Abstract

In this work, we endeavour to analyse the pressing need of introducing Peru to a constitutional reform that, starting with a fundamental social consensus along with a clear vocation of straightforwardness would be the basis for the shaping of a true Social and Democratic State of Law, in which diversity, dignity, liberty, equality, justice would be the fundament to promote progress whether personal, social, economical or cultural, to the benefit of the population, in order to guarantee the full enjoyment of their fundamental rights. Based on these above considerations, we propose to reopen the debate by approaching issues of special importance and pointing out others. The main issues we are to examining refer, in first place, to distinguishing between the figures of the Head of State and the Head of Government, both of which presently are assigned to the President of the Republic, thus reserving for this person the symbol of the unity of the country as President of all Peruvians, thereby capacitating his retraining role, integrator, consensus-searcher, as well as reserving for him certain key-capabilities which he has to fulfil at special or exceptional moments in the political and social life of the country. Secondly, we would analyse the necessity of re-establishing a second House of Representatives which would represent the various territorial regions in such a way as to pursue the imperfect model of bi-parliament by which, starting with material, functional and jurisdictional differentiations, both Houses would complete their selves in a useful and rational manner, and thus increase the legitimacy of the system. And finally, a number of issues are to be pointed out, which we consider should be on the agenda when the constitutional reform is being realised. Such issues would be: Judicial Power, the Armed Forces and the National Police Force, the Social State, Public Administration, etc.

Keywords

Peru, constitutional reform, fundamental rights, diversity