

Control of Conventionality in Public Administrations

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Conventionality control in the Publics Administrations

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Summary

The aim of this study is to address the change in administrative and legal relations, which leads to the need to use new instruments and create new categories that adapt to the evolution of public administration. Undoubtedly, human dignity must be the center on which the arbitration of public administration is built, in order to avoid arbitration. The action of the State, therefore, finds limits derived from human rights, a fact that makes it necessary for the public administration to obey not only the constitutional parameters, but also the conventional ones. In this sense, this work will seek to open a new perspective of shaping administrative actions with simultaneous control of constitutionality and conventionality,

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References

CASSAGNE, Juan Carlos, in "The project of the general principles of the administrative act", LL diario, 18/06/2012.

CASSAGNE, Juan Carlos, GONZALEZ PEREZ, Jesus "La Justicia Administrativa en Iberoamérica", Ed. Lexis Nexis Abeledo Perrot, Buenos Aires, Argentina, 2005.

CASSESE, Sabino, "Administrative Law: history and future", Ed. INAP, Sevilla, 2014.

CDFUE, 2000, Proclaimed on 12/07/2000, amended on 12/12/2007, ratified on 12/13/2007, Published on 12/18/2000, original and 12/14/2007 reform, entry into force el 01/12/2009.

CS, 11/27/2012, "Rodríguez Pereyra vs. Argentine Ejército s/ Damages and Perjuicios", cdos. 11 to 13 especially.

FERRAJOLI, Luigi, "Rights and guarantees. La ley del más débil", Ed. Trotta, ed. 4, Madrid, 2004.

GARCIA-PELAYO, Manuel. "The transformations of the contemporary State", Ed. Forense, Rio de Janeiro, 2009.

GARZÓN VALDÉS, Ernesto, "What is the moral relevance of the concept of human dignity?", Ed. Trotta, Madrid, 2011.

GELLI, María Angélica "Constitución de la Nación Argentina, Comentada y Agreed", LL, ed. 5 expanded and updated, Bs. As., Argentina, 2018.

GORDILLO, Agustín, "Hacia la unidad del orden world juridical", Ed. RAP, Buenos Aires, 2009.

GORDILLO, Agustín, "Corrupción as a crime against humanity", Revista Jurídica de San Luís, Nro. 1, IJ-CCCXLIV-670, May 2017.

GUTIÉRREZ COLANTUONO, Pablo Ángel, "The right to the city and a possible anchor from the Pact of San José de Costa Rica", Anuario Iberoamericano de Right Urbanístico, Nro. 1/2018, IJ-DXXXVII-974.

HACHEM WUNDER, Daniel; VALENCIA TELLO, Diana Carolina, "Reflections on the fundamental right to good public administration in Brazilian administrative law", Digital Magazine of Administrative Law, Nro. 21, first semester 2019.

IACHR No. 5: "Children, Children and Teenagers", Prepared by the Inter-American Court of Human Rights with the collaboration of the German Cooperation (GIZ), 2018, <http://www.corteidh.or.cr/sitios/libros/todos/docs/ninosnins-2018.pdf> .

IACHR, 08/05/2008, “Apitz Barbera y otros (Prime Court of Administrative Litigation) v. Venezuela”, Preliminary Exception, Funding, Repairs and Coasts, and fallo dictated by the internal system - TSJ, Constitutional Room, 12/18/2008, exp. No. 08-1572. The mentioned country denounced the PSJCR, on the 6th of September 2012.

IACHR, 10/18/2017, “Fontevecchia y D'amico vs. Argentina, S/ Resolución de Supervisión de Cumplimiento de Sentencia”.

IACHR, 08/28/2014, “Dominican and Haitian Persons Expelled vs. Dominican Republic”.

IACHR, 07/29/88, “Velásquez Rodríguez v. Honduras”, Fondo, Cdo, para. 175; Inter-American Court, 11/16/2009, “González y otras (“Campo Algodonero”) v. Mexico”, Preliminary Exception, Fondo, Reparaciones y Costas, parr. 252; y Inter-American Court Case, 10/10/2013,

IACHR, 11/30/2012, “Santo Domingo Massacre vs. Colombia s/ Judgment of Preliminary Exceptions, Fondo y Reparaciones, para.142, and Inter-American Court Case, 05/29/2014, “Norín Catrimán y otros (Directors, members and activist of Pueblo Mapuche) v. Chile”, Fondo, Reparaciones y Costas, para. 427.

MEILÁN GIL, José Luís, “General interests and public interests from the perspective of Spanish public law”, Journal of Administrative & Constitutional Law-A&C, Nro. Special 10 años, Ed. Forum, Belo Horizonte, 2003, p.178.

OC. 22/16, 26/02/2016, Titularidad de Derechos de las Personas Jurídicas en el Sistema Interamericano de Derechos Humanos - interpretación y alcance del art. 1.2, en relación con los arts. 1.1, 8, 11.2, 13, 16, 21, 24, 25, 29, 30, 44, 46 Y 62.3 de la Convención Americana s/ Derechos Humanos, así como del art. 8.1.A Y B del Protocolo de San Salvador.

PÉREZ HUALDE, Alejandro, “La necesaria determinación de la desigualdad para el tratamiento equitativo de los derechos fundamentales”, Anuario Iberoamericano de Derecho Administrativo Social, Nro. 2, 2019.

RETORTILLO BAQUER, Lorenzo M., “La interconexión de los ordenamientos jurídicos y el sistema de fuentes del derecho”, Thomson Reuters Civitas, Madrid, 2004.

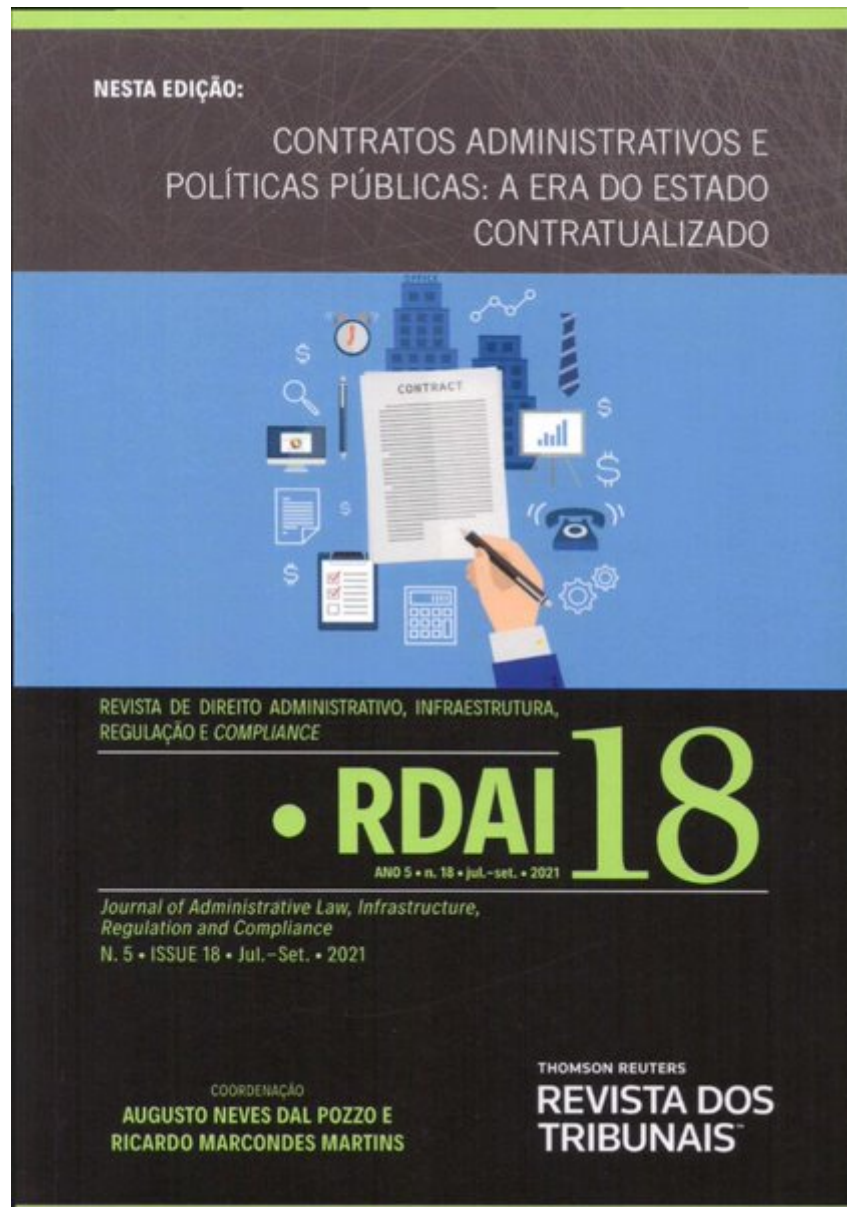
RODRIGUEZ-ARANA MUÑOZ, Jaime, “Derecho administrativo y derechos sociales fundamentales”, Ed. Derecho Global, Sevilla, 2015.

RODRIGUEZ-ARANA MUÑOZ, Jaime, “The fundamental right to good Administration”, Eurolatinoamericana Magazine of Administrative Law, Santa Fe, vol. 1, No. 2, julio-diciembre 2014.

RODRIGUEZ-ARANA MUÑOZ, Jaime, “The Good Government and the Good Administration of Public Institutions”, Ed. Thomson Reuters Aranzadi, Navarra, 2006.

SANTAMARÍA, Pastor Juan Alfonso, “Principles of Administrative Law”, Centro de Estudios Ramón Areces, ed. 4, 2002, Madrid, vol. 1.

VALIM, Rafael, Unpublished work sent for publication in the Procuración del Tesoro Magazine, Broquel de la Argentina Magazine.



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