

LUIGI FERRAJOLI

Derechos y garantías

LA LEY DEL MÁS DÉBIL

PRÓLOGO DE PERFECTO ANDRÉS IBÁÑEZ

EDITORIAL TROTTA

Derechos Y Garantias La Ley Del Mas Debil Estructuras Y Procesos Derecho

Carlos Arturo Duarte Martinez



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Derechos y garantías Luigi Ferrajoli, 2023-10-02 El constitucionalismo rigido al conferir carácter normativo a los derechos fundamentales ha introducido todo un sistema de límites y vínculos para la legislación A juicio de Ferrajoli este es el fundamento del modelo garantista caracterizado por un cambio estructural de doble vertiente en el derecho y en la democracia que se deriva de la inserción en ambos de una nueva dimensión sustancial La presencia de esta hace del Estado constitucional de derecho la culminación de un laborioso proceso de erosión del viejo concepto de soberanía en el ámbito interno de los Estados que se traduce en el imperativo jurídico de sujeción de toda forma de poder al derecho ya no sólo en el plano de los procedimientos sino también en el del contenido de las decisiones Pero este proceso lamentablemente no ha tenido correspondencia en el orden de las relaciones interestatales a pesar del nacimiento de la ONU y del auténtico contrato social internacional que es la Carta de 1945 En ese ámbito prevalecen aún de manera más escandalosa las relaciones de fuerza Y como consecuencia la pretensión de universalidad de los derechos humanos resulta negada y stos degradados todavía a la condición de derechos de ciudadanía del ciudadano según de qué Estado y en función de qué fronteras y no de la persona Es tal situación la que a juicio de Ferrajoli rezuma injusticia y falta plenitud de sentido a la demanda de un verdadero

constitucionalismo mundial **Manual del poder ciudadano. Lo que México necesita** Ulrich Richter Morales, 2013-08-15 Incluye actualización sobre la Reforma Política Una nueva fuerza ha comenzado a tomar las riendas de México Es una forma de poder que ha puesto en evidencia la incapacidad del Estado para enfrentar los grandes problemas nacionales Dicho momento está representado por los ciudadanos Son ellos quienes comienzan a ocuparse del trabajo que la clase política no ha podido o no ha querido realizar Haciendo a un lado los discursos abstractos y las visiones idealizadas de la realidad el ensayista Ulrich Richter Morales emprende un análisis concreto objetivo y accesible del papel fundamental de la ciudadanía en una sociedad que requiere con urgencia un cambio de rumbo El derecho a la igualdad y a la no

discriminación en la sociedad jalisciense Martha de la Mora Gómez, María Teresa de Jesús González Luna Corvera, 2014-01-16 Esta obra ofrece una compilación de los mejores trabajos presentados por estudiantes de diferentes licenciaturas en el certamen El derecho a la igualdad y a la no discriminación en la sociedad jalisciense una mirada desde la juventud universitaria celebrado por primera vez en 2010 y constituye sin lugar a dudas un testimonio de las percepciones y propuestas que los jóvenes jaliscienses tienen en torno al fenómeno discriminatorio en México *El modelo social de discapacidad: orígenes, caracterización y plasmación en la Convención Internacional sobre los Derechos de las Personas con Discapacidad* Agustina Palacios, 2008 Describe los antecedentes y el nacimiento del modelo social desarrollando sus fundamentos teóricos analizando su íntima conexión con los valores que sustentan los derechos humanos y finalmente indagando respecto de su plasmación en el primer Tratado de Derechos Humanos del siglo XXI la Convención Internacional sobre los Derechos de las Personas con Discapacidad aprobada el 13 de diciembre de 2006 en Naciones Unidas La

defensa judicial de los derechos políticos Carlos Arturo Duarte Martinez, 2021-02-01 Con motivo de lo decidido por la Corte Interamericana en el Caso contra Colombia y en la OC 28 1 Duarte y Camargo construyen toda una propuesta sustancial y procesal dirigida a garantizar una mejor protección del conjunto de derechos contenidos en el artículo 23 de CADH en el ordenamiento jurídico colombiano Se trata por lo tanto de una obra de imprescindible lectura tanto para entender las repercusiones que tiene la decisión de la Corte IDH en el diseño institucional del control disciplinario en Colombia como para reflexionar nuevamente sobre el valor de los derechos políticos y la importancia de que su protección sea confiada a los jueces en el marco de un Estado de Derecho Alexei Julio Estrada Responsabilidad penal y detención preventiva Jaime Sandoval Fernández, Donaldo Danilo Del Villar, 2013 Esta obra plantea las inevitables relaciones disciplinarias entre dogmática teleológica y derecho procesal penal para poder interpretar de manera coherente el concepto de la Responsabilidad Penal su ausencia y causales como un eje de todo el procedimiento incluso en los escenarios previos al juicio oral Además destaca que en la imposición de la medida de aseguramiento especialmente el encarcelamiento preventivo pena anticipada debe valorarse el mérito sustantivo de la responsabilidad desde lo cognitivo probatorio y argumentativo como un límite y garantía frente al poder punitivo entre otros presupuestos constitucionales y legales para limitar su uso a su máxima expresión

Responsabilidad penal y detención preventiva Sandoval, Jaime, del Villar, Donaldo, 2014-03-13 Esta obra plantea las inevitables relaciones disciplinarias entre dogmática teleológica y derecho procesal penal para poder interpretar de manera coherente el concepto de la Responsabilidad Penal su ausencia y causales como un eje de todo el procedimiento incluso en los escenarios previos al juicio oral Además destaca que en la imposición de la medida de aseguramiento especialmente el encarcelamiento preventivo pena anticipada debe valorarse el mérito sustantivo de la responsabilidad desde lo cognitivo probatorio y argumentativo como un límite y garantía frente al poder punitivo entre otros presupuestos constitucionales y legales para limitar su uso a su máxima expresión De la casación penal en el sistema acusatorio 2° Ed. Germán Pabón Gómez, 2021-01-01 Contenido Capítulo I Antecedentes de la casación Capítulo II De la casación penal I De la noción del instituto II De otras definiciones III De nuestra visión IV De la impugnación extraordinaria Capítulo III De los vicios de la sentencia I Del concepto de sentencia II De nuestra visión III De los errores en la sentencia IV De nuestra visión de errores Capítulo IV Sentencias contra las que procede el amparo constitucional convencional I Generalidades II De la casación respecto de sentencias anticipadas III Del interés y límites para recurrir las sentencias proferidas en vía de terminación anticipada y la extensión de aquellos a la casación penal IV De las garantías fundamentales objeto de protección tratándose del amparo constitucional convencional y legal de una sentencia anticipada Capítulo V De los fines de la casación I De los fines del recurso II De los fines públicos III De los fines privados Capítulo VI Principios que rigen la casación penal I Del principio de taxatividad II Del principio de limitación y de oficiosidad III Del principio de legitimación e interés para recurrir en casación penal IV Del principio de suficientes lógicos y de coherencia en el escrito de formulación y sustentación de la censura V Del

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Constitución y Democracia en Movimiento Helena Alviar García, Julieta Lemaitre Ripoll, Betsy Perafán Liévano, 2016-01-01 El curso de Constitución y democracia tiene como propósito la formación de una ciudadanía responsable y crítica a partir del conocimiento básico del marco constitucional y el sistema de derechos contenido en la Constitución. Se espera formar un estudiante conocedor y cuestionador del sistema normativo básico que rige a la sociedad en relación con la estructura del Estado, el sistema de derechos y sus mecanismos de protección. Todo lo anterior con el fin de que esté en capacidad de participar activamente en la sociedad para contribuir de manera crítica en la resolución de los problemas que afectan a todos. Se espera entonces que el estudiante:

- 1 Comprenda y cuestione la estructura del Estado y sus funciones básicas de manera que pueda establecer la forma en que el Estado protege los derechos constitucionales. En este sentido se busca que los estudiantes puedan identificar escenarios de tensiones institucionales y relacionarlos con los hechos cotidianos.
- 2 Aplique los derechos constitucionales y no solo que los identifique conocer sino que los pueda describir, explicar, ejemplificar y distinguir, comprender al punto de relacionarlos con la vida, usarlos y solucionar problemas sociales.
- 3 Analice el valor de la democracia como procedimiento de construcción de consensos y medio de protección y goce de los derechos constitucionales y en relación con ello comprenda los principios del proceso democrático y el significado de poder participar en los procesos de toma de decisiones.

Más allá de la visión progresiva Catholic Church. Archdiocese of Guatemala (Guatemala). Oficina de Derechos Humanos, 2005

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