The Chilean Legal System

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Chile

- Capital: Santiago
- Population: 16 Million (Est. 2008)
- Current President: Michelle Bachelet
- Currency: Peso
- Administrative Division: 15 Regions ruled by Governors designated by the President
Government History

• Chile gained independence from Spain on September 18, 1810.
• For the first 150 years of independent life the country was governed by different forms of restricted democracy
Government History

• September 11, 1973 was the beginning of the military regime led by General Augusto Pinochet which lasted 17 years, until 1990
• Chile returned to the democracy in 1989, and the first democratic government started in March of 1990.
Legal System

• Sources of the Law:
  - Constitution
  - International Treaties Ratified By Chile
  - Laws
  - Decrees
  - Resolutions Enacted by Administrative Authorities such as Ministers, Mayors etc.
Legal System

- Constitution established in 1980 and reformed in 2005 under the democratic government
- Three Branches of Government
  - Executive
    - President of the Republic
  - Legislative
    - Chamber of Deputies and Senate
  - Judicial
Executive

- The President is elected by popular vote (50% + 1 of the votes) (no electoral college).
- If more than two candidates run for the office of president, and none receives a majority of the votes (50% + 1), a run-off election is held between the two who received the greatest number of votes.
- 4 year term, no consecutive re-election.
Legislative

• Senate
  – 38 Senators elected from 19 districts
  – 8 year term
  – Unlimited re-election
 Legislative

• Chamber of Deputies (or House of Representatives)
  – 120 Deputies elected from 60 districts
  – 4 year term
  – Unlimited re-election
- Three Courts
  - District Court
  - Appeals Court
  - Supreme Court

- No Jury for any of the courts
Judicial

- Supreme Court is highest court
  - 21 Justices, serve until they are 75 years old
- New Justice
  - Current Justices nominate five candidates
  - President picks one of the five
  - Senate must approve the President’s choice
Civil Law Country

Civil Law (Chile)- provides all citizens with an accessible and written collection of the laws which apply to them and which judges must follow