



# Deber de coherencia en el derecho colombiano de los contratos (Laureata) (Spanish Edition)

*Mariana Bernal Fandiño*

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Las exigencias de la vida contemporánea y los principios del Estado Social de Derecho, particularmente los de la Buena Fe y la Solidaridad, exigen que las partes que intervienen en los contratos busquen con su comportamiento satisfacer los intereses del otro, en un contexto de colaboración y equilibrio. Con el fin de cumplir ese propósito surgen los deberes colaterales de conducta, que son aquellos que, sin estar expresamente convenidos, se imponen a las partes por la exigencia de que en la contratación se proceda con lealtad, honestidad y corrección. Dentro de ellos ha adquirido gran trascendencia el deber de coherencia, que se concreta en la necesidad de que no se presenten contradicciones en el comportamiento de las partes, particularmente cuando se ha creado en la otra parte la expectativa legítima de que dicha situación se mantendrá. Aunque esta problemática se ha tratado de diversas maneras en los distintos sistemas jurídicos, en el ordenamiento jurídico colombiano el deber de coherencia tiene manifestaciones evidentes en la doctrina de los actos propios y en la teoría de la confianza legítima, figuras que son disímiles en su origen, requisitos y efectos y cuyas particularidades son objeto de un detenido, serio y documentado estudio en esta obra.

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