



Aplicación de los principios de proporcionalidad y legalidad en el derecho disciplinario al momento de la tasación de la sanción disciplinaria para los funcionarios de la rama judicial [

2018

text (article)

Analítica

The correct application of the proportionality principle in disciplinary matters, has generated a series of conflicts for the disciplinary judge at the moment to sanction the officers of the Judicial Branch, generating in some occasions a strong tension with other constitutional and legal principles, whereby its pretended with this document to stablish if actually the proportionality and legality principles are rightly applied, specifically about the officers of the Judicial Branch, investigated and judged by the Sectional and Superior Councils of the Judiciary. This article pretends then to determine, if the normative elements inside the 734 of 2002 Law, are sufficient and suitable to applicate correctly the proportionality principle harmonically with the legality principle, at the moment to stablish the disciplinary sanction that is imposed to the officers of the Judicial Branch; all this developed under the frame of a legal social investigation, that inquires at the bottom of the disciplinary jurisdiction -disciplinary operators- the legal and factual phenomena that they deal with at the moment to quantify the sanction, using at the time an inductive deductive investigation method, analyzing a few disciplinary decisions where officers of the Judicial Branch had been sanctioned. Finally this dissertation will be developed analyzing the application of this two principles in the disciplinary, legislative field and the decisions of the Constitutional Court, to present a series of recommendations facing the application of the disciplinary power in the investigations followed to the officers of the Judicial Branch

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Título: Aplicación de los principios de proporcionalidad y legalidad en el derecho disciplinario al momento de la tasación de la sanción disciplinaria para los funcionarios de la rama judicial electronic resource]

Editorial: 2018

Tipo Audiovisual: proportionality principle legality principle sanction disciplinary process official judicial branch principio de proporcionalidad principio de legalidad sanción proceso disciplinario funcionarios rama judicial

Documento fuente: Via Inveniendi et Iudicandi, ISSN 1909-0528, Vol. 13, N°. 2, 2018, pags. 129-161

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Lengua: Spanish

Enlace a fuente de información: Via Inveniendi et Iudicandi, ISSN 1909-0528, Vol. 13, N°. 2, 2018, pags. 129-161

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