



**NATIONAL UNIVERSITY OF ENGINEERING  
COLLEGE OF MECHANICAL ENGINEERING  
MECHATRONICS ENGINEERING PROGRAM**

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**MS311 – CONSTITUTION AND BUSINESS LAW**

**I. GENERAL INFORMATION**

<b>CODE</b>	: MS311 Constitution and Business Law
<b>SEMESTER</b>	: 10
<b>CREDITS</b>	: 1
<b>HOURS PER WEEK</b>	: 03
<b>PREREQUISITES</b>	: None
<b>CONDITION</b>	: Compulsory

**II. COURSE INTRODUCTIONS**

The course offers students a comprehensive overview of the Peruvian legal system with specific guidance to review and understanding of the business legal framework that grants the powers enabling it to generate own business spaces. In this vein fundamental rights are reviewed explaining its scope and content, the constitutional foundations of the national legal system and the institutions that recognize the Constitution also the Corporate Law is reviewed, Procurement and Commercial Instruments regulation micro and small business and perspective within the Corporate Marketing and Strategic Planning.

**III. COURSE OUTCOMES**

Allow the students to recognize and manage basic concepts and terms to be used permanently in professional practice also ensure that you can recognize within an overview of the special features offered by the law as a science and practice generating the powers enabling him develop own economic activities.

## IV. LEARNING UNITS

### Unit 1: The State and Law: Constitution

**Achievement:** The student will recognize and distinguish the relationship between the law and the Constitution, recognizing the importance of the Constitution within the scope of development of individual and collective rights and foundational expression of the state.

#### **contents:**

Week 1: Session 1: Concepts Constitution.- GENERAL.- Origin of the word State.- Generation Status: Brief Major historical contributions.- view its genesis: England, France, United States of North America.- The Modern State Its elements .- The rule of law. The Constitution. Study of the Rule of Law: Plans Philosophical, Legal and Politic.- Contrasting with the national reality.

Week 2: Session 1: Human Fundamental Rights.- person in national laws.- Human Rights: Your Background.- The Universal Declaration of DD HH 1948. The American Convention on DD HH and applicability of violating facts.- The Rome Statute and the International Criminal Court INTERNATIONAL.- force in Peru.

Week 3: Session 1: Social, Economic and Politics.- The Social, Economic and Political covered by the Constitution.- Participation of politics in life.- Constitutional.- Political Rights, Defense of civil rights: Constitutional Guarantees: Habeas Corpus, Action of protection, Habeas Data.- Popular.- Unconstitutional Action.- Default: Application and effect in Peru

Week 4: Session 1: The organization of State.- State and Nation.- Structure The Economic Constitution.- State.- separation of powers: Legislative, Executive and Judicial Power.- regimes exception. The National Council of the Judiciary: Its importance and the possibility that an engineer integrant.- the Public Ministry. The Ombudsman's people. Security and National Defense.- the national territory: the Unclos and position PERUVIAN ELECTORAL System The Regionalization.

Week 5. Session 1. The Juridical Standard.- Importance.- State and normative.- function juridical concept.- standard structure norm.- Language problems.- The exercise of force by the State to compliance with norms.- the Hierarchy of norms.- Legal Act. Examples and application to reality.

#### **Evaluation:**

This unit will be assessed considering:

- Voluntary participation in class
- Guided things in class solution

- **Unit 2:** The contract and market instruments

**Achievement:** Allow the student to learn logically identifying various contracts, its role and importance as a means of expression of the will and economic content and use and essential basis of professional practice.  
Contents:

Week 6: Session 1: The contract as a source of obligations.- previous notions: The legal fact, legal status, juridical relationship.- The Legal act: concept, elements, importance, application to reality and concept of contract and its importance in economic and professional life.- Forms of Contracts.- Rules interpretation.- Classification of Extinction Contracts.- of contracts.

Week 7: Session 1: Major Contracts: Purchase and sale, exchange, supply, delivery mandate.- services.- Lease.- Examples and exercises. Modern contracts: The Group Domination Agreement.- The Association Agreement The Agreement Consortium.- Participation.- The Joint Agreement Franchising.- Venture.- The Agreement The License Agreement Know How.- The contract Sponsorship Leasing.- .- The contract The contract Factoring.- The contract Underwriting.- Escrow.- The contract The contract Swaps.- The Agreement Forward.- futures contract.

Week 8: Session 1: Commercial Instruments: Titles Values.- Definition.- Characteristics.- principles and values Requirements.- type: materialized and dematerialized.- Requirements.- Exceptions to oppose the obligation.- Forms of issue: Endorsement Classes .- Securities: bills of exchange, check, promissory note, the shaped invoice, bill of lading, the bill of lading, OTHERS.- Deterioration or destruction of titles .- Prescription.- Its use and application the business.- Normativity.- application examples.

**Unit 3:** Business Law.

**Achievement:** The student will identify options and instruments that the national legal system for regulating business activity, obtaining an overall and individualized use vision and its importance in professional practice.

contents:

Semana10: Session 1: Types of trading companies.- company.- The company, entrepreneur, trade and transportation employees: land, sea, air and Multimodal national and international regulation Transportation.- The sole proprietorship and collective companies.- developed societies will corporations Act. Application Examples.

Week 11: Session 2: The sole proprietorship and collectives businesses.- developed societies will Corporations Act. Application Examples.

Week 12: Session 1. The micro and small companies.- Forms of Constitution.- advantages and Facilities.- Normative.- Individual Liability Company Limited Model.- minutes of setting up a company.

Week 13: Session 1: Other Juridical entities.- persons Legal entities of public and private law.- Law International Organizations: UN, UNCTAD, ILO, World Bank, IMF, OAS, UNASUR, the Andean Community of Nations, European Union. - cooperatives, EPS.- the Association Foundation and the Committee.

Week 14: Session 1: Taxation in Peru.- SUNAT.- Main taxes.- Taxes, fees and contributions.- The Taxing Code.- the Legal Taxing Relationship.- The UIT.- The coercive collection.- Examples. Labor regulations in the public sector and industry for Basic Private Rights.- Labors.- the work relationship Obligations arising.

Week 15: Session 1: The development of company.- The role of business marketing and its use for the development of the Focus companies.- company from strategic planning.- Vision and business mission.

## **V. METHODOLOGY**

The methodology used will be the exhibition of teachers supported audio and visual facilitation students with reading material and study resources electronically.

## **VI. EVALUATION SYSTEM**

In each unit permanent participation and student attendance to class and the presentation of case studies and exercise solving other, where they can apply the theoretical knowledge imparted, thereby highlighting its application and usefulness will be sought.

Evaluation system corresponding D

## **VII. REFERENCES COURSE**

### **a. MANDATORY:**

1. **CONSTITUTION OF PERU POLICY 1993.** OFFICIAL EDITION. Published: CONGRESS OF THE REPUBLIC LIMA 2006. 120P.
2. **MARCIAL RUBIO CORREA;** "THE LEGAL SYSTEM - INTRODUCTION TO LAW"; PUC EDITORIAL BACKGROUND
3. **BASIC DOCUMENTS ON HUMAN RIGHTS IN THE INTER-AMERICAN SYSTEMBY THE Inter-American Court of Human Rights.**Published: LIMA NATIONAL HUMAN RIGHTS COUNCIL 2002. P 456

4. **ISSUES OF CRIMINAL LAW AND HUMAN RIGHTS VIOLATION.** PONTIFICAL CATHOLIC UNIVERSITY OF PERU. INSTITUTE OF DEMOCRACY AND HUMAN RIGHTS Published: LIMA IDEHPUCP
5. **FERRERO RAUL Rebagliatti.** "POLITICAL SCIENCE, THEORY AND STATE CONSTITUTIONAL LAW" EDITIONS JV., LIMA
6. **DAR BULLETIN No. 65.** UNCLOS AND PERU: THE CONSTITUTION OF THE OCEANS PRIVATIZATION CONTRACT OR SEA GRAU? [HTTP://WWW2.CONGRESO.GOB.PE/SICR/CENDOCBIB/CON2\\_UBD.NSF/35728E27C30F17730525782900635BFF/\\$FILE/OCEA.PDF](http://www2.congreso.gob.pe/sicr/cendocbib/con2_UBD.NSF/35728E27C30F17730525782900635BFF/$FILE/OCEA.PDF)
7. **MANUAL securities.** EDITORIAL Law Gazette. ED.2003
8. **INTERNATIONAL ORGANIZATIONS.**  
[HTTP://WWW.UM.ES/AULADEMAYORES/DOCS-CMSWEB/TEMA\\_2.ORGANIZACIONES\\_INTERNACIONALES.\\_DOC.PDF](http://www.um.es/AULADEMAYORES/DOCS-CMSWEB/TEMA_2.ORGANIZACIONES_INTERNACIONALES._DOC.PDF)

**RECOMMENDED:**

1. **REPORT ON THE SITUATION OF HUMAN RIGHTS IN PERU IN 1996.** NATIONAL HUMAN RIGHTS COORDINATOR (LIMA) Published: LIMA CNDDHH 1997. P 132
2. **DÍAZ MÜLLER, LUIS.** LATIN AMERICA: INTERNATIONAL RELATIONS AND HUMAN RIGHTS. Published: MEXICO CITY CULTURE FUND FOR ECONOMIC 1986. 375 P.
3. **FERRERO COSTA, RAÚL.** DEMOCRACY WHAT RISK? : CONSTITUTIONAL ANSWER Published: LIMA EDS. LUIS ALFREDO 1993. 244 P.
4. **Hans Kelsen.** "Pure Theory of Law"; EUDEBA
5. **RAMIREZ HUGO CANAVAL. CONTRALMIRANTE.** THE NEW LAW OF THE SEA TO PERU .. [agredeHTTP://WWW.CONVEMAR.COM/EL-NUEVO-DERECHO-DEL-MAR.PDF](http://www.convemar.com/el-nuevo-dercho-del-mar.pdf)
6. **ARIAS PEZET Schreiber, MAX.** "Modern contracts" FIRST EDITION, MARCH 1,999, GAZETTE LEGAL PUBLISHERS SRL.
7. **MELGAR BRAVO, SYDNEY ALEX.** "MODERN BUSINESS CONTRACTS" TOMO I, PUBLISHER "FECAT" EIRL LIMA, 1,997
8. **CHULIA VINCENT, EDWARD AND BELTRÁN ALANDETE, TERESA.** "Legal aspects of non-standard contracts", fourth revised edition, JOSE MARIA BOSCH EDITOR - BARCELONA, 1,999. TOMO I.

9. **LEYVA SAAVEDRA, JOSE.** "TREATY OF PRIVATE LAW" BUSINESS CONTRACTS, Volume I, Volume II, Book I, EDITORIAL SAN MARCOS, INSTITUTE LEASING, 1,997.
10. SIERRALTA **RIVERSAnibal.**"International joint venture". EDITORIAL FDO PontificaCOLLEGE CATHOLIC OF PERU, SECOND EDITION, 1,997.
11. TORRES VASQUEZ, Hannibal."Civil Code" FIFTH EDITION, EDITORIAL TEMIS SA, BOGOTACOLOMBIAE IDEMSA, LIMA PERU, 2,000.
12. **Chanduví CORNEJO, Victor Hugo.** COMMERCIAL LAW: CODE
13. **HUAMANÍ HUAMANÍ, SALUTINIANO Antero.** BUSINESS LAW FOR EVERYONE PUBLICATION: LIMA UNIVERSITY 2008. 241P.
14. **SUMMARY OF LEGISLATION COMERCIAL.** Published: PERU LEGAL ISSUES 2003. 830 P.
15. **Perlick, WALTER.**INTRODUCTION TO BUSINESS ADDRESS OF PUBLICATION: BUENOS AIRES AID; ATENEO 1973. 135
16. **CHUPUIS, FREDY.**BANKRUPTCY LAW SYSTEM GENERAL RELEASE: LIMA MINISTRY OF JUSTICE. NATIONAL BUREAU OF LEGAL AFFAIRS 2002. 100 P.
17. **MONTES, CHRISTIAN.** FRANCHISING IN PERU: HOW TO COMPETE IN MODERN TIMES. Published: P. 42-44
18. **INTERNATIONAL ORGANIZATIONS**  
FTP://FTP.FAO.ORG/DOCREP/FAO/010/AI173S/AI173S03.PDF
19. **BARRIOS ORBEGOSO, RAÚL.** TAX LAW TAX GENERAL THEORYPublished: [SLSN. 134 P.
20. **BELAUNDE guinassi, MANUEL.** INSTITUTIONS TAX LAW Published: LIMA CATHOLIC UNIVERSITY. 215 P.
21. **VILLEGAS, HÉCTOR BELISARIO.** COURSE OF FINANCE, FINANCIAL AND TAX LAW. Published: BUENOS AIRES ASTREA. 2003. LXIV