SOURCES OF PROCEDURAL LAW
Key words:

- Fundamental concepts
- Legitimacy/validity legal rules
- Statutes
- Custom
- General Principles
- Case Law
Meaning of Sources of Procedural Law

• Foundation or fundamental concepts that allow us to judge the legitimacy and validity of legal rules that procedural law comprises.

• Article 1 to 7 Civil Code:
• Statutes, custom, general principles and case law.
STATUTES (LEY)

- 1. Spanish Constitution: Judges are bound in their judicial function by their provisions.

- 2. LOPJ. Civil PC. Criminal PC.
CUSTOM

- Is never a source of Procedural Law:
  - Principle of legality.

- Remember: Procedural law is instrumental from substantive law but also autonomous (application of procedural rules in time and territorial scope).
GENERAL PRINCIPLES

• Second source of procedural Law.

• Fundamental rights
• Basic postulates of Justice (right to be heard)
• Historic criteria (dispositive principle)
CASE LAW

• Jurisprudence issue by Supreme Court is a complementary source of interpretation but is not a source of procedural law.

• Jurisprudence issue by Constitutional Court is a source of procedural law only in relation to unconstitutional issues.