



Exploring legal principles in the efficient resolution of complex legal disputes

Exploración de los principios legales en la resolución eficiente de conflictos judiciales complejos

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ABSTRACT

This analysis sheds light on the comprehensive application of legal principles in the Ecuadorian judicial labyrinth. It highlights their crucial role in the quest for not only efficient but also equitable justice, emphasising the importance of an interdisciplinary approach and the need for a thorough understanding of principles when applying rights. In an ever-changing global environment, a thorough exploration of these legal foundations proves to be an essential element for justice that is not only effective, but also oriented towards respecting and safeguarding the fundamental rights of all citizens.

Descriptors: courts; legal procedure; legal decisions. (Source: UNESCO Thesaurus).

RESUMEN

Este análisis arroja luz sobre la integral aplicación de principios legales en el laberinto judicial ecuatoriano. Pone en relieve su papel crucial en la búsqueda de una justicia no solo eficiente sino también equitativa, destacando la importancia de un enfoque interdisciplinario y la necesidad de una comprensión profunda de los principios al aplicar derechos. En un entorno global en constante cambio, la exploración minuciosa de estos fundamentos legales se revela como un elemento esencial para una justicia que no solo sea efectiva, sino también orientada hacia el respeto y salvaguarda de los derechos fundamentales de todos los ciudadanos.

Descriptores: tribunal; procedimiento legal; sentencia judicial. (Fuente: Tesoro UNESCO).

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Letter to the editor



Legal principles in the efficient resolution of complex judicial conflicts

In the Ecuadorian legal sphere, the interdisciplinary investigation of legal principles is a fundamental pillar for the efficient resolution of complex judicial conflicts. This analysis deals in depth with the application of these principles within the guaranteeing framework provided by the Ecuadorian Constitution, recognising the declaration of their applicability by the legal norm (Velásquez-Velásquez, 2011) (Rendón-López, 2012) (Rendón-López, 2012).

The imperative need to use principles in cases that merit it emerges as an essential guideline to achieve the required speed and effectiveness in judicial processes. In this context, the principle of minimum criminal intervention stands out as a guardian of the limits of state power, promoting the search for non-criminal mechanisms for the legal solution of conflicts (Monroy-Rodríguez, 2016).

No less relevant is the principle of opportunity, which is distinguished by granting the prosecutor the power to exercise his or her activity in a regulated manner, prioritising the efficiency of public utility and avoiding the prosecution of unnecessary crimes. This tool can lead to the extinction of the criminal prosecution, although it does not exclude the possibility of the victim seeking justice through alternative channels, whether administrative or civil.

Article 195 of the Ecuadorian constitution clearly establishes the powers of the prosecutor when initiating an investigation, underlining the importance of acting under the principles of opportunity and minimum criminal intervention (Salame-Ortiz, et al. 2020). However, the application of these principles is limited by the principle of legality, which demands the judge's sound criticism to determine the most lawful application and to rule on the materiality of the offence (Benavides-Ordóñez, 2018).

When considering the Ecuadorian and global social reality, a significant challenge arises in the application of principles that guide the judge. The weighing of the



disvalue of the action and the result becomes crucial, requiring a doctrinal approach for a deep understanding of the principles when applying rights.

In this context, the principle of opportunity proves to be a valuable tool in the efficiency of public utility and the avoidance of superfluous criminal proceedings. However, its application must go hand in hand with unrestricted respect for the fundamental rights of individuals, limited to cases where human rights are not violated. Its nature is not to solve the results of crime, but to avoid prosecution when legal conditions are not met (Zambrano-Moran, *et al.* 2022).

The constitutional backing of the principle of minimum intervention in criminal law stands as a guarantee for its application in Ecuador. Its clear distinction with the principle of opportunity underlines the search for legal solutions through extrapenal mechanisms. Here, economic reparation through civil law is presented as a tangible example of how these principles can be translated into interventions that are less restrictive of fundamental freedoms and guarantees.

In sum, this analysis offers a comprehensive overview of the application of legal principles in the complex Ecuadorian judicial scenario. It highlights their fundamental role in the search for efficient and equitable justice, emphasising the importance of an interdisciplinary approach and the need for a thorough understanding of principles when applying rights. In a changing global context, the exploration of these legal foundations proves to be a crucial element for an effective justice oriented towards the respect of the fundamental rights of all citizens.

Closing reflections

The constitutional endorsement of the principle of minimum intervention in criminal law stands as a strong support for its application in Ecuador. Its clear distinction from the principle of opportunity underlines the inclination towards legal solutions that make use of extrapenal mechanisms. Economic reparation through civil law stands as a palpable example of how these principles can be materialised in interventions that are less restrictive of fundamental freedoms and guarantees.



In sum, this analysis sheds light on the comprehensive application of legal principles in the Ecuadorian judicial labyrinth. It highlights their crucial role in the quest for not only efficient but also equitable justice, emphasising the importance of an interdisciplinary approach and the need for a thorough understanding of principles when applying rights. In an ever-changing global environment, a thorough exploration of these legal foundations proves to be an essential element for justice that is not only effective, but also oriented towards respecting and safeguarding the fundamental rights of all citizens.

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Zambrano-Moran, Anthony Nicodemo, Ronquillo-Riera, Orlando Iván, & Moreno-Arvelo, Pamilya Milagros. (2022). Evolución del control constitucional en el Ecuador [Evolution of constitutional control in Ecuador]. *Iustitia Socialis. Revista Arbitrada de Ciencias Jurídicas y Criminalísticas*, 7(12), 64-68. <https://doi.org/10.35381/racj.v7i12.1574>

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