

Andrés Gil Domínguez

Neoconstitucionalismo Y Derechos Colectivos

Neoconstitucionalismo y derechos fundamentales Neoconstitucionalismo y derechos fundamentales Transformative Constitutionalism in Latin America Neoconstitucionalismo y derechos colectivos Neoconstitucionalismo y derechos fundamentales en tiempos de emergencia Neoconstitucionalismo(s) Neoconstitucionalismo, Derecho y derechos Constitución, neoconstitucionalismo y derechos El neoconstitucionalismo y la normatividad del derecho Neoconstitucionalismo y derechos fundamentales en tiempos de emergencia Neoconstitucionalismo, derechos humanos y pluralismo jurídico Estudios en homenaje a Marcia Muñoz de Alba Medrano Desigualdades y conflictos en el pacífico colombiano Los juicios orales en México Los derechos fundamentales en las relaciones entre particulares La Constitución bajo tensión Posacuerdo y territorio en las comunidades indígenas, afro y campesinas en el norte del Cauca Aplicación del derecho, imperio de la ley y neoconstitucionalismo Neoconstitucionalismo, derechos fundamentales y derecho internacional de los derechos humanos Los derechos de la naturaleza y la naturaleza de sus derechos Miguel Carbonell Armin von Bogdandy Andrés Gil Domínguez Miguel Carbonell Miguel Carbonell Susanna Pozzolo Carlos Bernal Pulido Jairo Vladimir Llano Franco Miguel Carbonell Javier Mijangos y González Néstor Pedro Sagües Jairo Vladimir Llano Franco Miguel Hernández Terán Nicole Velasco Cano Carlos Espinosa Gallegos-Anda Neoconstitucionalismo y derechos fundamentales Neoconstitucionalismo y derechos fundamentales Transformative Constitutionalism in Latin America Neoconstitucionalismo y derechos colectivos Neoconstitucionalismo y derechos fundamentales en tiempos de emergencia Neoconstitucionalismo(s) Neoconstitucionalismo, Derecho y derechos Constitución, neoconstitucionalismo y derechos El neoconstitucionalismo y la normatividad del derecho Neoconstitucionalismo y derechos fundamentales en tiempos de emergencia Neoconstitucionalismo, derechos humanos y pluralismo jurídico Estudios en homenaje a Marcia Muñoz de Alba Medrano Desigualdades y conflictos en el pacífico colombiano Los juicios orales en México Los derechos fundamentales en las relaciones entre particulares La Constitución bajo tensión Posacuerdo y territorio en las comunidades indígenas, afro y campesinas en el norte del Cauca Aplicación del

derecho, imperio de la ley y neoconstitucionalismo Neoconstitucionalismo, derechos fundamentales y derecho internacional de los derechos humanos Los derechos de la naturaleza y la naturaleza de sus derechos *Miguel Carbonell Armin von Bogdandy Andr s Gil Dom nguez Miguel Carbonell Miguel Carbonell Susanna Pozzolo Carlos Bernal Pulido Jairo Vladimir Llano Franco Miguel Carbonell Javier Mijangos y Gonz lez N stor Pedro Sag es Jairo Vladimir Llano Franco Miguel Hern ndez Ter n Nicole Velasco Cano Carlos Espinosa Gallegos-Anda*

this ground breaking collection of essays outlines and explains the unique development of latin american jurisprudence it introduces the idea of the ius constitutionale commune en america latina iccal an original latin american path of transformative constitutionalism to an anglophone audience for the first time it charts the key developments that have transformed the region and assesses the success of the constitutional projects that followed a period of authoritarian regimes in latin america coined by scholars who have been documenting conceptualizing and comparing the development of latin american public law for more than a decade the term iccal encompasses themes that cross national borders and legal fields taking in constitutional law administrative law general public international law regional integration law human rights and investment law not only does this volume map the legal landscape it also suggests measures to improve society via due legal process and a rights based supranational and regionally rooted constitutionalism the editors contend that with the strengthening of democracy the rule of law and human rights common problems such as the exclusion of wide sectors of the population from having a say in government as well as corruption hyper presidentialism and the weak normativity of the law can be combatted more effectively in future

a study of how a constitution serves as a philosophical reflection of social values while the book provides a historical treatment of the evolution of constitutions its focus is on the philosophical development of the post 1945 german constitution

pasado y futuro del estado de derecho luigi ferrajoli los derechos fundamentales en el estado constitucional democr tico robert alexy la constitucionalizaci n del ordenamiento jur dico el caso italiano ricardo guastini formas de neo constitucionalismo un an lisis metate rico paolo comanducci conflictos entre principios constitucionales jos  juan moreso la teor a del derecho en tiempos del constitucionalismo alfonso garc a figueroa un constitucionalismo ambiguos susanna pozzolo derechos democracia y constituci n juan carlos bay n la ciencia jur dica ante el neoconstituciionalismo santiago sastre ariza neoconstitucionalismo democracia e imperialismo de la moral mauro barberis

con ocasi n del d cimo aniversario del t rmino neoconstitucionalismo esta obra

defiende la idea de la doctrina aquí presentada como una tercera teoría del derecho reivindicando su autonomía en el panorama jurídico contemporáneo la obra estuvo bajo la coordinación y cuidado editorial de susanna pozzolo j d por la universidad de genova obtuvo su ph d en la misma universidad en 1998 con una disertación sobre el neoconstitucionalismo y el positivismo jurídico desde 1996 ha pasado varios periodos de estudio en españa principalmente en la universidad pompeu fabra y en la universidad de giorna y tiene varias membresias de investigación en italia por las universidades de genova cagliari brescia asimismo participan los juristas anna pintore Écio otto ramos duarte lenio luiz streck mauro barberis y rafael escudero alday

este libro es un conjunto de estudios que exploran el concepto de neoconstitucionalismo como nuevo entendimiento de la constitución y del estado social y democrático de derecho así como las variaciones que implica para el ordenamiento jurídico y para su aplicación judicial en este sentido por una parte representa una obra de utilidad para los académicos interesados en escudriñar las más recientes concepciones del estado y del derecho tanto desde la perspectiva de la filosofía del derecho como la del derecho constitucional por otra parte este libro pretende ser de utilidad para los jueces abogados en ejercicio y demás operadores jurídicos que a partir de la constitución política de 1991 y de su desarrollo por parte de la jurisprudencia constitucional se ven forzados a utilizar en la praxis cotidiana las formas neoconstitucionales de aplicación del derecho

es un libro que examina las complejas dinámicas socioeconómicas y políticas de la región del pacífico en colombia a través de un análisis profundo se aborda cómo las desigualdades históricas han contribuido a la aparición y persistencia de conflictos armados y sociales en el área la obra se enfoca en diversos factores que agravan las tensiones como la explotación de recursos naturales la discriminación racial y la influencia de agentes externos además se discuten las luchas de las comunidades afrocolombianas e indígenas por el reconocimiento de sus derechos y por la defensa de su territorio a lo largo del texto los autores argumentan que para comprender plenamente los conflictos en el pacífico colombiano es fundamental considerar las intersecciones entre desigualdad identidad cultural y acción política en este sentido el libro no solo ofrece un diagnóstico sino que también sugiere caminos hacia la construcción de una paz duradera y justa en la región este análisis integral busca contribuir al debate académico y social sobre el pacífico colombiano ofreciendo una visión que contemple las voces y experiencias de sus habitantes

este es un libro que plantea algunos entre tantos problemas constitucionales la mayor parte de ellos pone a prueba la capacidad de la constitución para enfrentar situaciones difíciles a menudo críticas los trabajos que se incluyen no son estudios teóricos sino que han emergido en momentos muy distintos de la dimensión

existencial del derecho constitucional se trata de desafíos comunes a muchos países las áreas que se han seleccionado son cuatro la primera intenta mostrar a la constitución en situación de acoso ya que se controvierte su misma naturaleza es una estatua o un ser viviente su parto algunas veces defectuoso por el poder constituyente irregular la erosión que la carcome su desconstitucionalización la desmesura del presidencialismo y de la reelección presidencial el desafío de la gobernabilidad constitucional y las cláusulas con las que procura protegerse para sobrevivir y llegado el caso renacer un segundo tramo de la obra se detiene en los tribunales constitucionales visualizados hoy como una pieza vital para la salud constitucional bueno es entonces explicar qué es un órgano extrapoder si tales cortes deben operar como agentes del cambio social si pueden revisar sus propios fallos y si es correcto que actúen como legisladores todo ello enmarcado en el actual conflicto entre garantismo y activismo que replantea el comportamiento de todo juez el tercer escenario es el de los derechos humanos temas como su modulación en la batalla entre universalismo y multiculturalismo su avasallamiento por los contraderechos la polémica sobre los derechos imposibles el olvido de alguno de ellos incluso en la jurisdicción internacional o la exportación de los mismos desde constituciones modélicas a otros paisajes normativos son cuestiones igualmente inquietantes y provocativas la última parte enfoca la posición de la constitución ante el fenómeno de la jurisdicción supranacional en particular su actitud ante la exigente doctrina del control de convencionalidad factor revulsivo que puede llegar a cambiar la fisonomía de la otrora ley suprema es decir su transfiguración de constitución nacional a constitución convencionalizada el libro no es solamente descriptivo sino crítico abordando hipótesis extremas como los bordes del control de convencionalidad y sus dificultades operativas

contenido conflicto armado y pos acuerdo en el norte del cauca acuerdo de paz territorio y diversidad en el norte del cauca los territorios en fase de transición la paz territorial en colombia corrupción control estatal y acuerdo de paz en colombia el rol de la mujer del norte del cauca en el pos acuerdo procesos alternativos de participación y de control del territorio tierra conflicto y pos acuerdo la justicia estatal y la justicia indígena nasa un análisis constitucional desde los derechos de los pueblos indígenas en colombia la batalla de quito ecuador se levanta contra la lex mercatoria

superada la visión normativista del derecho propio del modelo decimonónico los principios jurídicos se abrieron paso como mandatos que ordenan la mejor conducta que pueda producirse de acuerdo a las posibilidades fácticas y jurídicas en palabras del profesor rodolfo vigo los principios son derecho concentrado que puede expresarse y justificar a diferentes normas y por supuesto ese control provoca que en cada caso de tensión lleguen a prevalecer sobre las normas de esta forma

además de la constitucionalización del derecho la consagración y operatividad de los derechos humanos han sido fuente relevante para potenciar a los principios a partir de interpretaciones vinculadas a esos criterios y con un esquema basado en la aplicación e interpretación del derecho complementado por los desafíos que aparece el neoconstitucionalismo el profesor miguel hernández terán realiza un meduloso abordaje de temas que todo operador jurídico necesita conocer el lector encontrará interesantes referencias doctrinarias así como destacada jurisprudencia de la corte constitucional de colombia que el autor introduce a lo largo del libro a fin de esclarecer el alcance de las figuras jurídicas que son principalmente controvertidas a la hora de su análisis jurídico

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