

# Economic Perspectives in the Political Constitution of the United Mexican States: A Qualitative Analysis

José Antonio Villalobos-López

PhD in Finance, Universidad Científica e Idiomas de América Latina (Chiapas, México)

PhD in Economics, Instituto Politécnico Nacional: Escuela Superior de Economía (Ciudad de México)

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## ABSTRACT

The general objective of this work is to analyse the Political Constitution of the United Mexican States (CPEUM) from an economic vision or approach; the study is framed under the deductive method, a hermeneutic paradigm and a descriptive and qualitative approach; statistical analysis is not carried out in this work. The CPEUM is composed of 136 articles. The economic Constitution or economic constitutional law is the set of norms and principles that are incorporated into the general Constitution, which concentrate the economic and financial relations between individuals and companies and the State. The economic part of the CPEUM is found in the block of articles 25, 26, 27 and 28, as well as in article 123 referring to the labour relationship. In addition, it is to be found in numbers 31 (section IV), 73 (sections VII, VIII, X, XXV, XXVIII, XXIX, XXIX-D, XXIX-E, XXIX-F), 74 (sections IV, VI, VII), 79 (heading), 115 (section IV), 117 (section VIII), 131 (initial paragraph) and 134 (initial paragraph), 3 (second paragraph), 4 (third, fourth and seventh paragraphs) and 5 (third paragraph).

**Keywords:** Constitution; constitutional law; social and economic rights; economic legislation; State responsibility.

**JEL:** K10 Basic areas of law.

## INTRODUCTION

In general, it is considered that research lines are approved or defined by different research centres or universities and are not left to the discretion or preferences of tutors or students (González, 2010, p. 388). In this work, there is freedom to choose the topic, which is why the research line followed does not respond to any problem proposed by any institution. The spatial delimitation is the analysis of the Political Constitution of the United Mexican States (CPEUM) at the national level. The temporal delimitation corresponds to constitutional modifications conducted until December 2024, describing the most relevant articles in economic matters. The objective of the research is to analyse the CPEUM from an economic perspective, as well as the main articles that support it.

For González Labrador (2010, p. 392), the primary link in the research process is doubt or lack of knowledge, which must be covered through the development of questions and hypotheses. In the same sense, Suárez Iñiguez (2005) states: "What I maintain is that research does not begin with hypotheses but with questions... this is true not only in the social sciences but also in the natural sciences and in all types of research" (p. 44). The research questions of this work would be: Looking for what: defining the economic and legal framework of the CPEUM; Where: constitutional economic analysis; When: last constitutional modifications made until the end of January 2024; Which ones: mainly constitutional numbers 25 to 28 and some others.

## METHODOLOGY

This essay is framed under the deductive method, which allows us to access knowledge through reasoning and abstractions with a high degree of universality (Finol & Vera, 2020, p. 10). It follows a hermeneutic paradigm,

focusing on the interpretation of constitutional articles in economic matters, and employs a descriptive and qualitative approach. The research problem aims to review and develop a theoretical and conceptual framework for the economic analysis of the CPEUM. The research design is presented with a qualitative approach, utilizing only secondary sources. No statistical or experimental analyses are conducted, nor is there any use of statistical inference or sampling. This methodology ensures an in-depth, descriptive analysis of the subject matter, based solely on existing information.

This study, due to its scope and length, does not aim to include international comparisons or comparisons with other countries regarding the economic aspects of the Constitution. The focus remains solely on the analysis of the Political Constitution of the United Mexican States (CPEUM) to provide a detailed understanding of its economic provisions and implications within the national context.

### **Theoretical and conceptual framework of the Constitution and the economic constitution**

The Political Constitution of the United Mexican States (CPEUM) is considered the supreme norm, the basis and the matter that orders the entire national legal system. According to Jorge Carpizo (1996; cited by Valero, 2008, p. 57), the Magna Carta can be interpreted from two angles or visions: 1) According to the person who interprets it, it can have a legislative, administrative and doctrinal orientation; 2) According to its content, it can be interpreted grammatically, historically, politically and economically.

This work will be approached from an economic point of view. The economic and social goals are clearly defined in the CPEUM, in this regard Cortés et al (2023, p. 82) comment that if the constitutional ordinance were to be fulfilled, there would be no poverty in the country and equity would reign, however, the distance between the regulations and reality is very large, so the economic and social welfare system and programmes must contribute to somehow close this marked gap.

The Constitution is the supreme law of each country, also known as the fundamental norm of a country; in Mexico it is also known as the Magna Carta. The Constitution is 'the law of laws' and is identified as a concept correlative to sovereignty. It is understood that the foundation of the supreme norm is only found because it can give validity to other norms, which is why it is said that the Constitution is a superior norm in relation to inferior norms derived from it (Ursúa, 2008, p. 7).

Hans Kelsen recognises its characteristic of supreme law when studying normative systems, supremacy because it does not derive from another law, nor does it obey other national legal norms, in such a way that it was called 'basic founding norm', which is why it can be inferred that the rest of the legal norms of a country are considered inferior (Cossío, 1997, p. 36; Valero, 2008, p. 16). In relation to the first Constitutions in the Latin American region, Roberto Gargarella (Burgos, 2017, p. 42) mentions that two foundational ideas can be identified: individual autonomy and collective self-government; in addition to three constitutional models or positions: conservative; republican; and liberal.

Courtis and Abramovich (Zúñiga, 2015, p. 286) differentiate two types of constitutional rights: civil and political rights; and economic, social and cultural rights (ESCR). Civil and political rights are known for their characteristic of being negative obligations, by virtue of the fact that they correspond to the State not doing anything (not arbitrarily detaining people, not applying sentences without prior trial, not restricting freedom of expression), while ESCR imply positive obligations, in which the State must do or intervene (ensuring education, offering health services), which in most cases are supported by public resources.

The libertarian role played by the municipalities in the Mexican war of independence should be considered, recognising the important role played by the town council of Mexico City, when it rose up and proclaimed the slogan of non-recognition of the Spanish kingdom in 1808, because of Napoleon's invasion of the Iberian Peninsula, highlighting figures such as Primo de Verdad and Azcárate.

This paper considers that three fundamental facts contributed to the achievement of Mexican independence in 1821: a) The role of the Cadiz Constitution, which was reinstated by the Spanish people in 1820; b) The Napoleonic invasion contributed to the fact that Spanish troops (some of the best imperialist troops of that

century) had to fight it, which meant that they could not send some of their best soldiers to Mexican territory; and c) The French and American Constitutions, which were advanced in those years.

In this context, Burgos García (2017, p. 41) identifies three antecedents of Mexican constitutionalism: 1. The Constitution of the United States of America, proclaimed in 1786, with its ten amendments added in 1791; 2. The Declaration of the Rights of Man and of the Citizen, published in 1789, originating from the French Revolution, which served as a precedent for that nation's Constitutions; 3. The Constitution of Cádiz of 1812.

Since the arrival of the Spanish conquest to the then Mexican territory, municipal organisation played a key role in the events of New Spain. The municipality as an institution comes from Roman law, which passed into Spanish law and thus came to Mexico, when the first municipality was founded on national territory on 22 April 1519: Vera Cruz, headed by Hernán Cortés, who was also granted the position of captain general of major justice, to advance and conquer Tenochtitlán.

The basic founding norm that gave rise to the Political Constitution of the United Mexican States (CPEUM) of 1917 is the decree issued by the Coahuila legislature in 1913, which provided for the disregard of Victoriano Huerta as interim president of the Republic and the provision of resources so that Venustiano Carranza could be armed and fight the usurper (Cossío, 1997).

For one of the country's pioneers and experts in constitutional law: Tena Ramírez (1996, p. 22; cited by Valero, 2008, p. 16), the CPEUM is based on two essential principles: 1) Dogmatic part, which restricts the possible abuse of state power; 2) Organic part, which determines the power of the state to a specific circumscription and competences. In the same sense, De la Madrid Hurtado (2004, p. 96) determines that Constitutions must specify in legal form the limitations to state power, containing a catalogue of rights of individuals vis-à-vis state authorities, to prevent eventual arbitrariness.

The CPEUM governs the legal framework that defines the rights of citizens and the structure of the State, and additionally stipulates some numerals that guide the process of economic planning, which are to be derived in the process of integral development that is intended to be achieved. Although it cannot be considered an economic Constitution nor an economic chapter in the corresponding chapter of the country, it does contain elements that mark the leadership of the State in strategic sectors and the coexistence with the social and private sectors within the national economy.

The economic constitution can be defined as a set of norms that establish the legal framework to regulate the economic structure and activity, establishing the economic relations between the state and its citizens (Viera et al, 2016, p. 331). In the view of Dobre (2021, p. 157) the concept of economic constitution has its origin in the ordoliberal current (a school of economic thought that emerged in Germany in the 1930s, linked to the Freiburg school and the concept of social market economy). The origin of the ordoliberal economic constitution comes from the economist Walter Eucken and the jurists Franz Böhm and Grobmann-Doert (Dobre, 2021, p. 164).

For Vizcaíno López (2006), economic constitutional law is defined as “the set of norms and principles that, gathered in the Constitution, have a patrimonial effect either for the State, for individuals or for both” (p. 1); pointing out that in Mexico the term economic constitutional law is more commonly used, while the category of economic Constitution is more commonly used in European doctrine. For Bidar Campos (2002, p. 1144; Zúñiga, 2015), the economic constitution is a “set of norms, principles and values that, once incorporated into the formal constitution, are related to the economy and are applicable to economic and financial activity and relations” (p. 283).

Some Latin American countries devote one or several chapters of their Constitution to the economic part, such as Colombia in Title XII: of the economic regime and public finances with four chapters; Uruguay in Section XIV: of public finances with six chapters; and Brazil in Title VI: of taxation and budget with two chapters, and in Title VII: of the economic and financial order with four chapters (Zúñiga, 2015, p. 284).

The economic constitution is not different from the general constitution, but contains within it characteristics, speciality and organicity, with some of them having the following parts: a) They limit the economic activity of the State and impose obligations on it in this area; b) They regulate contributions and the distribution of the public resources obtained; 3) They establish economic rights and freedoms in favour of individuals (Castillo, 2013, p. 3).

The Ley de Economía Social y Solidaria -Law on Social and Solidarity Economy- (2023) in article 5 section XI defines economic activity as: “any process by which socially necessary products, goods or services are obtained, in any of its phases of production, distribution or consumption, and in any of the primary, secondary or tertiary sectors”.

In the opinion of García Pelayo (quoted by Viera et al, 2016, p. 336), the economic constitution must contain at least three legal components: 1) Right to property of individuals and companies, with two forms of appropriation: domain and usufruct (right to the fruits of property); 2) Relationship between economic entities, which is determined by economic policies or by the market economy; and 3) Distribution of activities between the State and economic subjects, with the former intervening by means of laws, administrative acts and public companies.

As economic antecedents to the promulgation of the 1917 Constitution, Hurtado Cabral (2017, p. 6) notes that the Manifiesto of the Liberal Party of 1906, recalling that it was founded by Camilo Arriaga and the Flores Magón brothers, proposed in economic matters: (a) Absolute prohibition of employment for minors under fourteen years of age; (b) Oblige owners of mines, factories and workshops to maintain conditions of safety and hygiene; (c) Payment to workers will have to be in cash and abolition of the stripe shop (tienda de raya); d) To oblige employers to hire a minority of foreigners and to pay Mexicans the same for homogeneous jobs; e) Compulsory Sunday rest; f) To impose taxes on the sale of luxury and vice articles, reducing taxes for basic necessities; g) Not to allow compromises with the government so that the rich pay less taxes.

With the enactment of this law in 1917, socio-economic concepts and rights that had been claimed by the different groups that participated in the armed conflict of the Mexican Revolution were recognised. De la Madrid Hurtado (2004, p. 99-101) specifies that the social postulates of the revolutionary armed struggle are mainly expressed in two constitutional articles: 27 and 123; while article 28 of the Constitution corresponded to the economic proposals, referring to the fact that there will be no monopolies or monopolies in the country, nor will there be tax exemptions, nor prohibition for anyone to carry out industrial activities.

In this aspect, Sánchez & Villalobos (1986, p. 23) observe that at the end of the revolutionary struggle in our country and with the promulgation of the 1917 Constitution, the presumption that the State should be the promoter and conductor of national economic activity is established, in addition to the fact that it should do its utmost to provide a fundamental structure for the then nascent mixed economy that was envisaged for the country; where four fundamental articles of the CPEUM stand out for the establishment of the State's economic leadership: 25, 26, 27 and 28.

When we talk about the fact that the state should oversee economic activities, two contradictory positions on the role of the state come to mind, both of which have been debated for a long time:

- Facilitator and regulator of economic activity: its actions should be focused on establishing rules and laws to guarantee the optimal functioning of markets and to give them legal security.
- Promoter and regulator of economic activities: to this end, it should implement public policies to achieve national economic development, offering education, health and electricity services, as well as financing public works and national infrastructure.

As a result of the harmful effects of the world economic crisis and the Great Depression suffered between 1929 and 1933, the ideas of John M. Keynes gained strength, and economic policies were implemented to mitigate the world crisis. In this respect, Sánchez & Villalobos (1986, p. 24) state that Keynes' thesis focuses on the fact



that the State must increase its expenditure (especially in public works), to increase national income, reactivate the economy and seek a growing employment.

It should be borne in mind that the state expands its participation in economic activity, as a consequence of circumstances that the market and its agents cannot solve for the welfare of the population, among which are: 1) Offering public goods and services at relatively low prices and to which the vast majority of the population can have access, based on the fact that they would not obtain sufficient profit to attract investors; 2) Market pressures, derived from concentrations of capital that propitiate monopolistic situations that only favour the business sector, thereby harming the great mass of consumers when prices are artificially affected.

According to Valencia Carmona (Vizcaíno, 2006, p.2), the Popular Socialist Party (PPS) tried since 1939 to introduce an initiative of law in the Chamber of Deputies, referring to the economic part, which was not discussed, later in 1965 the PPS introduced another initiative called 'On the National Economy', recognised by experts in legislative technique as a good expert document, but it also failed and was not approved.

As economic growth and incipient economic development took place in the Mexican nation, with the nationalist economic policy measures promoted by Lázaro Cárdenas, which served as a platform for the country to reach the stages that have been called growth with inflation (1940-1954) and stabilising development or the Mexican economic miracle (1955-1970), where import substitution and industrialisation in a precarious phase were economic policies implemented in the country, reforms had to be made to the Mexican Constitution in the economic part.

The Cámara de Diputados -Chamber of Deputies- (2020, p. 5) points out that from the middle of López Portillo's administration (1979-1980), the idea of introducing an economic chapter in the CPEUM began to emerge, given that for some pro-business authors the state had no limits or scope for active intervention in economic activity.

Faced with the crisis experienced by the Mexican nation since 1981, where the main macroeconomic variables had gotten out of control: inflation, budget deficit, public debt, unemployment and the exchange rate; and with López Portillo's decree of September 1, 1982, when he nationalised the banks; when De la Madrid Hurtado (professor of constitutional law at the Universidad Nacional Autónoma de México) became president on September 3, 1983, he modified and reformed the CPEUM, seeking to reverse the crisis that the country was experiencing.

From that date on, the economic part or chapter of the Magna Carta was introduced, consigned mainly in the substantial reforms of constitutional articles 25 and 26, also making important additions to article 28, reforms that sought to end the economic crisis experienced in the country and trying to promote economic and integral development (Sáenz 1998, p. 310, cited by Chagoya, 2015, p. 49; Vizcaíno, 2006, p. 2).

According to Elizondo Mayer (2014), of the five constitutional reforms of Miguel de la Madrid in 1983, all of them were in economic matters, three of which made up what would be called the economic chapter of the CPEUM, with the objective of "delimiting the boundaries between the state and the market after the nationalisation of the banks" (p. 33), which included constitutional numbers 25 and 26; in addition, articles 27, 28 and 73 were reformed to strengthen the former.

From the perspective of the author of this paper, these reforms to the CPEUM put an end to what Rolando Cordera and Carlos Tello (1981) called Mexican revolutionary nationalism, in their classic work 'The Dispute over the Nation' published by Siglo XXI in 1981, which would be the progressive part and which sought the economic development of the country; The economic policy actions that De la Madrid would take were in line with the ideology and conception of the neoliberal school or current, which dominated the country from 1985 to 2018, in the political, economic, administrative, cultural and academic spheres.

Reinforcing this position, Torres Maldonado (1999, p. 79-86; quoted by Elizondo Mayer, p. 36) entitles one of his works 'Constitutional project, mixed economy and the beginnings of the constitutional engineering of liberalism in Mexico: the period 1982-1988', where he states that De La Madrid distorted the original spirit of

the Constitution and from then on economic policies favoured the market, promoted and implemented by the Mexican neoliberal current.

For Alfonso Noriega (1985, p. 202; cited by Chagoya, 2015, p. 50-51), the 1917 Constitution reflected the spirit of the thinking of the participants in the previous revolutionary struggle, proclaiming itself in norms of social interest and general welfare, while with the constitutional reforms of 1983 a very important advance was made in the rule of law that corrected the liberal-bourgeois state of 1917, with the approval of social rights.

In order to nationalise banking on 1 September 1982, López Portillo added a paragraph to article 28 of the CPEUM, which was respected during the following six-year term (De la Madrid), but with the arrival of Salinas de Gortari, a staunch defender of the neoliberal school of economics, the paragraph added a decade earlier was deleted and the national bank was privatised, as well as other large state-owned companies, with suspicions of corruption and rigged bidding processes.

From 1983 to 2007, twenty-five years after the reforms to the CPEUM, Ursúa Remírez (2008, p. 41-42) notes that more than two hundred reforms were made to the Magna Carta, eight of which corresponded to the economic part or chapter, among which are: 1. The term sustainable or environmental was added to Article 25 (Cámara de Diputados, 2020, p. 1), which is implicit in integral development; 2. A section is added to give birth to the Instituto Nacional de Estadística, Geografía (INEGI) -National Institute of Statistics and Geography-; 3. Article 27 undergoes three amendments: the objective of preserving and restoring ecological balance is restored; rural property management; and regulation of religious and charitable organisations; 4. Article 28 undergoes three reforms: it eliminates the nationalisation of the banking system; it grants autonomy to the Bank of Mexico; and satellite communications and railways are named as priority activities.

Sharing Ursúa's opinion (2008, p. 41), the modifications to the Constitution after 1983 weakened the regulations regarding the active role of the state in the promotion of economic and social development, reflected in the modification of secondary laws that gradually obtained more neoliberal considerations, thus weakening the role of the state in economic activities. Similarly, Villalobos López (2020, p. 42-43) summarises the economic part of the CPEUM relating to the economic leadership of the state, the energy sector, the main autonomous constitutional bodies in economic matters, foreign direct investment, contributions and budgets, and wages and labour law.

It should be clarified that the Mexican Constitution does not have an express economic chapter, as there is in other recently enacted Constitutions, with the economic part being scattered throughout the text of the Magna Carta. For Suárez Dávila (2001, p. 214-215; cited by Chagoya, 2015, p. 58) the economic classification of the CPEUM is expressed in three aspects:

- Core part of the economic aspect. Expressed in the original text of the 1917 Constitution and giving an outline of the guiding role of the State in the economy: Articles 27, 28, 31 (section IV), 123, 131 and 134. Articles 25 and 26 were added in 1983.
- Welfare state. Linked to integral development: Articles 3 (education); 4 (health); 123 (social security and housing).
- Provisions for drafting laws and decrees. Articles 73, 74 and 79, to regulate the elaboration and approval of the Federation's income law; expenditure budget; permitted public debt, as well as the revision of the public account and its auditing.

With the germ of what is considered to be social constitutionalism, Maldonado Sánchez (2017, p. 508) highlights that the economic part of the CPEUM is grouped under five headings: a) Execution of plans and programmes of the National Development Plan; b) Agrarian and ejido regime; c) Regime of public goods and concession of public services; d) Fiscal, financial and budgetary regime; and e) Labour regime; also composed of two fundamental cores:

- Hard core: established since the 1917 Constitution, composed of Articles 3, 5, 27, 28, 28, 73, 74, 123 and 131, being added with the reforms Articles 4, 25 and 26.

- Complementary norms or block of regularity in economic matters: Articles 31, 49, 79, 89, 115, 117, 118, and 134.

For Hurtado Cabral (2017, p. 7) the articles of the CPEUM that are part of economic law are in five main sections: Existential: 1, 3 and 4; Establishment of the economic system: 5, 25, 26, 27, 28 and 31; Economic powers of the legislative branch: 73, 74 and 76; Economic powers of the executive branch: 89; and Sovereignty: 39.

According to Valero Flores (2008, p. 13), constitutional law scholars recognise the economic chapter or part of the CPEUM in articles 25, 26, 27 and 28, but some of them also recognise related issues, such as articles: 3 (education); 4 (health); 5 (freedom of labour); 31 (contributions); 73 (powers of Congress); 74 (budget); 79 (public account oversight); 123 (labour and social security); and 134 (execution of expenditure).

### **The Economic Aspects of the Political Constitution of the United Mexican States**

Economics cannot replace legal knowledge, but it always enriches it, as it is not in vain integrated into the body of human and social sciences (Ibáñez, 2011, p. 21). The Political Constitution of the United Mexican States (CPEUM, 2024) is the supreme norm, the basis and the unity of the entire national legal order, and its interpretation can be carried out from two angles: 1) According to the interpreter, it can be legislative, administrative, judicial, doctrinal and popular; and 2) by its content, which can be grammatical, historical, political and economic (Carpizo, 1996, p. 62; cited by Valero, 2008, p. 57). Of course, here we will address the economic approach of the CPEUM.

In a study of the structure of the constitutional text in force as of 15 August 2016, Fix & Valadés (2017, p. 28-29) carry out a consolidated constitutional reordering project, highlighting that the CPEUM in force contained 65,368 words (excluding headings), with the restructuring project where they would order and remove redundancies and duplicities of the Magna Carta they project to reach 50,141 words.

In this part, it will be necessary to carry out a study of the main constitutional articles that explain the economic part of the Magna Carta, in terms of separating the different economic activities or sectors.

### **State Leadership and National Development Planning**

In Ursúa's view (2008, p. 39), the reforms to Article 25 of the CPEUM dictate the state's leadership in the national development process, indicating that it will be responsible for planning, conducting, coordinating and guiding the economic activity of the Mexican nation; at the same time, it indicates that the public sector would exclusively administer and operate strategic areas, while in priority areas it could act in conjunction with the social and private sectors of the economy, guided by criteria and principles of social equity and productivity.

For the Cámara de Diputados -Chamber of Deputies- (2020, p. 1), Article 25 of the Constitution covers the following aspects: 1) The steering role of state development; 2) Public finances and the financial system in Mexico; 3) Guidelines for national economic activity; 4) Social responsibility of the public, private and social sectors; 5) Allusion to strategic and priority areas; 6) Public policies for regulatory improvement.

According to constitutionalists Héctor Fix & Jorge Carpizo (Vizcaíno, 2006p. 5), the state's steering role is conceived as an economic principle contained in the CPEUM. For the Chamber of Deputies (Cámara de Diputados, 2021), the steering role of the state is 'understood as the legal capacity to conduct the country's economic activity' (p. 5). Article 4 of the Ley de Economía Social y Solidaria -Law on Social and Solidarity Economy- (2023) states that the social sector of the economy is composed of the following forms of organisation: ejidos, communities, workers' organisations, cooperative societies, enterprises belonging to workers and, in general, all social organisations dedicated to the production, distribution and consumption of socially necessary goods and services.

The first paragraph of Article 25 of the CPEUM establishes that the State is responsible for guiding national development, so that it can be comprehensive, sustainable and strengthen national sovereignty, promoting

economic growth, employment and a fairer distribution of wealth and income through competitiveness. Competitiveness is understood as the set of conditions to generate greater economic growth, through the promotion of investment and the generation of employment. According to the third paragraph of Article 25 of the Constitution, to achieve the above objective, 'The State shall plan, conduct, coordinate and guide national economic activity', where it shall regulate and promote activities.

Theoretically and conceptually, Article 25 of the Constitution adequately states that for national development to exist, it must be preceded by prior economic growth, which will be influenced by competitiveness, which for the pure conception of economic growth implies talking about the increase in productivity, where both concepts have some similarity because they require the promotion of investment and the generation of employment. The article also mentions that development is achieved when there is a better distribution of the income or product achieved.

It is not written, but it can be inferred that in the first instance economic development is achieved, which must be converted into social development when housing, health and social security conditions for the population and public safety are improved. This leads to integral development, which must be understood as sustainable and humane. The part of sustainability that is linked to care for the environment is in line with the objectives set out in the 2030 Agenda of the United Nations for Sustainable Development.

According to Valadés, D. (2006, p. 22), the state's steering role in article 25 of the Constitution can be understood in an amphibological way (with more than one interpretation), since from a critical or leftist perspective it is a modest advance (but an advance nonetheless), while in a neoliberal vision it could be an element that would provoke uncertainty in the product market.

Article 26 states that national development planning will be left in the hands of the state, which will have four aspects to manage it: it will become obligatory for the federal public administration; it will be coordinated with the states and municipalities; and it will have an inductive character and will be coordinated with the social and private sectors. Article 26 of the CPEUM in its section 'A' empowers the State to organise a planning system that will have to guide integral national development, indicating that planning should be deliberative and that the national development plan will be in accordance with industrial economic policies (sectoral and regional).

The first paragraph of paragraph 'B' of Article 26 of the Constitution states that the State shall have a national statistical and geographic information system, which shall provide data and information that shall be considered official concerning the Federation, federal entities and municipalities. The fourth paragraph of the same section establishes that this system shall be organised and operate in accordance with the principles of information, accessibility, transparency, independence and objectivity.

### **Private property and strategic areas (energy sector)**

Of what is considered the economic block or chapter of the 1917 Constitution (Articles 25 to 28), Article 27 retains two aspects intact: the original ownership of land remains in favour of the nation and private property is registered as an individual guarantee (which would later become a human right in the first decade of this century). Other paragraphs would establish that the nation would have direct, inalienable and imprescriptible dominion over hydrocarbons (oil, or solid, liquid or gaseous raw materials), with the possibility of their exploitation being conditioned to the private sector.

The first paragraph of Article 27 of the CPEUM indicates that the ownership of lands and waters within the Mexican territorial space originally belong to the nation, which has the power to transfer the domain to private individuals, thus giving rise to private property. In addition, it is mentioned that expropriations can only be carried out based on public utility and compensation must be provided, with the nation having all the time to apply the modalities imposed by the public interest.

The fifth paragraph of Article 27 of the Constitution reiterates that the exploitation and use of subsoil natural resources remain in the hands and domain of the nation, which can allow private individuals to exploit these assets through concessions granted to Mexican companies; while the sixth paragraph of Article 27 indicates



that oil exploration and extraction activities will be carried out through state-owned productive companies and allows private individuals to enter the energy sector. The reforms made to article 28 of the CPEUM after 1983, dictate that the state should impose maximum prices for necessary items, protect consumers from monopolistic situations, and reserve public services for strategic areas (oil and electricity), allowing them to have a monopoly in production and distribution (Ursúa, 2008, p. 39).

Article 28 of the Constitution states that monopolistic practices and monopolies are prohibited in the Mexican nation, as well as tax exemptions and exemptions. The fourth paragraph of Article 28 states that the functions that the state exercises exclusively in the following strategic areas shall not constitute monopolies: control of the electricity system, which includes production, transmission and distribution of electricity; exploration and extraction of oil, hydrocarbons and derived products; nuclear energy; satellite communication; and postal and telegraph services. In the areas of hydrocarbons and electricity, concessions may not be granted to private parties.

The sixth paragraph of Article 28 of the Magna Carta prescribes that the State shall create a trust for the receipt, administration and distribution of oil revenues other than federal public contributions (taxes and duties). The trust is called Mexican Petroleum Fund for Stabilisation and Development, with Banco de México acting as its trustee. The eighth paragraph states that the federal executive branch will have two energies regulatory bodies, the National Hydrocarbons Commission and the Energy Regulatory Commission.

### **Public Finances: Contributions and Budgets**

The second paragraph of Article 25 of the CPEUM stipulates that the State shall ensure the stability of public finances and of the financial system in general, which shall allow it to contribute to a more favourable economic growth and comprehensive development for the country, which is the objective of the National Development Plan and the corresponding state and municipal plans.

Article 31 of the CPEUM establishes the obligations of Mexicans, in particular section IV, which establishes the obligation to contribute to the public expenses of the Federation, States and municipalities, in the place where they reside, in a proportional and equitable manner as established by secondary laws. Article 73 of the CPEUM outlines the different powers of the Congress of the Union, among which the following sections relating to public finances stand out:

- Fraction VII: to impose contributions that are required to cover public expenditure.
- Section VIII: conditions and bases to celebrate and approve loans, as well as to recognise and order the payment of the national debt, indicating that credits can only be used when they are destined to works that directly produce an increase in public income; the federal executive must report on the exercise of the debt.
- Section X: to legislate on hydrocarbons, electricity and nuclear energy (considered strategic areas).
- Section XXV: distribution of resources destined to education among the different levels of government (Federation, entities and municipalities).
- Section XXVIII: in terms of accounting records, for the homogeneous financial presentation, as well as the respective public account concerning federal resources.
- Section XXIX: establishment of taxes on these activities: 1) foreign trade (imports and exports); 2) use and exploitation of natural resources; 3) credit and insurance organisations; 4) public services and federal concessions; 5) strategic and special activities: production and distribution of electricity; gasoline and other hydrocarbon derivatives; production and consumption of industrialised tobacco; consumption of liquor and beer; and forestry exploitation.

Article 74 of the CPEUM addresses the exclusive powers of the Chamber of Deputies: to approve the federal expenditure budget for each annual exercise sent by the executive branch, which will be examined, discussed

and, if necessary, approved with or without modifications, once the revenue budget has been approved in advance (section IV); review of the public account for the exercise, with the purpose of evaluating the financial results and management, verifying whether they were adjusted to the stipulated criteria and verifying compliance with the objectives of the programmes (section VI).

It has already been mentioned that Article 79 of the CPEUM governs that the Auditoría Superior de la Federación (ASF) -Federal Supreme Audit Office- of the Chamber of Deputies is an autonomous body that decides its management and internal organisation, which can issue independent resolutions. The ASF oversees auditing the use of federal resources granted to the three branches of government (legislative, executive and judicial), to state and municipal governments, as well as to their public bodies that spend federal funds.

The main norms that give rise to and regulate the actions of the ASF are the CPEUM and the Law of Audit and Accountability of the Federation, the mission of the ASF being: 'To audit public resources in order to prevent irregular practices and contribute to good governance' (Auditoría Superior de la Federación, 2023, par. 1). It is important to mention that Rogelio Colmenares is the head of the ASF for the period 2018-2026.

In the management of local finances, article 115 of the CPEUM was substantially modified on 3 February 1983, opening ample opportunities for the then very poor financial conditions at the municipal level. The first paragraph of Article 115 states that the states shall adopt a republican government, characterised by being representative, democratic, secular and popular, with the free municipality as the basis of its territorial area and its political-administrative organisation.

This important article has as its antecedents Article 109 of the 1857 Constitution, which by consensus of the political and social groups of the early 20th century proclaimed the free municipality as a slogan to be drafted in the 1917 Constitution. As in other aspects of this life, the discussion of the municipality focused on the structure of municipal public finance and its financial autonomy.

Quintana (1985, p. 280) explains that the first opinion pointed out that the municipalities would freely administer their treasury, collect all their contributions and contribute to the public expenses of the States, in the proportion and terms established by law, an aspect that became polemic as there were defenders of this position and the counterpart, who considered that the State should collect all taxes and distribute a part of them to the municipalities. Still on 24-31 January 1917, Article 115 of the Constitution was still being debated, less than five days after its official announcement.

The current section IV of Article 115 of the Constitution, previously section II, establishes what corresponds to the municipalities to make up their treasury, stating that it is to be made up of the contributions and other income that the local legislatures establish in their favour, as well as the goods that belong to them, consisting of the following items:

- The contributions approved by the state legislatures on real estate property (division, division, consolidation, transfer and improvement) and those originating from changes in the value of real estate.
- Federal participations, to be covered by the Federation based on amounts, terms and amounts established annually by local legislatures.
- Revenues recovered from the provision of municipal public services.

Article 117 of the CPEUM indicates what the states cannot do. In the part that is relevant to this part of the paper, section VIII in its first paragraph states that states cannot contract commitments or loans with foreign governments, individuals or companies, when such loans must be covered in foreign currency. The second paragraph of section VIII of Article 117 of the Constitution states that states and municipalities may only contract loans when they are intended for productive public investments (or their refinancing or restructuring), which must be obtained under optimal market conditions.

It is worth mentioning that according to an interpretation of constitutional articles 40 and 41, the country's federal entities do not have sovereignty, but can make use of political, legal and economic autonomy.

Therefore, to prevent possible economic-financial alliances with foreign powers, they cannot contract loans with foreign governments or companies, unless they have the approval of the Congress of the Union, as established in Article 118 of the Constitution.

While state governments do not borrow from foreign governments or companies, they have not complied with the part that states that loans may only be contracted for public investment. According to the Centro de Estudios de las Finanzas Públicas (CEFP) - Centre for Public Finance Studies- (2024, p. 4-28), subnational debt (of the federal entities) has the following characteristics:

- Public debt by type of borrower: total debt 699 billion pesos, of which state governments hold 88.3%; state public entities 6.3%; municipalities 5.2%; and municipal public entities 0.3%.
- Public debt by creditor: commercial banks account for 50.3%; development banks 40.8%; stock market issues 7.6%; and trusts 1.4%.
- Public debt per capita: Debt per state population: Nuevo León 17,428.8 pesos per person; Chihuahua 13,295.7 pesos; Quintana Roo 11,854.9 pesos; Coahuila 11,444.7 pesos; and Mexico City 11,330.4 pesos. In contrast, the entities with the lowest debt per capita are Tlaxcala with 0.0 pesos; Querétaro 647.0 pesos; Puebla 809.9 pesos; Hidalgo 1,099.3 pesos; and Guerrero 1,345.1 pesos.
- Public debt in relation to Gross State Domestic Product (GDPE): Chihuahua and Quintana Roo with 5.6% of GDPE; Chiapas 5.1%; Nuevo León 4.9%; Veracruz 4.6%; and Coahuila 4.2%. The counterpart, Tlaxcala 0.0%; Querétaro 0.3%; Campeche and Tabasco 0.6%; and Puebla 0.7% of GDPE.
- Public debt as a proportion of total revenue: Nuevo León 76.1%; Coahuila 59.6%; Chihuahua 57.6%; and Quintana Roo 52.4%; Sonora 42.5%; and Mexico City 41.4%. In contrast, Tlaxcala 0.0%; Querétaro 3.0%; Puebla 4.6%; Hidalgo 5.6%; and Tabasco 5.9%.
- Public debt as a percentage of federal revenues: Nuevo León 169.1%; Chihuahua 138.4%; Coahuila 127.2%; Quintana Roo 121.7%; Sonora 99.6%; and Mexico City 82.9%. In the opposite direction, Tlaxcala 0.0%; Querétaro 6.8%; Puebla 10.2%; Tabasco 11.4%; and Hidalgo 14.1%.

It should be considered that federal participations are among the highest revenues available to state and municipal governments in Mexico. The National Institute of Statistics and Geography (2023) publishes that in 2022 the total income of state governments reached 2'423,168 million pesos (2.42 billion pesos), of which federal participations reached 954,662 million pesos (39.4% of the total); grants 1'054,346 million pesos (43.5% of the total); financing 82,314 million pesos (3.4%), which means that only 13.7% of state government revenues are considered as their own revenues.

The difference between participations and federal grants is that the former can be used autonomously by local governments (state and municipal) (without having to specify how they will be spent and invested), while federal grants have a purpose or activity in which they will be used, for example, for education, health, public works, among others. Until the 1980s, state governments made almost no use of borrowing to finance themselves, but from the mid-1990s onwards they began to use it more extensively, an aspect that has gotten out of control in the last two decades, where state governments have abused the figure of borrowing, taking into account that this source of financing is nothing more than committed contributions from the future, because there is no other way to obtain the income.

For some years now, the case of Coahuila's public debt has been at the centre of the discussion, because it was considered that the debt was handled in an opaque manner and the resources were not used for public investment, as stipulated in section VIII of article 117 of the Constitution. The public debt went from 2,068 million pesos in 2008 to 35,265 million pesos in 2012, representing a 17-fold growth (1,705%), when in that four-year period the debt of the other states grew only 20% on average (Cancino & López, 2018, p. 2).

Corroborating the figures mentioned above, each person from Coahuila would owe 11,973 pesos in debt contracted by the state government of that entity, which would be the fourth largest state public debt behind

Quintana Roo, Chihuahua and Nuevo (Patiño, 2023, par. 1). Thus, not even one year's federal participations would be enough to cover the debt contracted decades earlier. According to Cancino & López (2018, p. 2) Coahuila's public debt from 2008 to 2012 did not materialise in increased productivity, competitiveness and development of the entity; estimating that each person from Coahuila owed 13,282 pesos in 2018, when the average for other states was 3,537 pesos; noting that the factors that facilitated the growth of public debt in the State of Coahuila were: 1) Opacity in the contracting, registration and use of borrowing; 2) Unclear rules with very high levels of discretion; 3) Repeated violation of the local debt law by senior government officials; 4) Weak oversight and administrative control bodies; 5) Financial companies with lax ethical criteria; 6) Local civil society with little organisation and without requesting transparency in the management of public funds; and 7) High levels of corruption.

Just as the process of indebtedness took place with opacity and in violation of local law in the case of Coahuila, the states of Nuevo León, Chihuahua, Quintana Roo, Chiapas and Veracruz, where high levels of state indebtedness are present, should be reviewed.

Article 131 of the CPEUM in its initial paragraph determines that it is the sole responsibility of the Federation to impose taxes on goods that correspond to foreign trade (imports and exports), as well as to regulate the circulation of these goods in national territory (for security reasons). Article 131 is correlated with Article 73 in its section XXIX point 1, which allows the Federation to impose taxes on foreign trade. Theoretically, this article is based on the ideas of the American Madison, who states that the taxation powers granted to the federal government are few and defined, mainly used for war, peace, negotiations and foreign trade (Ramírez, 1985, p. 327). Sections IV to VI of Article 117 of the Constitution prohibit states from imposing taxes on foreign trade activities or on the circulation of goods in national territory.

According to Ramírez Gutiérrez (1985, p. 327-328), the origin of these powers or the full use of them in the field of foreign trade can be found in the message of 30 September 1929 from President Hoover of the United States, when he justifies that the tax rates related to imports should correspond to the initiative of the executive power.

Article 134 of the CPEUM stipulates that public resources in all spheres (Federation, entities and municipalities) must be administered and spent with economy, efficiency, efficacy, honesty and transparency, using them exclusively to satisfy the objectives for which they are intended. This article had no precedent in previous constitutions, nor was it part of the constitutional project, but it was approved by the Constituent Congress of 1916-1917 to try to optimise the use of public resources, to avoid fraud and favouritism that had existed since those years (Andrade, 1985, p. 334).

At the end of December 1992, some paragraphs of article 134 of the Constitution were reformed. According to Andrade Sánchez (1985, p. 335), corruption in contracts and the allocation of public works was so rampant in those years that the incoming president Miguel de la Madrid had put forward seven main theses in his election campaign, one of which was 'moral renovation', trying to combat corruption. In 2016, other reforms were made to this article 134, during the presidency of Peña Nieto: four paragraphs were reformed (first, second, fifth and seventh).

## **Wages and Social Security**

In terms of occupation, no one may be forced to perform personal work without adequate economic remuneration and without their knowledge, except for activities dictated by a judicial sentence when a penalty is issued in that sense with some limitations, in accordance with the third paragraph of Article 5 of the CPEUM,

In general, a salary is a remuneration or economic compensation that a worker receives for his or her work performance, when there is a subordinate relationship with an employer. Wages for most people in the world are their only source of income and are a fundamental part of the direct impact on their quality of life. To the extent that wages adequately and legally remunerate the employee's labour force, it will be possible to achieve stages of economic growth and integral development (economic, social, sustainable and human) for the employee and for society in general.



Another very important concept in the employment relationship is the establishment of the minimum or guaranteed wage, which aims to protect workers so that they receive adequate compensation that satisfies their minimum economic welfare needs. In this sense, for the Organización Internacional del Trabajo -International Labour Organisation- (2020):

The minimum wage has been defined as the minimum amount of remuneration which an employer is obliged to pay to his employees for work done by them during a given period, which may not be lowered either by collective agreement or by individual agreement (par. 1).

With regard to social security or social welfare in particular, Article 123 of the CPEUM separates workers who work for private companies and those who work for public institutions or agencies of the State into two main sections, which for some authors is a differentiation that only benefits the latter, in terms of stability, job security and social welfare benefits, which are highlighted during the retirement of Mexican workers.

The sixth title of the CPEUM deals with labour and social security, which is composed of a single article 123. In the first paragraph of fraction VI of section 'A', it establishes that there are two types of minimum wages: general and professional, the former will govern for the determined geographical areas, the latter for the different professions or trades of the branches of economic activities. It specifies in the second paragraph of section VI of paragraph 'A' that general minimum wages shall be sufficient for the satisfaction of the normal requirements of a head of household, in social and cultural matters and for the education of his or her children, while professional minimum wages shall be determined according to the different economic conditions that exist. Minimum wages will be set by a national tripartite commission, composed of workers, employers and government (third paragraph).

As part of the work effort made by employees in a year, workers should be granted a share in the company's profits, presenting in six clauses the rules and conditions for this distribution to take place (section IX of paragraph 'A' of Article 123 of the Constitution). As part of social welfare or social security, fraction XII of paragraph 'A' of Article 123 of the Constitution, the workers of any company have the right to enjoy comfortable and hygienic housing (rooms), for which the employer will make contributions to a national housing fund, which will be constituted as a savings fund for this purpose. Similarly, section XI paragraph (f) of section 'B' of Article 123 of the Constitution indicates that workers in the service of the State must be provided with cheap housing, either for rent or sale, and to achieve this goal, the State itself must make contributions to constitute this housing fund, so that public servants can have access to housing credits.

In terms of social security, section XXIX of section 'A' of article 123 of the CPEUM states that there should be a social security law, which will include the different types or classes of insurance: in the case of public servants, social security for disability, old age, life insurance, unemployment, sickness and accident insurance, childcare and care for the children of working mothers, as well as other types of insurance that provide for the welfare of the beneficiaries and their families. Similarly, for public servants, social security in terms of types of insurance is established in section XI of paragraph 'B' of Article 123 of the Constitution.

### **Autonomous constitutional bodies**

In the 1990s, the creation of autonomous bodies in different sectors and activities began to expand, grouping them together as decentralised bodies with freedom of management and operation. Autonomy implies non-subordination, which is why the mechanisms of verification, control and oversight of budgetary control, as well as traditional disciplinary measures, do not apply to these bodies (Roldán, 2021, p. 54).

With the functioning of more autonomous constitutional bodies, the presidentialism regime of our country, where the President of the Republic held full powers as head of government and public administration, has been modified (Roldán, 2021, p. 48). The CPEUM has provided autonomy for some of the public bodies in economic matters, such as the Bank of Mexico (Banco de México: BANXICO), the National Institute of Statistics and Geography (Instituto Nacional de Estadística y Geografía: INEGI), the Federal Commission of Economic Competition (Comisión Federal de Competencia Económica: COFECE), National Council for the Evaluation of Social Development Policy (Consejo Nacional de Evaluación de la Política de Desarrollo Social: CONEVAL), and the Federal Telecommunications Institute (Instituto Federal de Telecomunicaciones: IFT).

With the constitutional reforms, Fix & Valadés (2017, p. 4-5) show us that those considered as ‘constitutional autonomous bodies’ were recognised as autonomous in the following years: BANXICO (1993); INEGI (2005); COFECE, CONEVAL and IFT in 2013; and the following national systems were created: National System of Democratic Planning (1983-2013); National System of Statistical and Geographic Information (2006); National Anticorruption System (2015), among others.

The counterbalance of the executive and legislative branches can be seen in the appointments that occur for their highest-ranking members of the autonomous constitutional bodies, with Roldan Xopa (2021, p. 54-55) mentioning the following: BANXICO, the executive proposes the governor and deputy governors, the Senate ratifies it; INEGI, the executive appoints the members of the governing board, the Senate approves it; CONEVAL, corresponds to the Chamber of Deputies; COFECE, the executive appoints commissioners and the Senate ratifies them and appoints the president from among the commissioners; IFT, the executive appoints the commissioners, the Senate ratifies them and appoints the president from among the commissioners.

As a background to our nation's central bank, in 1884 a case was brought to court, where the courts issued a ruling that determined that commercial banks could issue their own banknotes (Vizcaíno, 2006, p. 7). During the years of the revolutionary period the national banking system was practically destroyed, so that in times of full-scale war each bank issued its own banknotes, which in popular terms came to be known as ‘bilimbiques’ (because they had no value).

On 1 September 1925 the Banco Único de Emisión -Single Bank of Issue- was created, which in 1932 took the name of Banco de México (BANXICO) and was granted autonomy in 1994, in accordance with the sixth paragraph of article 28 of the Constitution, which states that the central bank shall be autonomous in technical, administrative and management matters, with its main objective being to ensure the stability or permanence of the purchasing power of the Mexican peso (national currency), thereby ensuring that monetary policy is an appropriate tool for achieving the economic growth that the country requires.

Banco de México has played an important role in controlling inflation in the country, given that one of its main objectives is to maintain the stability of the purchasing power of the national currency (keeping inflation low and stable). Among the instruments of economic policy, BANXICO's monetary policy instruments include setting interest rates, controlling the money supply and managing the country's reserves and foreign exchange. Inflation of between 2% and 4% per annum has come to be considered controllable.

The function of minting currency and issuing paper money (banknotes) is the responsibility of the Banco de México, which has two mints in Mexico for this purpose: in Mexico City and in El Salto, Jalisco. It should be remembered that only BANXICO can mint and issue coins and banknotes in Mexico.

The first paragraph of paragraph ‘B’ of Article 26 of the CPEUM mandates the State to have a national statistical and geographic information system. The Instituto Nacional de Estadística y Geografía (INEGI) - National Institute of Statistics and Geography- (2023) is “a public body responsible for regulating and coordinating the National System of Statistical and Geographic Information, as well as for collecting and disseminating information on Mexico's territory, resources, population and economy” (par. 1).

Official information is essential for studies and research in any field. In the social sciences, accurate data is crucial for better decision-making, making the information provided by INEGI indispensable in this regard. The reliability of INEGI's data stems from its technical and managerial autonomy, enabling it to operate independently and maintain the credibility of its published information. This is why its data is considered instrumental for evidence-based decision-making in both the private and public sectors.

INEGI publishes a wide range of economic and social information on Mexico, including three main types of platforms and reports: 1) Economic censuses, conducted every five years, which generate indicators for the country at the level of geographical and sectoral detail and on different topics; 2) Economic information bank, which presents historical series on a fortnightly, monthly, quarterly or annual basis, which are obtained from a survey of the Mexican economy. Among the multiple information presented by INEGI on economic and social variables, I would highlight the following: 1. Short-term economic indicators; 2. Productivity indicators; 3. National accounts; 4. Public finances

Section 'C' of article 26 of the CPEUM empowers the State to have a National Council for the Evaluation of Social Development Policy (CONEVAL), which will oversee poverty measurement and the evaluation of national social policy, in terms of programmes, objectives, goals, actions and recommendations. The CONEVAL is a public body with autonomy, legal personality and its own assets. The second paragraph of section 'C' states that the CONEVAL will be composed of a president and six councillors.

Among the main functions of the CONEVAL are the following: 1) To establish criteria to measure and define poverty in Mexico, for which it proclaims guidelines for the identification and measurement of this item, seeking to guarantee transparency and technical rigour used; 2) To evaluate public social development policies at national, state and municipal levels; 3) To present and generate objective information on the social situation, poverty and social programmes; 4) With the evaluation of social development policies, it is expected that the less economically favoured strata in Mexico find satisfaction in covering their basic and social needs. The CONEVAL has managed to make significant measurements of poverty and social backwardness in the Mexican nation, presenting five-yearly information of each one of the municipalities that make up the country, as well as biannual information of the 32 federative entities and at a national level, presenting information on eleven variables.

The data from CONEVAL is used to distribute federal grants to entities and municipalities, with more resources allocated to those with higher poverty levels. Article 34 of the Fiscal Coordination Law (LCF) specifies that 80 percent of the Social Infrastructure Grants Fund (FAIS) is distributed based on the population living in extreme poverty, as indicated by CONEVAL (Villalobos, 2022, p. 271). Additionally, the Contribution Fund for the Strengthening of Municipalities and Territorial Districts of the Federal District (FORTAMUNDF) is another mechanism that allocates more resources to local governments. According to Article 35 of the LCF, this fund, which has a redistributive nature, distributes its resources based on the extent and severity of extreme poverty in the localities, using data from CONEVAL (Villalobos, 2022, p. 272).

On 11 June 2013, article 28 of the CPEUM was amended, establishing in paragraph fourteen that the State shall have a Federal Economic Competition Commission (COFECE), which shall have autonomy, legal personality and its own assets; its purpose shall be to guarantee free competition and concurrence of agents in the markets, as well as to investigate, prevent and combat monopolies and monopolistic practices, concentrations and any other restriction that impedes the free functioning of the markets.

COFECE (Comisión Federal de Competencia Económica, 2023) works along three lines: combating anti-competitive practices, prevention, and promotion. The fight against anti-competitive practices is conducted through three actions: a) Investigation and sanctioning of anti-competitive activities (monopolistic practices or illicit concentrations); b) Provision of measures and recommendations for the exclusion of obstacles to competition; c) Issuance of declarations of effective competition or substantial power that impedes competition.

COFECE is another of the autonomous state institutions that play a significant role in monitoring, promoting, and guaranteeing that monopolies do not exist and ensuring free competition among economic actors in the country. For González de Cossío (2017, p. 217; cited by Ramírez, 2021, par. 6), the human right to free competition generates three obligations for COFECE: a) The elimination of competitive legislation; b) The right to effectively combat monopolistic practices; c) The right of producers and consumers to be heard in concentration or merger processes.

In the opinion of Reed & Muñoz (2023, par. 1), the Mexican nation has stricter legal norms than the Organisation for Economic Cooperation and Development countries, but in practice it has problems of economic competition in these strategic sectors such as banking and telecommunications, among other activities, which are highly concentrated and therefore the prices of goods and services are relatively higher than in other countries; a problem that could arise from the lack of personnel at the COFECE, which has five commissioners instead of the seven that should be investigating.

The Federal Telecommunications Institute (IFT) is an autonomous body with its own legal personality and assets, which means that it is independent in its functioning and in its decisions, as provided for in the fifteenth

paragraph of Article 28 of the CPEUM, which states that its purpose is the efficient development of national broadcasting and telecommunications (Instituto Federal de Telecomunicaciones, 2022).

The IFT's functions are to regulate, promote and supervise the use and exploitation of the radio spectrum, communication networks and the provision of broadcasting and telecommunications services, as mandated by constitutional articles 6 and 7. The IFT is additionally responsible for ensuring equitable use of and access to information and communication technology (ICT) infrastructure, including broadband and internet (IFT, 2022); it shall perform functions similar to those of COFECE, but in the area of broadcasting and telecommunications services, as stipulated in the sixteenth paragraph of Article 28 of the Constitution.

At the last minute and in recent days it was reported that the Chamber of Deputies (Sistema Mexiquense de Medios Públicos, 2024) declared the constitutional validity of the disappearance of the autonomous bodies: Federal Telecommunications Institute (IFT), the Federal Economic Competition Commission (COFECE) and the National Council for the Evaluation of Social Development Policy (CONEVAL), based on the fact that the Congress of the Union (Chamber of Deputies and Senators) and more than 21 local congresses of the federal entities approved it, lacking only its approval in the Official Journal of the Federation (DOF).

The functions and attributions of the IFT and COFECE will be merged to create a single regulatory body, which will be a decentralised body reporting to the federal executive (Ministry of Economy), which will be responsible for promoting and guaranteeing competition in all markets. CONEVAL will be absorbed by INEGI, to which the function of measuring poverty and the public policies derived from it will be added.

Finally, Codina (2020) suggests that the conclusions should recover the research objectives and questions, trying to describe and answer each one of the questions, where optionally the main contributions of the research can be highlighted in a concise manner, as well as identifying future contributions in the branch of knowledge, for which the following are presented:

## CONCLUSIONS

The main objective of the research was to analyse the Political Constitution of the United Mexican States (CPEUM), with an economic vision or focus, as well as to highlight the transcendental articles that support it. The theoretical, conceptual, and legal framework of the CPEUM was sought and defined, and it was analyzed in the paper. The CPEUM does not have a specific economic chapter or section, but its main support is based on Articles 25, 26, 27, and 28. The period of analysis extended until the reforms made to the Magna Carta at the end of January 2024. In the analysis of the economic aspects of the CPEUM, five main sections can be inferred: a) Economic leadership of the state and national development planning: Articles 25 and 26; b) Private property and national strategic areas (energy and hydrocarbons): Articles 27 and 28; c) Finances: Articles 27 and 28; d) Economic and social policy: Articles 27 and 28; e) Public finances, including contributions, budgets, and public debt: Articles 31, 73, 74, 79, 115, 117, 131, and 134; f) Wages and social security: Article 123; g) Autonomous constitutional bodies: BANXICO, COFECE, and IFT: Article 28; INEGI and CONEVAL: Article 26.

In another paper, reference will be made to the modifications of the autonomous constitutional bodies (IFT, COFECE, and CONEVAL), which have not yet been published in the Official Journal of the Federation. IFT and COFECE will be transferred to the federal executive (Ministry of Economy) and CONEVAL will be integrated into INEGI. Furthermore, an extensive analysis will be conducted on the dissolution of these constitutional bodies, examining the implications and consequences of these changes in the context of Mexico's governance and regulatory framework.

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