



National University of Engineering (UNI)

School of Civil Engineering

Syllabus 2027-I

1. COURSE

BRN2C1. National Reality, Constitution, and Human Rights (Mandatory)

2. GENERAL INFORMATION

2.1 Course	: BRN2C1. National Reality, Constitution, and Human Rights
2.2 Semester	: 6 th Semester.
2.3 Credits	: 2
2.4 Hours	: 1 HT; 2 HP;
2.5 Duration of the period	: 16 weeks
2.6 Type of course	: Mandatory
2.7 Learning modality	: Face to face
2.8 Prerequisites	: None

3. PROFESSORS

Meetings after coordination with the professor

4. INTRODUCTION TO THE COURSE

National Reality, Constitution, and Human Rights introduces the historical, social, and economic reality of contemporary Peru; the relationship between law and society; the nature, history, and comparative models of constitutions and systems of government; the constitutional order of Peru under its 1993 Constitution and the constitutional guarantees that protect fundamental rights; and human rights and international humanitarian law, as a foundation for the informed and responsible civic and professional engagement of the engineer.

5. GOALS

- Describe the historical, social, and economic reality of contemporary Peru.
- Explain the relationship between law and society, and the nature, history, and comparative models of constitutions and systems of government.
- Analyze the constitutional order of Peru under its 1993 Constitution and the constitutional guarantees that protect fundamental rights.
- Apply the framework of human rights and international humanitarian law to the analysis of civic and professional questions.

6. COMPETENCES

ABET-4) An ability to recognize ethical and professional responsibilities in engineering situations and make informed judgments, which must consider the impact of engineering solutions in global, economic, environmental, and societal contexts. (Usage)

7. TOPICS

Unit 1: Peruvian Society in the 21st Century (6 hours)	
Competences Expected: ABET-4	
Topics	Learning Outcomes
- Peru's social structure in the 21st century: demographics, urbanization, migration, and social mobility. - Contemporary social challenges: inequality, informality, and regional disparities.	Describe the main social characteristics and challenges of contemporary Peruvian society [Familiarizarse].
Readings : [ContrerasCueto2013]	

Unit 2: Peruvian Economic Landscape (6 hours)	
Competences Expected: ABET-4	
Topics	Learning Outcomes
- Structure of the Peruvian economy: productive sectors, informality, and regional disparities. - Peru's macroeconomic indicators and their social implications.	Describe the structure and main indicators of the Peruvian economy [Familiarizarse].
Readings : [INEI2024]	

Unit 3: Democracy and Citizenship (6 hours)	
Competences Expected: ABET-4	
Topics	Learning Outcomes
- Citizenship and civic participation in Peru: electoral processes, civil society, and citizen oversight. - Peru's contemporary political landscape and its challenges for democratic governance.	Explain the mechanisms of civic participation available to Peruvian citizens and the challenges facing Peru's democratic governance [Usar].
Readings : [TuestaSoldevilla2018]	

Unit 4: Natural Law, Positivism, and Legal Realism (6 hours)	
Competences Expected: ABET-4	
Topics	Learning Outcomes
- Classical and contemporary natural law: Aquinas, Finnis, and the relationship between law and moral obligation - Austin's command theory, Hart's concept of law (primary/secondary rules, rule of recognition), and Kelsen's pure theory of law - American legal realism (Holmes, Frank, Llewellyn): law as prediction, judicial psychology, and the indeterminacy thesis - Critical legal studies, feminist jurisprudence, and critical race theory: law as ideology and instrument of power	- Explain the central claims of natural law theory, legal positivism, and legal realism and identify the key points of disagreement between them [Familiarity] - Analyze a legal dispute using the conceptual tools of at least two competing jurisprudential schools [Usage] - Evaluate the Hart-Fuller debate on the minimum content of natural law and assess its implications for unjust legal systems [Assessment]
Readings : [RubioCorrea2009]	

Unit 5: Nature and History of Constitutions (12 hours)	
Competences Expected: ABET-4	
Topics	Learning Outcomes
• The constitution as supreme law: constitutional supremacy, hierarchy of norms, and the constitution as both a legal and a political document • Historical development of constitutionalism: early charters (Magna Carta), the American and French revolutions, and the spread of written constitutions • Rigid vs. flexible constitutions: classification criteria and their implications for constitutional stability and adaptability • Constitutional amendment and reform procedures; unamendable clauses and the doctrine of unconstitutional constitutional amendments	• Explain the concept of constitutional supremacy and the historical origins of modern constitutionalism [Familiarity] • Compare the amendment procedures of rigid and flexible constitutions and their effect on constitutional stability [Usage] • Evaluate a proposed constitutional amendment against the doctrine of unconstitutional constitutional amendments [Assessment]
Readings : [Loewenstein1970], [RubioCorrea1999]	

Unit 6: Comparative Constitutional Models and Systems of Government (18 hours)	
Competences Expected: ABET-4	
Topics	Learning Outcomes
• Comparative constitutional models: civil-law vs. common-law constitutionalism, and centralized vs. diffuse (decentralized) models of judicial review • Systems of government: presidential, parliamentary, and semi-presidential (mixed) systems; their institutional design and typical crisis points • Democratic theory: representative vs. participatory and deliberative democracy; citizen participation mechanisms (referendum, recall, popular initiative) • Separation of powers and checks and balances: the executive, legislative, and judicial branches, and mechanisms of inter-branch accountability	• Compare presidential, parliamentary, and semi-presidential systems of government [Familiarity] • Analyze a country's constitutional design in terms of its model of judicial review and separation of powers [Usage] • Evaluate the adequacy of a country's citizen participation mechanisms against democratic theory's normative standards [Assessment]
Readings : [GinsburgDixon2011], [Loewenstein1970]	

Unit 7: Peru's 1993 Constitution (6 hours)	
Competences Expected: ABET-4	
Topics	Learning Outcomes
• Historical context of the 1993 Constitution: the 1992 autogolpe, the Democratic Constituent Congress, and its replacement of the 1979 Constitution • Structure and guiding principles of the 1993 Constitution: its titles and organization, and the principles of a social and democratic state of law • Peru's economic constitution: the social market economy, free private initiative, and the state's subsidiary role in economic activity • The fundamental rights catalog of Art. 2 and related provisions: equality, due process, and other constitutionally entrenched rights specific to the Peruvian order	• Describe the historical context in which the 1993 Constitution was adopted and its structural organization [Familiarity] • Explain the principles of Peru's economic constitution and their application to a specific economic policy question [Usage] • Analyze a real or hypothetical case involving a right from the Art. 2 catalog under the Peruvian constitutional framework [Assessment]
Readings : [RubioCorrea1999]	

Unit 8: Civil, Political, Economic, Social, and Cultural Rights (6 hours)	
Competences Expected: ABET-4	
Topics	Learning Outcomes
• Right to life (absolute prohibition of arbitrary deprivation), personal liberty and security, fair trial guarantees, privacy, freedom of expression and peaceful assembly • Right to work, just conditions of work, education, health, housing, social security, and participation in cultural life; progressive realization obligation • Indivisibility of rights: interdependence of civil/political and economic/social rights; justiciability of socioeconomic rights in domestic courts • Special protections for women, children, persons with disabilities, indigenous peoples, migrants, and LGBTQ+ persons under international law	• Identify the civil, political, economic, social, and cultural rights protected by the core international human rights instruments [Familiarity] • Analyze whether a state measure violates specific human rights standards, applying the tests of legality, legitimate aim, and proportionality [Usage] • Assess the justiciability of an economic, social, or cultural right in a domestic legal order and evaluate the remedies available [Assessment]
Readings : [Smith2020]	

Unit 9: Peaceful Settlement and the Use of Force (6 hours)	
Competences Expected: ABET-4	
Topics	Learning Outcomes
• UN Charter Art. 2(4) prohibition; definition of aggression (UNGA Res. 3314); humanitarian intervention and the Responsibility to Protect (R2P) • Art. 51 self-defense: necessity, proportionality, armed attack threshold, anticipatory and pre-emptive self-defense; Chapter VII collective security measures • ICJ jurisdiction (contentious and advisory), arbitration (PCA, ICSID), WTO Dispute Settlement Body, and diplomatic means (negotiation, mediation, inquiry) • Applicability of jus ad bellum to cyber operations; attribution challenges; hybrid warfare and the Tallinn Manual framework • International humanitarian law (jus in bello): the four Geneva Conventions and their Additional Protocols, distinction between combatants and civilians, proportionality and precaution in attack, and the relationship between IHL and international human rights law	• Describe the UN Charter framework for the prohibition on the use of force and the permitted exceptions [Familiarity] • Apply the criteria for lawful self-defense under Art. 51 to assess the legality of a state's use of force [Usage] • Evaluate the effectiveness of the UN collective security system and the role of the ICJ in maintaining international peace and security [Assessment]
Readings : [Dinstein2016]	

Unit 10: Constitutional Guarantees (Procesos Constitucionales) (8 hours)	
Competences Expected: ABET-4	
Topics	Learning Outcomes
• Habeas corpus: protection of personal liberty and related rights against arbitrary detention or restriction • Amparo: protection of constitutional rights other than personal liberty and data, against acts or omissions of any authority, official, or person • Habeas data: protection of the rights of access to public information and to informational self-determination • Action of unconstitutionality: abstract judicial review of the constitutionality of laws with the force of law, before the Constitutional Tribunal	• Distinguish the scope of protection of habeas corpus, amparo, and habeas data [Familiarity] • Select the appropriate constitutional guarantee for a given rights-violation scenario, justifying the choice [Usage] • Evaluate the effectiveness of Peru's constitutional guarantees as a system for protecting fundamental rights and constitutional supremacy [Assessment]
Readings : [LandaArroyo2018]	

8. WORKPLAN

8.1 Methodology

Individual and team participation is encouraged to present their ideas, motivating them with additional points in the different stages of the course evaluation.

8.2 Theory Sessions

The theory sessions are held in master classes with activities including active learning and roleplay to allow students to internalize the concepts.

8.3 Practical Sessions

The practical sessions are held in class where a series of exercises and/or practical concepts are developed through problem solving, problem solving, specific exercises and/or in application contexts.

9. EVALUATION SYSTEM

***** EVALUATION MISSING *****

10. BASIC BIBLIOGRAPHY