

Test Assessment, Due Motivation and Legal Intellectual Capital, 2012- 2022

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Abstract

The investigation aims to verify a relationship between better evidence assessment and due motivation in the legal intellectual capital in Peru, 2012 -2022. It is primary research, not an experiential design, and a relational, quantitative approach through the observation method in this research. The sample, 47 files, evaluated 122 magistrates of prosecutors and judges with file, experience and training according to information published on the portal of the National Superintendence of Higher Education University (SUNEDU), National Institute of Statistics and Informatics (INEI) and National Council of Science, Technology and Technological Innovation (CONCYTEC), interviewed 136 procedural subjects with a questionnaire of 17 questions, the results revealed nullity of 47 records by default of motivation, affectation of the due process through defective evidentiary assessment, showed a positive correlation between the failure to provide adequate written justification in the jurisdictional field with a Chi-square value of 47,785, and a sig. 0.000. It is concluded that there is correspondence between better intellectual capital of judges and assessment of evidence and motivation.

Keywords: Evidence Assessment, Legal Intellectual Capital, Motivation.

INTRODUCTION

Eighty years ago, the Peruvian poet César Vallejo proclaimed, "Human men, there is, brothers, a lot to do." Resonates today, suggesting that achieving first-world justice is a crucial stride toward criminal justice goals, aligning with the contemporary understanding of fundamental rights.

Judge Dr. José Neyra Flores, in his groundbreaking master's thesis on evidentiary law, underscored the pivotal role of technology (Gesell cameras) and intellectual capital, which he terms as psychologists of testimony and their evaluation. In his seminal article (Neyra, 2022), he points out the availability of the Interview Guides of the Public Ministry of 2016 and the Interview Protocol of the Judiciary of 2019 in Peru. However, he asserts that more is needed.

Intellectual Capital

Despite these tools, more psychologists need to specialize in taking testimonies in the country. He said this specialization is not found in the curricula of the faculties of Psychology or Law in Peruvian universities or in the Academy of Judiciary. According to the document, there are 46,110 registered psychologists throughout the country. The presence of forensic psychologists is notoriously low.

Due to the need for more institutional financing for the training and development of professionals and the high workload, there is uncertainty regarding the actual number of psychologists from the Public Ministry who are, in fact, forensic specialists.

Gesell Cameras

Regarding the Gesell Chambers, since their introduction in 2008, by October 2021, the count rose to 117, with 28 inoperative. These figures become relevant considering that it is estimated that in Peru, approximately 15 sexual abuses of minors occur per day. After the pandemic (In 2021), almost a quarter (23.9%) of these cameras were disabled.

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Speed and Procedural Economy

The scheduling of interviews in the Gesell Chambers (Flores et al., 2020) varies depending on whether the process is ordinary or if it occurs in flagrante delicto cases. In standard processes, delays of up to six months may occur after requesting early testing due to several factors, such as the lack of available psychologists, technicians, or operational Gesell Chambers.

All of the above allows us to elucidate two things: technology, resources, and intellectual capital, to develop better justice (Monagas-Docasal, 2012). Another perspective is carried out (Nieva, 2010) when it deals with the training of judges in the collection of evidence and the assessment itself, in addition to the judge's impartiality. And it is possible to verify that the levels of training in evidentiary matters are "insufficient and inadequate" (Nieva, 2010)

In this context, the intellectual capital factors in evidentiary matters are highlighted. For an assessment of evidence, it is required to observe Legal Dogmatics (Bernasconi, 2007), which explains to us that it is the legal theory that studies the positive law in force in a given place and time, providing tools for analysis, its Domain is essential for correct argumentation and motivation in legal decisions. In this sense, the Theory of Justice (Osorio, 2010) seeks to define what is fair and equitable in a society and guides how legal rulings should be made. The theory emphasizes the importance of fairness, impartiality, and honesty in decision-making.

In the theory of due process of law (Bechara, 2015), this legal principle, fundamental in many legal systems, emphasizes the importance of a fair trial, including transparency, speed, and fair treatment, which includes guaranteeing a fair process and prompt. It is directly related to procedural speed, transparency, and good treatment. In Ronald Dworkin's theory of law (Ramírez, 2019), he argues that law is a comprehensive interpretation that combines norms with moral principles and values. This theory emphasizes the understanding of norms, thus connecting with the importance of sound argumentation and motivation.

Evidential assessment and justice

A judge must be able to correctly evaluate the evidence presented in a case in order to administer justice effectively. This assessment of the evidence is essential to reaching a fair and accurate decision, and the judge's skill and legal knowledge are of the utmost importance.

The judge must determine whether the evidence is legal, practical, and relevant since it must prove a fact maintained by the parties. In cases involving technical or scientific issues, this may require specialized knowledge.

So, what are the principles or theoretical frameworks that support test assessment? The judicial process is governed by several fundamental principles, including the Principles of Legality, relevance, free evaluation of evidence, immediacy, contradiction, and equality of arms.

Confidence In Criminal Justice

At the global level (WJP, 2022), the rule of law index, which consists of 8 factors and 57 indicators, is published annually, showing that criminal justice in Peru is relatively low. Moreover, this poses a problem that must be faced. Moreover, the first proposed question is, is there trust in criminal justice in Peru? The teacher (Almanza et al., 2018) expresses that preventive detention is possible for any accused person in Peru, but losing freedom is latent, pointing out the lack of legal security.

The cited document calculates the Rule of Law Index (WJP, 2022) and contains the Criminal Justice factor. It values seven indicators from 0 to 1, Where 1 is the maximum value. In the analysis of this historical count according to Table 1, it is observed that the countries of Denmark and Norway have a 0.84, and represent the best quality of criminal justice, then come the countries of Spain and the USA with an average of 0.63, to give move on to the LA countries where Uruguay has 0.56, Chile with 0.55, and Peru with 0.32; Countries like Bolivia and Venezuela are at 0.22 and 0.12, below Peru, but this does not prevent 68% of Peruvians from distrusting criminal justice.

Historically, most countries in criminal justice have had better approval. This was observed in 2012. Thus, by

2022, Venezuela had the greatest decrease, with -50%, followed by Peru with -29%, then Bolivia (-25%), Chile (-8.3%), USA (-6.2%), and Spain (-4.3%). The only country that saw confidence in its criminal justice grow was Uruguay (+12%).

In the case of Peru in 2012, confidence in criminal justice was 45%; it decreased in 2015 to 34%, obtaining a slight increase in 2018 (36%) to decline in the following years until 2022 with 32% confidence of Peruvians—and 68% distrust. This table allows us to visualize what was sustained in greater detail.

Table 1 Criminal Justice

| | 2012 | 2015 | 2016 | 2018 | 2019 | 2020 | 2021 | 2022 |
|-----------|------|------|------|------|------|------|------|------|
| Denmark | 0.87 | 0.84 | 0.82 | 0.82 | 0.83 | 0.83 | 0.83 | 0.83 |
| Norway | 0.85 | 0.82 | 0.83 | 0.83 | 0.83 | 0.83 | 0.85 | 0.84 |
| Spain | 0.69 | 0.62 | 0.63 | 0.64 | 0.67 | 0.67 | 0.67 | 0.66 |
| USA | 0.65 | 0.64 | 0.68 | 0.65 | 0.63 | 0.63 | 0.6 | 0.61 |
| Uruguay | 0.5 | 0.54 | 0.58 | 0.54 | 0.54 | 0.56 | 0.56 | 0.56 |
| Chili | 0.6 | 0.56 | 0.58 | 0.56 | 0.57 | 0.56 | 0.55 | 0.55 |
| China | 0.54 | 0.45 | 0.47 | 0.48 | 0.47 | 0.45 | 0.45 | 0.45 |
| Peru | 0.45 | 0.34 | 0.34 | 0.36 | 0.33 | 0.33 | 0.32 | 0.32 |
| Bolivia | 0.28 | 0.25 | 0.24 | 0.21 | 0.21 | 0.22 | 0.22 | 0.21 |
| Venezuela | 0.24 | 0.16 | 0.13 | 0.14 | 0.14 | 0.13 | 0.12 | 0.12 |

Note: Own elaboration WJP (2024)

Suppose more than this data needs to be more comprehensive to understand the problem; every year in Peru, a survey is carried out with the approval of more than 20 institutions. Tables 2 and 3 show two institutions, the Judiciary and the Public Ministry, with unfavorable results. Only 11% of Peruvians trust (quite a lot) the Judiciary and 77% (not at all little). While 12% trust the MP and 68% trust (minor or not at all) in the tasks of that institution. It happened between the years 2019 to March 2023.

Table 2 Trust in the Judiciary

| Years | Nothing and Little | Enough-enough | Does not know | Surveyed |
|-------|--------------------|---------------|---------------|----------|
| 2019 | 79.0 | 11.5 | 9.5 | 7493 |
| 2020 | 76.4 | 12.5 | 11.1 | 7514 |
| 2021 | 75.4 | 13.7 | 10.9 | 7426 |
| 2022 | 75.4 | 13.5 | 11.1 | 6959 |
| 2023 | 77.2 | 12.6 | 10.2 | 7297 |

Note : Own elaboration with information from INEI-PERU-ENAH0 (2024)

Table 3 Trust in the Public Ministry (MP)

| Years | Nothing and Little | Enough-enough | Does not know |
|-------|--------------------|---------------|---------------|
| 2019 | 68.9 | 11.8 | 19.3 |
| 2020 | 68.0 | 12.1 | 20.0 |
| 2021 | 67.1 | 13.3 | 19.6 |
| 2022 | 67.5 | 12.4 | 20.1 |
| 2023 | 70.5 | 10.6 | 18.9 |

Note : Own elaboration with information from INEI-PERU-ENAH0 (2024)

METHODOLOGY

It is a primary type of investigation at a relational level, with a non-experiential outline and a population of 47 files for the analysis of procedural nullity due to a defect in evidentiary assessment. Likewise, 136 procedural subjects, 22 judges and lawyers, were interviewed. On the other hand, to measure Motivation (evidence assessment), data was collected from the Moquegua Bar Association (CAM) of 122 magistrates (40 judges and

82 prosecutors) who were evaluated by the lawyers in suitability and conduct, Motivation, and procedural speed, in different years (2013, 2015, 2018, and 2021). On the other hand, the aim is to observe the scientific production of lawyers in Peru. For this purpose, we turned to the National Superintendency of Higher University Education (SUNEDU) and the National Council of Science, Technology, and Technological Innovation (CONCYTEC) to determine how many lawyers there are. The National Scientific is accredited by the Researchers, Technological, and Technological Innovation Registry of natural persons, Peruvian or foreign (RENACYT) (SUNEDU, 2022). One hundred sixty lawyers were found out of 9056 researchers, representing 1.67%.

The observation technique was used; in other interviews, the instruments used were the Form and the questionnaire. It was processed in Excel and SPSS 27. They were using descriptive and inferential statistics (López & Diez, 2017) (Mendoza & Hernández, 2018) (Ñaupas et al., 2018).

RESULTS AND DISCUSSION

According to the WJP, criminal justice in Peru receives 0.32 approval. Likewise, according to surveys in Peru, distrust in the criminal system reaches 77%, making it difficult to guarantee due process, evaluation of evidence, and adequate motivation.

Criminal Records

The investigation, which holds significant weight due to its comprehensive sample size of 47 criminal files, focuses on cases where Aquem declared nullity. This nullity was primarily due to a lack of motivation and impairment of due process through defective evidentiary assessment, leading to the annulment of the first instance ruling (Radwan et al., 2021). Each of these cases, representing 100% of the selected sample with a margin of error of 1%, is included in the different types of justifications of File No. 728-2008-PHC/TC. This model categorizes the files into six kinds of defective motivation.

The resolution of all cases leads to the total annulment of the sentence, with a diverse range of causes identified: 72.4% due to an apparent justification, 14.89% for a substantially incongruent justification, another 14.89% for insufficient justification, 6.38% due to deficiencies in the external justification and 4.26% due to problems with the internal rationale of the reasoning (Chérrez, 2017) (Aliste, 2018). This variety of causes underscores the complexity of the issue at hand.

In the more detailed analysis of the 47 cases that were declared null, a weak constitutional perspective (art 139.5 of the Peruvian Constitution) was found. Specifically, the decision in these cases did not observe due process or motivation as part of the justice administration system. There is less appreciation for the assessment of evidence (Cárdenas & Salazar, 2021), a depreciation of the right to defense, and non-compliance with due process. This constitutional perspective provides a deeper understanding of the legal implications of these null cases.

Seventeen Questions Were Proposed To 136 Procedural Subjects.

The results demonstrated a positive correlation between failure to provide adequate written justification at the jurisdictional level, specifically by first-instance judges, and the annulment of their sentences by the Criminal Appeals Chamber (CSJM). This correlation is evidenced by a Chi-square value of 47.785 and a sig. 0.000. When applying the Spearman correlation, it is found that the correspondence between the category of annulling a process for not observing the written justification and the competence and capacity of the magistrates is relatively low, standing at 39.5%. This ratio is considered low according to the valuation or qualification standards used.

From the seventeen questions asked, the failure to comply with written motivation (Flores, 2017) and test assessment (Cárdenas & Salazar, 2021) is confirmed for the 136 procedural subjects. Integrally, the jurisdictional function is not related to the constitutional perspective in the rulings of the Aquo (CSJM). In this sense, a Chi-square value of 31.008 was obtained, and the significance was 0.013. It should underline the relevance of the fundamental rights perspective.

Similarly, the coherence between the statements and the events in the legal resolutions also presents a low correlation, with a Rho of 18.2%.

Furthermore, 13 cases (about 30%) indicate that the trial judge did not consider the parties' claims. This situation is inconsistent with those annulled cases due to substantial inconsistency, representing 14.8%.

Arguments (phrases) of judges Aquem, regarding judges Aquo.

Without a doubt, there are difficulties that Aquo must overcome, especially in Methodology and legal dogmatics, as well as preparation for motivation in a test assessment environment (Nieva, 2010), described below:

- File 00247-2013-33-2801-JR-PE -01, in the appealed ruling, the Judge does not rule on the specific accusation formulated, limiting itself, without examining and evaluating individually and then jointly and reasonably the evidence presented, for Therefore, said conclusion is the product of an incongruent motivation to the extent that it has not considered that the accusation consists of the fact that travel expenses have received to carry out a commission of services in the city of Lima, which would not have carried out, appropriating the processed the money it gave to him.

- File 00109- 2008--60-2801-SP-PE -1, the first-instance judge's ruling on the claim was not clear and specific in terms of individualizing each defendant's participation.

- File 00212-2013-45-2801-JR-PE -02, the Judge who issued the sentence improperly (without valid legal justification) has abandoned the examination of the experts whose attendance was compulsorily ordered. This attitude damages the process and the parties because they cannot be questioned legally.

- File 00368-2012-15-2801-JR-PE -01, the deficiency that has emerged from the analysis of the actions fits within what is called apparent motivation since the conclusions reached by the A quo are not supported using evidence that have incorporated in the oral trial; this essential deficiency makes its validation impossible in this instance since there is no factual or legal basis in the appealed case.

- File 00108-2014-0-2801-SP-PE -01. In the appeal, the Judge has yet to definitively establish that he is dealing with a person who cannot be held accountable and, therefore, needs more motivation.

- File 00451-2014-25-2801-JR-PE-03, in the appealed ruling, the first-instance judge has materialized in purity a statement on new facts that he and before himself have created and introduced—without debate and certainly surprisingly—thereby violating the principle of procedural consistency and, above all, the right of defense of the processed party.

- File 00024-2015-0-2801-SP-PE-01, the evidence used in the oral trial, must be correctly assessed. The statement of the aggrieved minor needs to be adequately valued, the psychological expertise and the expert's examination have not been assessed, no motivating reasons for the acquittal have been given, and the psychological expertise performed on the accused has not been assessed.

- File 00038-2015-0-2801-SP-PE-0, lack of order in the determination of the facts, lack of clarity in the presentation of the facts, spelling and syntactic errors, Inconsistency, External argumentative insufficiency as the conclusion of the sentence, transcription of norms without interpreting them, and transcriptions of evidence without evaluating them, lack of determination of the existence or not of a combination of crimes, absence of arguments that justify the determination of the sentence, civil reparation, which leads to establishing that the respondent is engaged in an apparent motivation.

- File 00081-2015-0-2801-SP-PE -01, regarding the authenticity of the statement of the aggrieved minor, it is stated in the appealed sentence that she would not have specified how she would have been violated by doing only a generic and incomplete story. However, regarding this, the first instance judge does not support or justify what this lack of precision would have consisted of; that is, the factual premises that lead him to this conclusion are not expressed, beyond casting doubt, without further support. , the version given by the minor regarding the fact that she had sexual relations and found herself stopped because she could not give a coherent explanation. As can be seen, the Judge incurs generalities and inaccuracies when trying unsuccessfully

to motivate his decision, which, in any case, is an apparent motivation.

- File 00099-2012-24-2801-JR-PE -01, the Aquo has not ruled on the substance of the punitive claim formulated in the accusation filed by the Public Ministry. Likewise, the first-instance judge has unfortunately distorted the scope of the statute of limitations in this type of crime, making the grounds used to find this exception irrelevant.

Test Rating

Moreover, regarding this, it has also been possible to detect in the files that there are phrases that the Aquo magistrates and the procedural subjects must remember. Let us observe:

- File 00107-2011-32-2801-JR-PE -02, within the framework of the various opinions presented, it is perceived that an adequate evaluation of the evidence presented needed to be carried out in the sentence under appeal. This means that, within the context of the ruling above, a pertinent analysis by the judge regarding the evidence introduced in the process needs to be reflected. In other words, due consideration or thorough examination by the magistrate of the evidence provided is not found in the appealed judicial document, which is essential to solidly base judicial decisions. This aspect highlights a significant need for more judicial deliberation since meticulous analysis of evidence is fundamental to justice and the correct application of the law.

- File 00176-2013-0-2801-SP-PE -1 for not having provided essential personal evidence for the process's objectives, such as the central testimony of the injured party.

In Proceedings 00212-2013-45-2801-JR-PE -02, the judge who issued the sentence improperly has given up the examination of the experts whose attendance was compulsorily ordered, thereby damaging the process of the parts.

- File 0012-2014-31-2801-SP-PE-01, in the judicial decision that has been the subject of appeal, a significant omission needs to be identified regarding the critical evaluation of the procedure and the documents that support the conclusions derived from official expertise. The appealed ruling dismisses these elements because they do not cover a previous period, ignoring that the defendant's assets come from earlier times and not only from the moment he had not been instructed to carry out a particular economic activity. This approach concludes that an error has been made in properly assessing the evidence. In other words, the resolution does not adequately consider how the defendant's accumulation of assets has been built over time, including phases before those investigated explicitly in the process. This failure to appreciate the evidence results in an inappropriate application of the trial criteria, which could affect the justice and equity of the verdict rendered.

- File 00451-2014-25-2801-JR-PE-03, there is no evidence to show that a contract or operation was signed that favored the fishermen's association and, finally, the PROMASA company that manufactured fishmeal.

- File 00190-2016-0-2801-SP-PE-01, it is not indicated with what purpose he cut the face of the injured party, Enrique Suárez Ramos, and the motive for the alleged crime (money) was not proven because the money was not found. Wallet or gun

- File 00355-2016-93-2801-SP-PE-01, it is noted that the accused, identified as RC, has avoided undergoing the DNA test corresponding to the semen samples found. This attitude of the accused was the subject of a complaint by the legal representative of the civil plaintiff, who expressed her disagreement with such evasion. Despite the relevance of this issue and the protest formalized by the civil plaintiff's attorney, the total absence of consideration or analysis on this matter in the court ruling is surprising. This gap in the court's deliberation omits a crucial assessment that could significantly influence the determination of the defendant's criminal responsibility, leaving a substantial legal objection raised during the proceedings unanswered.

- File 00148-2017-0-2801-SP-PE-01, in the ruling issued, an apparent omission is observed in evaluating documents relevant to the case. Likewise, an examination of the hypothesis raised by the defense has yet to be carried out, leaving the arguments presented by this party unrefuted. This fact points out a significant deficiency in the analysis, which needs to be completed. The lack of consideration of both the documentary evidence and the defense's arguments suggests that the judicial evaluation and reasoning process did not

encompass all the elements necessary for a fair and well-founded resolution, which could indicate an insufficiency in the depth and rigor of the analysis carried out by the court.

File 00149-2017-0-2801-SP-PE-01, the A Quo, has not merited or valued the accused's material defense or responded to it, nor has he glossed or responded to his defense arguments in the entirety of the evidence presented.

Legal Intellectual Capital of A Region In Peru

In 2022, 40 judges and 82 prosecutors were located in the Moquegua region, characterized by first place in the ranking of procedural speed in Peru (from 0 to 1), rated with 0.532 (INCORE, 2022). It is also recognized by (IPE, 2023) as Peru's second most competitive region.

In this aspect, it is essential to know the levels of training, not necessarily in evidentiary law, given that there is no internal record of each of their files; instead, it has been compiled from an official and transparent page such as SUNEDU regarding their qualifications and academic degrees obtained (122) to support the strength of legal intellectual capital.

Of the 40 judges, four are doctors of law, 10 have a master's degree, and 26 magistrates hold the title of lawyer (representing 65%). Whose average age is 22 years. Of the 82 prosecutors in Region 3, 15 have a doctorate, 15 have a master's degree, and 64 have only the title of lawyer (78%). The average seniority is 25 years. In summary, of the total sample (122), seven are doctors, which is 6%; 20% have master's degrees, and 74% only hold the title of lawyer (for 23 years). It is concluded that although 74% must have training from the Academy of Judges at the level of academic degrees and scientific articles, there needs to be more references now. Lastly, the JNJ that evaluates judges considers indexed scientific production and academic degrees with thesis, demanding global-level views.

Magistrates (122) From The Moquegua Region Are Evaluated In Motivation And Conduct

The Moquegua Bar Association, like others throughout the country, is organized annually to evaluate magistrates (judges and prosecutors) by the members. Know the quality of the legal motivation, procedural speed, honesty, and treatment. In this sense, the 2013, 2015, 2018, and 2021 evaluations are located in the research region, and the following results are found.

In 2013, 49 magistrates evaluated, and the correspondence of motivation with procedural speed was 0.99, with honesty 0.19, and with treatment 0.97. In 2015, 43 magistrates were assessed, and the results were between motivation and speed 0.996, treatment 0.998, and honesty 0.998. In 2018, only two variables worked on suitability and conduct, subsuming the first case (motivation and speed) and the second (honesty and treatment). In this sense, it is observed that for judges, the rho was 0.756, and for prosecutors, 0.982.

In 2021, 40 judges and 82 prosecutors were evaluated with the variables suitability and conduct; the result between suitability and conduct in judges was 0.95, while in prosecutors, it was 0.944. Judges who can make solid and well-founded arguments in their judicial decisions demonstrate a solid command of legal theory or legal dogmatics. It implies that they can describe and explain their choices effectively and coherently, which is essential for the effective functioning of the legal system (Mejía, 2021). Some judges carry out argumentation and evaluation of evidence in a moderate manner, which leads to conduct ratings of the same level. Moreover, few judges carry out a fair-low motivation where their procedural speed and conduct are equal.

This study inferred that the correct justification for judicial decisions indicates that judges have an adequate command of the theoretical framework of law (Ortiz, 2015) (Flores et al., 2019). This competence in argumentation and justification leads to a more adequate description and explanation of judicial decisions (Morris, 2023) (Ticona, 2019). In this sense, it is understood that speed in rulings is essential for justice, something that plaintiffs actively seek (Mejía, 2021).

A question arises: Is justification what allows for speed in legal processes, or does speed determine the quality of justification? It is argued that the theoretical basis and deep understanding of the legal framework are the judge's responsibility and must be present to ensure speed, which is associated with transparency. This

transparency and speed in justice result in more favorable treatment for plaintiffs, and honesty becomes an intrinsic norm, like the law of gravity, because the objective is to contribute to the defendants. This combination of appropriate justification, procedural speed, good treatment, and honesty is the ideal framework for administering justice.

Another important thing is what (Rojas, 2017) tells us. Consequently, it is not enough to pressure the witness to reveal the truth about the incidents that generated the judicial litigation. It is essential that the legislator explicitly identify that the accuracy of the witness's memory and his honesty are the two key elements that the judge must take into account when determining the validity and reliability of the testimony presented" to emphasize the level of understanding that must have the legislator in his task so that the judge executes, dispensing justice (Neyra et al., 2020).

Legal Intellectual Capital Measured by The Number Of Researchers.

In Peru, researchers who present themselves to receive a certificate are accredited. As of June 2023, the CONCYTEC PERU registry indicates 9,560 researchers. Of that total, 160 lawyers with RENACYT certification in its different modalities represent 1.67%, and they are lawyers accredited as investigators. Within the 160, it should be reported that 16% do not have a master's degree, and 32% do not hold the academic degree of doctor.

In this regard, it must be stated that the legal culture of a region or country receives contributions from its human capital. The reflections in indexed journals are in proportion to the country's researchers (Eyzaguirre, 2017), (Aranibar, 2017), (Rodríguez, 2017). In the country, indexed articles are in proportion to that 1.67% of accredited researchers carry out the same. Even though it is known that although the average number of researchers per million inhabitants in the world is 5,500 in developed countries, in Peru, by 2022, it will be 190 per million. For the same reason, there are limitations to a better understanding of what justice would be and, above all, to impart and proceed with justice for the defendants.

CONCLUSIONS

According to statements from 136 procedural subjects, poor motivation (evidence assessment) and procedural nullity are correlated. Statistical tests prove this.

A significant correlation exists between a judge's ability to base his decisions well and the perception of speed, fair treatment, and honesty. Judges who argue and motivate their decisions are perceived as faster, fairer, and more honest. On the other hand, judges whose argumentation and motivation are only moderate or regular are perceived as having similar speed, treatment, and honesty.

74% of the legal intellectual capital in the Moquegua region has neglected university academic degrees (22 years); it is the first region in procedural speed in Peru. There is a minimum of RENACYT lawyer investigators (1.67%) of the total. Legal and scientific production is in the same proportion.

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