hybris syndrome that turns them, as José Ortega y Gasset (2010) states, into presumptuous "ignorant wise men" and "ignorant wise women" — *sabia ignorancia de mujeres y de varones* — with respect to the science of pedagogy and pedagogical knowledge. It must be clarified that the Constitutional Court is composed of *varones y mujeres* (males and females in anatomical terms), not only "men"; therefore, the hybris syndrome affects both ignorant wise men and ignorant wise women.

Conclusion

As can be seen, substantive pedagogical unlawfulness is defined as conduct that unjustifiably breaches the constitutional duty to educate. In this category are included authoritarianism and verbal, physical or psychological violence exercised by the teacher, as well as the use of methods and procedures devoid of pedagogical or didactic support "(demanding vaccinations in order to educate)" (Arcos-Chaparro & Epia-Silva, 2025). Consequently, manifestations of substantial pedagogical unlawfulness include abuse of power or abuse of rights by the teacher,

public humiliation in the classroom, the denaturalized use of evaluation as a mechanism of punishment, and the exercise of reprisals or academic revenge against a student or a group of students.

It is necessary to note that academic rigor or mere demandingness does not constitute an automatic ground for justification in the face of substantial pedagogical unlawfulness. In the science of education, if the conduct is due to a simple error that does not alter the due formative process, substantial unlawfulness is not configured. However, true rigor only exists if it is preceded by pedagogical transparency; that is, by the prior establishment of evaluation criteria and the clear disclosure of rubrics or measurement parameters in the assessment. Therefore, extemporaneous, surprising evaluation or evaluation devoid of objective rules duly communicated to the learner does not constitute exigency or academic excellence, but rather a manifestation of arbitrariness and abuse of power in the classroom that vitiates the pedagogical act and directly incurs an anti-pedagogical conduct.

Now, although "academic rigor" is not an easy matter to define, following Wyse and Soneral (2018), who draw on Draeger et al. (2013, p. 268), such definition must be understood as "learning meaningful content through higher-order thinking, at the appropriate level of expectation within a given context" (p. 2), always subject to due compliance with the scientific knowledge of pedagogy. As has been evidenced in the present research, the production of anti-pedagogical conduct obeys two fundamental factors: first, ignorance of the science of pedagogy; and, second, the arrogance and haughtiness with which the pseudo-educator acts in the classroom, even when he possesses such knowledge.

Consequently, when examining the five cases analyzed in this research, corresponding to India, Argentina, Honduras, Mexico and Colombia (department of Sucre), it is essential to highlight that mobile devices and ICTs became the only defense tool for children and adolescents who were victims of substantial pedagogical unlawfulness. The dissemination and visibilization of such events made it possible to verify that the world is suffering from a severe educational crisis derived from the commission of anti-pedagogical conduct, which are systematically covered up by educational institutions, by society and by judges or magistrates who, devoid of training in the science of pedagogy and biased by a chronic hubris syndrome, administer justice under an overt epistemological blindness regarding the matter submitted to their knowledge.

This research ratifies, defends and proclaims the urgent need to guarantee the use of cell phones in educational institutions, both public and private, in the Republic of Colombia. The comparative study of the cases from India, Mexico, Honduras, Argentina and Colombia (Sucre) demonstrates that girls, boys and young people are frequent victims of pseudo-educators who infringe upon their integrity in the classroom, turning the educational process into a source of suffering that generates depression, anxiety and hopelessness. Faced with the defenselessness of students to prove the commission of anti-pedagogical conduct, technology stands as the only effective evidentiary means. Consequently, this work exalts, supports and defends the use of mobile devices in Colombian schools as a mechanism for the protection of fundamental rights and student educational equity.

Creating public policies that restrict or prohibit the use of cell phones in Colombian schools, public or private, under the influence of normative Eurocentrism, not only demonstrates ignorance about the science of pedagogy, but also deepens the commodification of the human dignity of learners. The use of the mobile device must be guaranteed, starting from the premise that the cell phone does not constitute a harmful object. In this sense, if in scenarios such as Tennessee (USA) firearms handling instruction is provided to minors as young as five (Galindo, 2025; Mundo Caracol, 2018), this contrast demonstrates that, instead of prohibition, Colombia must "properly teach the handling of a cell phone" (Livingstone et al., 2017; Livingstone and Sylwander, 2025; Livingstone, 2026). Consequently, seizing or restricting cell phones in school configures a modality of mistreatment through direct violation of children's digital rights (Committee on the Rights of the Child, 2021), subjected to a state of manifest vulnerability in the face of teacher arbitrariness.

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