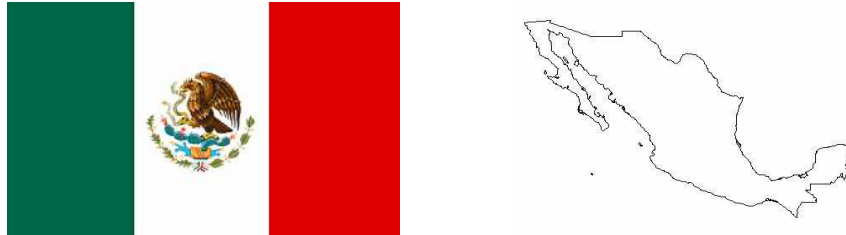# UNITED MEXICAN STATES

(ESTADOS UNIDOS MEXICANOS)

BACKGROUND AND LEGAL SYSTEM

LEGAL SYSTEM	Civil law system influenced by U.S. constitutional theory, Spanish and French law, with traces from Pre-Colombian indigenous law.
POLITICAL SYSTEM	Federal Republic.
HEAD OF STATE	President, chosen by direct election to serve a six year term. Re-election is expressly prohibited.
HEAD OF GOVERNMENT	President.
SUBNATIONAL ENTITIES	Mexico is divided into 31 states (*estados*) and 1 federal district (*distrito federal*). The capital is Mexico City.
SUBLOCAL ENTITIES	Each state is divided into townships (*municipios*). Each township has a president and council elected to three-year terms.
TRANSLITERATION SYSTEM	None.
LANGUAGES	Spanish, various Mayan, Nahuatl, and other regional indigenous languages.

CONSTITUTION

OFFICIAL NAME	Constitución Política de los Estados Unidos Mexicanos.
ENACTMENT	Effective February 5, 1917. The Constitution is intended to be a detailed statement of the powers of government officials and the rights of Mexican citizens. Article 135 provides for amendment upon a two-thirds vote of Congress and a simple majority approval by the thirty-one state legislatures.
CITATION FORMAT	CONSTITUCION POLITICA DE LOS ESTADOS UNIDOS MEXICANOS [Constitution] art. <article number> (Mex.).
Example	CONSTITUCION POLITICA DE LOS ESTADOS UNIDOS MEXICANOS [Constitution] art. 49 (Mex.).

STATUTES

GOVERNMENT STRUCTURE	The Congress (*Congreso de la Union*) is composed of two chambers, a Senate (*Camara de Senadores*) and a Chamber of Deputies (*Camara de Diputados*) and meets twice yearly. There are 128 senators elected to six-year terms. There are 500 deputies, 300 of which are elected and 200 of which do not represent a particular electoral district. Deputies serve three year terms. Members of Congress may serve multiple terms, but they may not serve consecutive terms.
LEGISLATIVE PROCESS	The Congress' functions include, *inter alia*: imposing federal taxes, setting terms upon which national debt may be incurred, raise and sustain armed forces, issue laws, establish federal crimes and their corresponding punishments, establish schools, and to create federal administrative courts. The legislative process usually involves seven stages: initiative, discussion, approval, sanction, promulgation, publication, entry into force. Much of the work is done in committees. The Senate possesses the exclusive power to approve international treaties entered into by the President, to approve various presidential nominees, and to act as sentencing jury in impeachment proceedings. The Chamber of Deputies has the

exclusive authority to review and approve annually the federal budget submitted by the President and to bring impeachment proceedings.

A Permanent Committee (*Comisión Permanente*), assumes legislative responsibilities during congressional recesses.

REPORTER

Daily Official Gazette (*Diario Oficial de la Federación*). Published daily by the federal government; this is the source for all new legislation, including amendments and additions.

CITATION FORMAT

"<subject matter>," *D.O.*, <date in Spanish>, <articles>.

Example

"Ley Reglamentaria del Artículo 5 Constitucional, Relativo al Ejercicio de las Profesiones en el Distrito Federal," *D.O.*, 26 de Mayo de 1945, art. 21.

CODES

Código Civil Federal (FEDERAL CIVIL CODE)	Originally enacted in 1928 as the local code for the Federal District on ordinary matters and for the entire Republic of Mexico on federal matters (*D.O.* of March 26, 1928), this code continues to be used for ordinary matters (with a few amendments), but a special Federal Civil Code for national matters was recently enacted by the Federal Congress (*D.O.* of May 29, 2000), as amended.
Código de Comercio (COMMERCIAL CODE)	Since its inception, this code has gone through several drastic amendments. (*D.O.* of October 7-13, 1889; it entered into force on January 1, 1890).
Código Federal de Procedimientos Civiles (FEDERAL CODE OF CIVIL PROCEDURE)	Enacted in 1943; substantially amended in 1988.

Código Procediminetos Civiles para el Distrito Federal (FEDERAL DISTRICT CODE OF CIVIL PROCEDURE)	(*D.O.* of September 1-21, 1932; amended several times).
Código Penal Federal (FEDERAL CRIMINAL CODE)	Enacted in 1931; amended several times (*D.O.* of February 6, 2002).
Código Federal de Procedimientos Penales (CODE OF CRIMINAL PROCEDURE)	Enacted in 1934 and amended several times (D.O. of February 6, 2002). Enumerates the constitutional guarantees prescribed by the Federal Constitution.
Código Fiscal de la Federacion (FISCAL CODE OF THE FEDERATION)	Published in *D.O.* of December 31, 1981 (last amendment in the *D.O.* of December 31, 2000).
CITATION FORMAT	"<subject matter>," <name of code>, <title number>, <article number>, *D.O.* <date in Spanish>.
Example	"Ley Federal de Transparencia y Accesso a la Información Pública Gubernamental," *D.O.*, 11 Junio de 2002.

CASE LAW

JUDICIAL
OVERVIEW

There are no elected judges in Mexico; all are appointed. Articles 94 through 107 of the Federal Constitution and the Organic Law of the Federal Judiciary (*Ley Organica del Poder Judicial de la Federacion*) govern the federal judiciary, including the Federal Council of the Judiciary.

Mexico has a three-tiered judiciary. A Supreme Court of Justice (*Suprema Corta de Justicia de la Nación*), with final appellate jurisdiction over all federal and state courts, consists of eleven Justices, all of whom are nominated by the President and appointed by the Senate after a thorough examination. Supreme Court justices enjoy a fifteen year tenure. They may also be removed by means of a special injunction proceeding if the Chamber of Deputies files charges and the Senate conducts a trial on those charges. Federal appellate courts are circuit courts (*Tribunales de Circuito*) and are divided into single judge courts (*Tribunales Unitarios de Circuito*) and collegiate courts (*Tribunales Colegiados de Circuito*). Federal courts of first instance are district courts (*Juzgados de Distrito*) and jury courts (*Jurados Populares Federales*). Circuit and district judges are appointed by the Supreme Court and may be removed by the Federal Council of the Judiciary.

In addition to adjudicating civil and criminal matters pursuant to codes and applicable statues, Mexican courts enforce individual rights through a special federal proceeding (*amparo*). In these matters, the federal court determines whether a public authority violated the fundamental rights proscribed in the first twenty eight articles of the Federal Constitution. However, in this case the court's ruling only protects the indivudal or legal entity who filed the Amparo and the unconstitutional statute is not repealed and continues to be in force.

As part of the civil legal tradition, the Mexican legal system does not conform to the principle of stare decisis. Therefore, judges in that country rather than adhere to judicial precedent, give special attention to the principles, norms and rules enunciated by legislative enactments, in particular codes, and statutory materials. (The only exception is the "Jurisprudencia"). Mexico does not have a jury system.

REPORTER SUPREME COURT OF JUSTICE	Judicial Weekly of the Federation (*Semanario Judicial de la Federación*). The *Semanario* is divided into series (*Epocas*). The most recent Seventh *Epoca* covers 1969-present..
CITATION FORMAT SUPREME COURT OF JUSTICE	"<petitioner's name>," <volume> <reporter> <page number> (<series> <year>).
Example	"Aragon, Raymundo," 14 S.J.F. 1109 (5a época 1924).

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SPECIAL THANKS

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