

Scentencias Arbitrales 19941998

García López, Luisa Fernanda

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Rica ,1995 **Justicia y democracia** García López, Luisa Fernanda,2017-11-30 Esta obra es producto de una serie de reflexiones que giran en torno a dos tem ticas fundamentales del constitucionalismo contempor neo como son el papel del juez en la creaci n del derecho y la reforma de la Constituci n y la delimitaci n entre el poder constituyente derivado y el poder constituyente originario Cu l es el alcance del poder creador del juez y cu les son los l mites al poder constituyente derivado En los sistemas de tradici n continental se le reconoce al juez un papel creador de derecho bien sea para llenar los vac os de la ley dirimir conflictos de interpretaci n de las leyes o realizar cambios en la jurisprudencia A ello se suma la supremac a del juez constitucional que responde a la prevalencia de los derechos fundamentales quien cuenta con una mayor autonom a adaptando sus fallos a la realidad social y al inter s general No por ello el juez debe sobrepasar los l mites que la Constituci n le impone porque un juez con autoridad suprema y regulador de la vida social puede generar inseguridad

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