

ARGENTINE REPUBLIC

(REPUBLICA ARGENTINA)



BACKGROUND AND LEGAL SYSTEM

LEGAL SYSTEM	Civil law system.
POLITICAL SYSTEM	Democratic federal republic.
HEAD OF STATE	President.
HEAD OF GOVERNMENT	President.
SUBNATIONAL ENTITIES	23 provinces (<i>provincias</i>) and 1 autonomous city (<i>distrito federal</i>): Buenos Aires is the national capital.
TRANSLITERATION SYSTEM	None.
LANGUAGES	Spanish.

CONSTITUTION

OFFICIAL NAME	CONSTITUCIÓN ARGENTINA.
ENACTMENT	Adopted on May 1, 1853. Revised on August 1994.

CITATION FORMAT CONSTITUCIÓN ARGENTINA [Constitution] art. <article number> (Arg.).

Example CONSTITUCIÓN ARGENTINA [Constitution] art. 20 (Arg.).

STATUTES

GOVERNMENT
STRUCTURE The National Congress (*Congreso Nacional*) is bicameral, consisting of the Senate (72 seats elected by direct vote) and the Chamber of Deputies (257 members elected by direct vote).

LEGISLATIVE
PROCESS Each province and the Capital (Buenos Aires) has its own executive apparatus, court system and legislature, which are controlled by a comprehensive body of legislation. In the Constitution the powers not delegated to the federal government are reserved for the provinces. Therefore, two types of legal rules coexist in Argentina: federal legislation governing the entire country and the Federal Capital and local legislation within each self-governing province. At this time, no single comprehensive compilation of Argentine law exists. A commission has been created under Law/*Ley* 24,967 (June 19, 1998) to consolidate all national laws and resulting regulations. Additionally, many individual Codes are currently undergoing reform

REPORTER *Boletín Oficial* B.O.

Anales de Legislación Argentina A.D.L.A.

El Derecho - Legislación Argentina E.D.L.A.

Anuario de Legislación A.L.J.A.

CITATION FORMAT Law No. <law number>, <promulgation date>, [<volume>], <reporter> <page>.

Example Law No. 23098, Oct. 19, 1984 [XLIV-D], A.D.L.A. 3733.

CODES

Código Civil (CIVIL CODE)	Abbreviated as Cód. Civ.
Código Penal (PENAL CODE)	Abbreviated as Cód. Pen.
Código Procesal Civil y Comercial de la Nación (CODE OF CIVIL AND COMMERCIAL PROCEDURE)	Abbreviated as Cód. Proc. Civ. y Com.
Código de Comercio (COMMERCIAL CODE)	Abbreviated as Cód. Com.
Código Procesal Penal de la Nación (CODE OF CRIMINAL PROCEDURE)	Abbreviated as Cód. Proc. Pen.
CITATION FORMAT	<name of code> art <article number> (Arg. <year>).
<i>Examples</i>	Cod. Civ. art. 5 (Arg. 1882). Cod. Pro. Civ. Com. art. 8 (Arg. 1967).

CASE LAW

JUDICIAL
OVERVIEW

The judicial system is divided into federal and provincial courts, and each system has lower courts, courts of appeal, and supreme courts. Supreme judicial power is vested in the Supreme Court of Justice, whose judges are appointed by the President with the consent of the Senate. There are also numerous National Chambers and Federal Trial Courts in a variety of different areas, from the National Electoral Chamber to the National Court of Appeals in social security matters to Labor courts and Commercial courts. In total there are 24 legislatures and executives capable of enacting and promulgating laws and regulations.

Judges are bound by the civil code, statutes, and decrees of executive power, but not particularly by decisions of other judges rendered in similar cases — past precedence has little value. Rulings of higher courts are not binding upon lower courts, but they do provide persuasive principles which judges normally apply.

FEDERAL
JURISDICTION
COURTS

Corte Suprema de Justicia de la Nación (CSJN) – highest court for Constitutional and Federal matters.

Cámara Nacional de Casacion Penal (C.N.C.P.) – highest Federal court on criminal matters.

Cámara Federal de Apelaciones (Cfed.) – Federal court of appeals.

Juzgado Federal (Juzg. Fed.) – lower Federal courts.

COURTS WITH
JURISDICTION IN
THE FEDERAL
DISTRICT OF
BUENOS AIRES

Cámara Nacional de Apelaciones en lo Civil de la Capital Federal (CNCiv.) – Court of Appeals in Civil Matters.

Cámara Nacional de Apelaciones en lo Comercial de la Capital Federal (CNCom.) – Court of Appeals in Commercial Matters.

Cámara Nacional de Apelaciones Especial Civil y Comercial de la Capital Federal (CNEspecial Civ. y Com.) – Special Court of Appeals in Civil and Commercial Matters.

Cámara Nacional de Apelaciones en lo Penal Económico de la Capital Federal (CNPenal Económico) – Court of Appeals in Criminal-Economic Matters.

Cámara Nacional de Apelaciones del Trabajo de la Capital Federal (CNTrab.) – Court of Appeals in Labor Matters.

Cámara Nacional de Apelaciones en lo Federal y Contenciosoadministrativo de la Capital Federal (CNFed.) – Court of Appeals in Administrative Matters.

Juzgado Nacional de Primera Instancia (1a Inst.) – Lower Courts of Ordinary Jurisdiction.

PROVINCIAL
JURISDICTION
COURTS

Corte de Justicia (CJ)

Suprema Corte (SC)

Tribunal Superior (T.S.)

Tribunal Superior de Justicia (Trib. Sup.)

Superior Tribunal (S.T.)

Cámara de Apelaciones en lo Civil y Comercial (CApel.CC)

Cámara de Apelaciones en lo Penal (CApel. Penal)

Cámara del Trabajo (C.Trab.)

Juzgado de Primera Instancia (1a Inst.)

REPORTERS

Argentina does not have a single, official source for court reporting. Many of the individual courts publish their own reports. Included below are some of the most commonly used reporters from the federal court system.

Official Supreme Court Reporter:
Coleccion Oficial de Fallos de la Corte Suprema de Justicia de la Nacion (1863-present)
Abbreviation: Fallos

Other Reporters:
Revista Juridica Argentina "La Ley." (1936-present)
Abbreviation: L.L.

El Derecho (1962-present)
Abbreviation: E.D.

Jurisprudencia Argentina: revista de jurisprudencia Argentina.
(volumes for 1918-1941 called vols. 1-76, thereafter issued without volume numbering) (1918-present)
Abbreviation: J.A.

CITATION FORMAT

"<Petitioner>," <Court>* <volume> <reporter> <page>
(<year>)**.

*When citing the Supreme Court use the Fallos cite if available; otherwise cite to L.L., E.D., or J.A.. When citing to Fallos and J.A. you do not need to specify the court in the citation.

**If the volume number contains the year, omit the last parenthetical.

Examples

"In Machicote," 300 Fallos 642 (1978).

"SC Johnson & Son," CFed.[1998-C] L.L. 732.

"Carrizo Coito, Sergio," CSJN 89 E.D. 501 (1980).

"Ghiringhelli S.A. v. Eduardo Bigio," [1965-VI] J.A. 526.

SOURCES

The CIA Factbook:

<<http://www.cia.gov/cia/publications/factbook/geos/al.html>>

A Guide to Uniform Citation of Inter-American Sources for Writers and Practitioners, 33 U.Miami Inter-Am. L. Rev. 323, 354 (2002).

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