



Acerca de las diferencias entre el Derecho Penal, el Derecho Administrativo sancionador y el Derecho de policía: A la vez, una reflexión sobre el concepto de sanción [

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Analítica

Based on the premise that criminal law and punitive administrative law are part of one single unit (punitive law), this paper aims to define a concept for sanction that encompasses both criminal and administrative penalties and excludes non-punitive restrictive administrative measures. In a logical relation, administrative and criminal penalties stem from the same set of facts and, consequently, from this perspective, there are not qualitative differences between them. However, since unfairness is a gradable magnitude, it is that different severity that determines the contrasts between them. This work also establishes that, as the delimitation of the legal nature of the legal consequences introduced by the legislature in the different sectors of the legal system lies in the sphere of the norm-common to the whole legal system-and not of the law, both punitive and non-punitive legal consequences are present in criminal law and administrative law. From this perspective, this paper suggests separating punitive administrative law and police law and asserting the latter as the sector of the legal system that allows classifying non-punitive legal consequences that are regulated not only by administrative laws but also by the criminal code

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