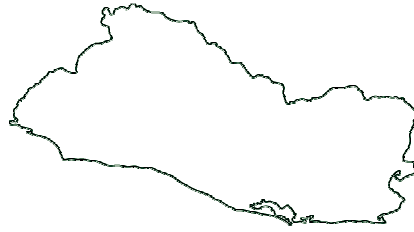


REPUBLIC OF EL SALVADOR

(REPÚBLICA DE EL SALVADOR)



BACKGROUND AND LEGAL SYSTEM

LEGAL SYSTEM	Based on civil and Roman law. Elements of common law are also present in the legal system. The Supreme Court holds the power of judicial review over legislative acts. El Salvador accepts compulsory ICJ jurisdiction, with reservations.
POLITICAL SYSTEM	The Constitution of 1983 declares that the government of El Salvador is republican, democratic, and representative, as had the Constitution of 1962. The government is comprised of three branches: executive, legislative, and judicial. The military is not a constitutional branch of government yet exerts considerable influence over the governance of the country. The military is often the most immediate government representative for many Salvadorans.
HEAD OF STATE	President.
SUBNATIONAL ENTITIES	14 Departments (<i>departamentos</i>).
LANGUAGES	Spanish, Nahua (among some Amerindians).

CONSTITUTION

OFFICIAL NAME	Constitución Política de la República de El Salvador de 1983
ENACTMENT	Drafted on December 16, 1983. Enacted on December 23, 1983. 18 amendments enacted as of July 6, 2000.
CITATION FORMAT	CONST. POL. REPUB. EL SAL. [Constitution] tit. <title number> cap. <capitulate number>, art. <article number> (<date of enactment>).
<i>Example</i>	CONST. POL. REPUB. EL SAL. [Constitution] tit. I cap. II art. III (1983).

STATUTES

GOVERNMENT STRUCTURE	The unicameral Legislative Assembly (<i>Asamblea Legislativa</i>) has 84 seats. Its members are elected by direct, popular vote to serve three-year terms. The Legislative Assembly determines the statutory laws of El Salvador. The considerable powers of the legislature include: levying taxes, ratifying or rejecting treaties, regulating the civil service, declaring war and granting amnesty for political offenses or common crimes. The Legislative Assembly also approves the national budget in its final form and selects the president (chief justice) and magistrates of the Supreme Court, the leaders of the Central Electoral Council and Court of Accounts (<i>Corte de Cuentas</i>) along with the attorney general and procurator general.
LEGISLATIVE PROCESS	Legislation may be introduced by members of the assembly and the president. The Supreme Court may submit legislation pertaining to the judiciary; and local municipal councils, with regard to municipal taxation. A presidential veto of legislation passed by the Assembly may be overridden by a two-thirds vote of that body. The executive may raise constitutional objections to a law with the Supreme Court serving as the arbiter. If a law challenged by the president is ruled to be constitutional by the Supreme Court, the president is compelled to sign it into law.

REPORTER	<i>Diario Oficial.</i> <i>Directorio de Legislación.</i>
CITATION FORMAT	Diario Oficial <English name of act>, D.O. N° <act number>, T. <title number>, <date>. Diario Oficial (D.O.) Decree <decree number>, art. <article number>, D.O., <date>, at <page number> (El Sal.). Directorio de Legislación <English name of act>, D.L. N° <act number>, <date>.
<i>Examples</i>	Diario Oficial Law of the Environment, D.O. N° 79, T. 339, 4 May 1998. Diario Oficial (D.O.) Decree 33, art. 43, D.O., Dec. 16, 1983, at 5 (El Sal.). Directorio de Legislación Law of the Environment, D.L. N° 233, 2 March 1998.

CODES

Código Civil (CIVIL CODE)	In force since 1859.
Código de Procedimientos Civiles (CODE OF CIVIL PROCEDURE)	In force since 1879.
Código de Comercio (COMMERCIAL CODE)	In force since 1970.
Código Penal (PENAL CODE)	In force since 1997.

Código Procesal
Penal
(CODE OF CRIMINAL
PROCEDURE)

In force since 1992.

CITATION FORMAT <code> art. <article number> (El Sal. <date of enactment>).

Examples

Cód. Civ. art. 257 (El Sal. 1859).

Cód. Proc. Civ. art. 137 (El Sal. 1879).

Cód. Com. art. 11 (El Sal. 1970).

Cód. Pen. art. 22 (El Sal. 1997).

Cód. Proc. Pen. art. 4 (El Sal. 1992).

ADMINISTRATIVE REGULATIONS

ADMINISTRATIVE SOURCES Administrative law and procedure found at *Ley administrativo contencioso*. Ley 35-CL in *Diario Oficial* 18 Mar 1968.

REPORTER *Contencioso Administrativo*.

CITATION FORMAT <file number>. <party name> vrs. <party name>.

Example

119-A-97. Salazar vrs. Instituto Salvadoreño del Seguro Social.

CASE LAW

JUDICIAL
OVERVIEW

The Supreme Court (Corte Suprema de Justicia) is the highest level of the court structure. Below it are the chambers of second instance (Cámaras de Segunda Instancia) or courts of appeal, and at the base are the local courts, Juzgados de Primera Instancia.

Supreme Court judges are selected by the Legislative Assembly. The president of the Supreme Court is the head of the judicial branch and coordinates the business of the Court. Magistrates of the Supreme Court are appointed to five year terms by the Legislative Assembly.

The next level below the Supreme Court are the chambers of second instance, or courts of appeal, which are composed of two magistrates, who hear appeals of decisions handed down in the courts of first instance. The courts of first instance are the foundational level of the legal system, and these courts hear both civil and criminal cases.

REPORTER

Revista judicial: sentencias de la Corte Suprema. Vol 1- , 1895-196? San Salvador, 1895-196?.

Revista judicial: sentencias de la Corte Suprema de Justicia [2a ser.] Vol. 1- , 1981- . San Salvador, Imprenta Nacional, 1981- Present.

CITATION FORMAT

<case name>, *Revista judicial* [<case designation>] Vol. <volume number>, <year>.

Sentencia de <date>, Inc. <case designation>, Considerando <number> <number>.

<file number>. <party name> vrs. <party name>.

EXAMPLES

García vrs. Instituto Salvadoreño del Seguro Social, *Revista judicial* [2a ser.] Vol. 3, 1984.

Sentencia de 14-II-1997, Inc. 15-96, Considerando II 4.

480-2004. Roberto Antonio García Chávez vrs. Director General del Instituto Salvadoreño del Seguro Social.

SOURCES

Library of Congress, Country Studies *available at*
<http://countrystudies.us/el-salvador>

El Salvador Legal Information
<http://jurist.law.pitt.edu/world/elsalvador.htm>

Legal Information Institute *available at*
<http://www.law.cornell.edu/world/namerica.html#elsalvador>

Political Database of the Americas *available at* <http://www.georgetown.edu/pdba/>

Library of Congress Global Legal Information Network *available at*
<http://www.glin.gov>

SPECIAL THANKS

Mackenzie DeWerff – Staff Member. Oct. 2006
William Patterson – ICM Committee Member. Oct 2006
Matthew T. Nagel – ICM Coordinator. Oct. 2006