The Political and Legal System in Argentina

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Sturm College of Law, University of Denver
General Information of Argentina

- **Location**: South America
- **Capital**: Buenos Aires City
- **Language**: Spanish
- **Currency**: Peso Argentino
- **Population**: 40 million (2008)
- **Current President**: Cristina Fernandez de Kirchner
Brief History

• 1816: Independence from Spain.
• 1853: National Constitution enacted.
• 1880: First democratic president (Julio Roca).
• 1900/1976: Alternated between democratic and military “unstable” governments.
• 1976: Beginning of the “National Reorganization Process” led by the military.
• 1983: Democracy was restored and since then have been peaceful democratic governments.
Type of Government

- **Democracy**
  - Representative
  - Republican
  - Federal (23 provinces, plus Buenos Aires City with its own political, administrative and economic power)

- **National Constitution**
  - From 1853 (last amended in 1994)
  - Principal source of law
  - Each province has its own constitution
  - Similar to U.S. *(Bill of Rights)*
Government Structure: 3 branches

- **Executive Branch**
  - President (in provinces, the governor) has the executive authority.
  - Elected by people for 4 years term (2 term limit)
  - Vice President and 12 Ministers
  - Can enact orders and regulations, appoints judges.

- **Legislative Branch**
  - Congress divided in two chambers (Senators and Deputies)
  - Enacts civil, commercial, penal and mining codes.
  - Provincial Congress can grant more rights in their constitution, but never less.
Government Structure (cont.)

• Judicial Branch
  ▫ National Court System (Federal Court in USA)
    • Supreme Court of Argentina
    • Appellate Court / First Instance Court
    • Other members (Jury of Prosecution, Magistrate Council, Public Ministry)
  ▫ Local or Provincial Court System (State Court in USA)
    • Provincial Supreme Court
    • Appellate Court / First Instance Court
Legal System

- Sources of law (hierarchical system)
  - Constitution (and some treaties with equal level).
  - Treaties.
  - Laws (codes and statutes).
  - Decrees.
  - Resolutions, administrative decisions and other administrative acts of the Executive Branch.
Legal System (cont.)

- Civil law country
  - Based on *civil law* not *common law*.
  - Every case is decided on its own merit according to law.
  - Judges can use precedence, but not obligated to apply *stare decisis*.
  - Judges “create” law (with their decisions) but is not mandatory for other cases.
Some pictures
Many thanks!

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