

Constitución y Jurisprudencia constitucional

(selección)

4^a edición corregida y aumentada
con Jurisprudencia

José Antonio Portero Molina
Catedrático de Derecho Constitucional

tirant lo blanch

Valencia, 2000

Índice de Sentencias

Art.	1	SSTC.	25/81; 18/84; 8/83; 83/84; 10/83	16	
Art.	2	SSTC.	76/83; 80/85; 64/90; 100/84	19	
Art.	3	SSTC.	76/83; 82/86; 83/86; 84/86; 30/86; 74/87; 123/88; 195/89; 337/94; 46/91; ATC. 311/93	21	
Art.	4	SSTC.	94/85; 119/92	34	
Art.	5	—	.....	36
Art.	6	SSTC.	3/81; 5/83; 10/83; 32/85; 85/86; 56/95	36	
Art.	7	—	.....	42
Art.	8	ATC.	375/83; STC. 97/85	42	
Art.	9	SSTC.	1/81; 21/81; 15/82; 16/82; 80/82; 76/83; 76/88; 101/83; 122/83; 35/83; 19/82; 3/83; 27/81; ATC. 647/86; STC. 179/89; 8/81; 8/82; 42/86; 91/86; 99/86; 99/87; 27/81; 63/82; ATC. 507/83; STC. 15/86; 126/87; 46/90; 27/81; 66/85; 108/86; 151/86	44	
Art.	10	SSTC.	11/81; 78/82; 53/85; 37/89; 254/88; 64/91; 215/94	59	
Art.	11	Declaración de 1-VII-1992			62
Art.	12	—	.....	64
Art.	13	SSTC.	107/84; 115/87 Declaración 1-VII-1992	64	
Art.	14	SSTC.	8/81; 22/81; 34/81; 49/82; 59/82; 2/83; 8/83; 76/83; 83/84; 107/84; 135/85; 23/89; 75/83; 30/87; 144/88; 128/87; 209/88; 21/92; 269/94	70	
Art.	15	SSTC.	53/85; 120/90; 65/86; 137/90; 7/94; 215/94	80	
Art.	16	SSTC.	24/82; 177/96; 66/82; 101/83; ATC. 1.227/88; 122/83; 47/85; 214/91; ATC. 359/85	92	
Art.	17	SSTC.	98/86; 140/86; 112/88; 109/87; 126/87; 120/90; 341/93; 107/85; 103/85; 107/85; 47/86; 196/87; 41/82; 127/84; 32/87; 31/85; 98/86; 153/88	100	
Art.	18	SSTC.	16/81; 50/83; 110/84; ATC. 257/85; 107/88; 231/88; 37/89; 185/89; 214/		

			91; 139/95; 40/92; 223/92; 7/94; 99/94; 117/94; 22/84; 160/91; 341/93; 137/85; 114/84; 199/87; 85/94; 254/93	115
Art.	19	SSTC.	8/86; 85/89; 94/93	135
Art.	20	SSTC.	6/81; 12/82; 30/82; 127/94; 35/83; 168/86; 31/85; 120/83; 88/85; 6/88; 153/85; 62/82; 104/86; 159/86; 107/88; 165/87; 150/90; 171/90; 197/91; 20/92; 52/83; 144/87; 63/87; 5/81	137
Art.	21	SSTC.	91/83; 36/82; 115/87; 85/88; 59/90; 66/95	161
Art.	22	SSTC.	5/81; 10/83; 67/85; 115/87; 165/87; 218/88; 89/89; 179/94	166
Art.	23	SSTC.	10/83; 101/83; 23/84; 24/90; 32/85; 51/84; 75/85; 29/89; 26/90; 36/90	170
Art.	24	SSTC.	64/88; 197/88; 90/85; 46/82; 19/81; 37/82; 60/82; 32/82; 89/86; 199/87; 48/84; 16/88; ATC. 304/84; 15/87; 57/84; 36/86; 47/86; 196/87; 161/85; 89/86; 82/88; 105/88; 47/82; 107/89; 30/89	185
Art.	25	SSTC.	89/83; 25/84; 75/84; 159/85; 65/86; 140/86; 127/90; 101/88; 19/88; 172/89; 21/81	198
Art.	26	—	.....	206
Art.	27	SSTC.	5/81; 77/85; 86/85; 26/87; 55/89; 106/90	207
Art.	28	SSTC.	38/81; 78/82; 40/85; 98/85; 141/85; 39/86; 11/81; 26/81; 27/89	214
Art.	29	STC.	81/80; ATC. 749/85; STC. 242/93	230
Art.	30	SSTC.	15/82; 160/87; 161/87; 60/91	232
Art.	31	SSTC.	110/84; 76/90; 6/83; 19/87	241
Art.	32	SSTC.	1/81; 66/82; 128/87; 184/90	244
Art.	33	SSTC.	111/83; 166/86; 37/87; 227/88	247
Art.	34	STC.	49/88	256
Art.	35	SSTC.	22/81; 31/84; 83/84; 108/86; 89/90; 122/89	260
Art.	36	STC.	89/89; ATC. 93/80; 5/96	265
Art.	37	SSTC.	11/81; 26/81; 27/89; 37/83; 73/84; 58/85; 136/87; 210/90	268

Art. 38	SSTC.	37/81; 83/84; 88/86; 37/87; 49/88; 127/94	273
Art. 39	STC.	45/89; 184/90; 222/92; 7/94	278
Art. 40	SSTC.	22/81; 64/90	284
Art. 41	SSTC.	103/83; 134/87; 37/94	285
Art. 42	—	.....	289
Art. 43	—	.....	289
Art. 44	—	.....	289
Art. 45	STC.	64/82; 36/94	289
Art. 46	—	.....	293
Art. 47	STC.	152/88	293
Art. 48	—	.....	294
Art. 49	STC.	269/94	294
Art. 50	STC.	134/87; 114/87	295
Art. 51	STC.	88/86; 14/92	296
Art. 52	STC.	132/89; 179/94	298
Art. 53	SSTC.	11/81; 35/83; 83/84; 140/86; 4/81; 11/81; 17/81; 86/82; 25/81; 84/82; 199/87; 42/85; 16/81; 11/82; 105/83; 19/83; 53/83; 86/85; 62/82; 80/82; 154/88; 214/90; 71/89; 66/85; 19/82; 71/82; 45/89; 64/88; 241/92	301
Art. 54	SSTC.	142/88; 157/88; 150/90	310
Art. 55	STC.	199/87	312
Art. 56	—	.....	315
Art. 57	—	.....	315
Art. 58	—	.....	316
Art. 59	—	.....	316
Art. 60	—	.....	317
Art. 61	—	.....	317
Art. 62	—	.....	317
Art. 63	—	.....	318
Art. 64	STC.	5/87	318
Art. 65	STC.	112/84	321
Art. 66	SSTC.	27/81; 76/83; 108/86; 166/86; 194/89; 24/90	323
Art. 67	STC.	10/83	327
Art. 68	SSTC.	101/83; 75/85; 26/90; 119/90	328
Art. 69	SSTC.	75/85; 40/81; 76/89; 4/92; 40/81	330
Art. 70	SSTC.	45/83; 72/84; 80/87; 27/90	336
Art. 71	SSTC.	36/81; 51/85; 9/90; 36/81; 90/85; 243/88; 186/89; 51/85	339

Art. 72	SSTC.	101/83; ATC. 183/84; 12/86; 296/85; 659/87; STC. 118/88; 44/95; 139/88; 141/90	348
Art. 73	—	.....	357
Art. 74	—	.....	357
Art. 75	—	.....	358
Art. 76	—	.....	358
Art. 77	—	.....	359
Art. 78	—	.....	359
Art. 79	—	.....	360
Art. 80	—	.....	360
Art. 81	SSTC.	5/81; 38/83; 76/83; 160/87; 25/84; 77/85; 137/86; 140/86	361
Art. 82	SSTC.	1/82; 51/82; 47/84; ATC. 69/83; SSTC. 205/93	368
Art. 83	—	.....	371
Art. 84	STC.	99/87	371
Art. 85	—	.....	372
Art. 86	SSTC.	29/82; 6/83; 111/83; 60/86; 23/93	372
Art. 87	ATC.	659/87; 76/94	380
Art. 88	STC.	108/86	383
Art. 89	STC.	99/87	384
Art. 90	—	.....	384
Art. 91	—	.....	385
Art. 92	—	.....	385
Art. 93	SSTC.	28/91; 64/91; 79/92; Declaración de 1-VII-1992	389
Art. 94	—	.....	390
Art. 95	Declaración de 1-VII-1992		391
Art. 96	—	.....	392
Art. 97	SSTC.	18/82; 83/84; 77/85; 45/90	393
Art. 98	—	.....	396
Art. 99	STC.	16/84	396
Art. 100	—	.....	397
Art. 101	—	.....	397
Art. 102	—	.....	398
Art. 103	SSTC.	22/84; 60/86; 85/83; 99/87; 67/89; 27/91; 178/89	398
Art. 104	SSTC.	31/85; 81/83; 141/85; 194/89; 55/90	408
Art. 105	STC.	61/85	412
Art. 106	STC.	127/87; 209/87; 141/91	413
Art. 107	STC.	204/92	415

Art. 108	—	.....	417
Art. 109	SSTC.	181/89; 161/88	417
Art. 110	—	.....	418
Art. 111	STC.	205/90; 220/91	418
Art. 112	—	.....	421
Art. 113	—	.....	421
Art. 114	—	.....	422
Art. 115	—	.....	422
Art. 116	—	.....	422
Art. 117	SSTC.	108/86; 23/88; 1/81; 265/88; 23/85; 75/82; 180/85; 93/86; 199/87	425
Art. 118	SSTC.	32/82; 54/83; 61/84; 67/84	432
Art. 119	SSTC.	3/83; 138/88; ATC. 753/88; ATC. 43/ 89; 16/94	435
Art. 120	SSTC.	30/82; 13/85; 96/87; 101/85; 137/88; 61/83; 111/85; 174/85; 116/86; 4/94	440
Art. 121	SSTC.	36/84; 5/85; 128/89	447
Art. 122	SSTC.	45/86; 60/86; 108/86	449
Art. 123	SSTC.	16/81; 79/86; 62/90; 81/86; 144/88	457
Art. 124	—	.....	459
Art. 125	SSTC.	147/85; 241/92	459
Art. 126	ATC.	771/86	462
Art. 127	STC.	24/87	462
Art. 128	SSTC.	1/82; 64/82; 111/83	464
Art. 129	SSTC.	39/86; 77/85; 98/85	466
Art. 130	SSTC.	96/84; 37/87; 95/86	468
Art. 131	SSTC.	37/81; 76/83; 29/86	470
Art. 132	SSTC.	4/81; 227/88; 58/82	473
Art. 133	SSTC.	6/83; 19/87; 37/81; 4/81	478
Art. 134	SSTC.	63/86; 65/87; 27/81; 126/87	483
Art. 135	—	.....	489
Art. 136	SSTC.	76/83; 187/88	489
Art. 137	SSTC.	4/81; 37/81; 32/81; 213/88; 170/89; 16/84	492
Art. 138	SSTC.	1/82; 150/90	496
Art. 139	SSTC.	25/81; 37/81; 37/87; 52/83; 64/90	497
Art. 140	SSTC.	4/81; 84/82; 32/81	502
Art. 141	SSTC.	32/81; 27/87; 214/89	506
Art. 142	SSTC.	4/81; 32/81; 179/85	513
Art. 143	SSTC.	89/84; 100/84	516
Art. 144	SSTC.	89/84; 100/84	518
Art. 145	STC.	44/86	521

Art. 146	—	.....	522
Art. 147	SSTC.	76/83; 99/86; 209/89	522
Art. 148	—	.....	527
Art. 149	SSTC.	18/82; 32/83; 48/85; 25/83; 26/82; 35/ 82; 76/85; 56/86; de 26-V-1994; 69/ 88; 49/84; 103/89; 147/89	529
Art. 150	SSTC.	76/83; 56/90	545
Art. 151	—	.....	549
Art. 152	SSTC.	16/84; 179/89; 141/90; 5/87; 56/90; 179/85; 214/89	550
Art. 153	—	.....	560
Art. 154	STC.	123/84	560
Art. 155	SSTC.	4/81; 25/81	561
Art. 156	SSTC.	11/84; 63/86; 13/92; 27/87	561
Art. 157	SSTC.	11/84; 179/85; 181/88; 150/90	568
Art. 158	SSTC.	63/86; 183/88; 250/88	570
Art. 159	—	.....	574
Art. 160	—	.....	574
Art. 161	SSTC.	9/81; 4/81; 11/81; 17/81; 76/83; 86/82; 24/82; 77/85; 60/86; 213/88; 239/92; 99/87; 16/81; 11/82; ATC. 147/82; 105/ 83; 187/84; 48/89; 9/92; 64/91; 141/ 91; 62/92; 32/81; 110/83; 166/87; 102/ 88; 88/89; 156/90; 44/86; 45/86; ATC. 23-I-1992	575
Art. 162	SSTC.	25/81; 84/82; 199/87; 42/85; ATC. 547/ 89; 19/83; 53/83; 86/85; 150/92	594
Art. 163	SSTC.	17/81; 76/82; 26/84; 94/86; ATC. 389/ 90; 76/92	603
Art. 164	SSTC.	5/81; 11/81; 150/85; ATC. 309/87; 20/ 88; 45/89	609
Art. 165	—	.....	611
Art. 166	—	.....	612
Art. 167	—	.....	612
Art. 168	—	.....	613
Art. 169	—	.....	613
Disposición Adicional 1	SSTC.	16/84; 76/88	614
Disposición Adicional 3	STC.	35/84	622
Disposición derogatoria	SSTC.	4/81; 77/82; 80/83	628
Disposición Final	STC.	35/87	632