

REVISTA CIENTÍFICA MULTIDISCIPLINARIA

NEYART



Vol. 4. No. 5 julio - diciembre 2026



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COMPATIBILITY OF ARRESTS IN FLAGRANTE DELICTO WITH CONSTITUTIONAL GUARANTEES ACCORDING TO PROFESSIONALS IN THE HONDURAN CRIMINAL JUSTICE SYSTEM

COMPATIBILITY OF ARRESTS IN FLAGRANTE DELICTO WITH CONSTITUTIONAL GUARANTEES ACCORDING TO PROFESSIONALS IN THE HONDURAN CRIMINAL JUSTICE SYSTEM

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DOI: <https://doi.org/10.61273/neyart.v1i2.227>

| Received: 07/03/2026 | Accepted: 09/07/2025 | Published: 10/08/2026

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Abstract— The study, titled “Arrest in the Act for the Commission of a Crime,” aimed to aim of analyzing the compatibility of arrest in the act with constitutional guarantees. Thus, it is based on a methodology that employs a quantitative approach in order to provide a statistical analysis of the research results; and a descriptive-correlational approach was adopted, as the study sought to identify characteristics of the concept of “arrest in the act” as well as correlations between this variable and the commission of a crime. A non-experimental design was employed, as the study did not aim to manipulate variables; furthermore, a cross-sectional study was conducted, as the data were collected at a single point in time. The research revealed a moderate positive relationship between apprehension and due process, with a Spearman’s rho of .643**, confirming that the quality of the initial arrest is the cornerstone of the legality of the expedited procedure. It is concluded that arrest in flagrante delicto in Honduras does not depend solely on the arrest itself, but on a coordinated institutional structure that ensures a smooth process from apprehension through the hearing.

Keywords—defense¹, due process, criminal law², flagrante delicto, constitutional guarantee, justice³.

Abstract-- The study, entitled “Arrest in Flagrante Delicto for the Commission of a Crime,” aimed to analyze the compatibility of arrests in flagrante delicto with constitutional safeguards. A quantitative approach was employed to conduct the statistical analysis of the research findings. The study adopted a descriptive-correlational approach, as it sought to characterize arrests in flagrante delicto and examine the relationship between this variable and the commission of a crime. A non-experimental, cross-sectional design was used because the variables were not manipulated and the data were collected at a single point in time. The results showed a positive correlation between apprehension and due process (Spearman’s rho =.643**), suggesting that how an arrest is handled at the outset plays a key role in determining whether the fast-track legal process that follows is legally sound. It was concluded that arrests in flagrante delicto in Honduras depend not only on the arrest itself but also on a coordinated institutional structure that ensures procedural continuity from apprehension to the hearing.

¹ The term “defense” corresponds to a preferred descriptor in the UNESCO Thesaurus.

² The term “criminal law” corresponds to a preferred descriptor in the UNESCO Thesaurus.

³ The term “justice” corresponds to a preferred descriptor in the UNESCO Thesaurus.

Keywords—Constitutional guarantee, criminal law⁴, defense⁵, due process, flagrancy, justice⁶.

INTRODUCTION

There are crimes that, due to their nature or circumstances, cannot be prosecuted through ordinary criminal procedural channels; thus crimes such as those defined as committed in flagrante delicto are of particular interest in that they require speed and immediacy, since they are handled through expedited proceedings, as established by the Honduran Code of Criminal Procedure; this gives rise to arrest in flagrante delicto. It should be noted that, to understand a crime committed in flagrante delicto, one must consider that the arrest occurs while the person is committing the criminal act—that is, when the act is still taking place and can be directly observed (Ochoa Risco et al., 2025).

Flagrant offenses provide an accessible avenue through the application of expedited proceedings to prosecute all offenses that meet the legal definition of a flagrant offense. Consequently, a flagrant offense occurs when the conduct is in progress or has just been committed, and the person involved is arrested immediately. However, various studies suggest that, in cases of criminal flagrancy, the immediate process (which accompanies such offenses)—by eliminating intermediate stages such as preparation and preliminary investigation—may, due to the need for speed, negatively affect the right to an adequate defense and due process (Chicoma et al., 2024).

Flagrancy is a procedural concept that gives rise to the immediate and prompt intervention of the authorities upon the commission of a crime, and its essential characteristic is that the person is caught in the act of committing the criminal offense. This approach to flagrante delicto contrasts with the position of Villalba (2023), who argues that procedural actions must be proportionate and maintain a balance between the criminal response and the protection of fundamental rights (Viera, 2025).

While it is true that arrest in flagrante delicto allows for an immediate response to certain crimes, thereby facilitating the application of expedited proceedings, it can create tensions between procedural constitutional rights and guarantees and the practical reality of what occurs after arrest in cases of flagrante delicto. In this regard, research on arrest in flagrante delicto for the commission of a crime highlights the need to harmonize such criminal prosecution with respect for the principles of

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due process, the presumption of innocence, and all constitutional guarantees. Legal doctrine thus requires that a crime be committed in flagrante delicto to be considered “flagrant,” which implies that the person must be caught in the act of committing the crime and that the act must be ostensible—meaning the criminal act must be obvious or manifest, without the need for any investigation (Calderón, 2019).

Apprehension in the act thus enhances the effectiveness of criminal prosecution; however, it must be understood within certain limits, ensuring that it does not conflict with due process and constitutional guarantees. Among the guarantees and guiding principles of criminal proceedings, unfortunately, the presumption of flagrancy is not included, which means it is not exclusive to this legal concept and should not be treated as an exceptional measure within a proceeding. It is important to remember that all persons are equal before the law and possess constitutional rights to legal certainty, effective judicial protection, and other rights pertaining to due process (Coronel & Maldonado, 2023).

Through this accessible approach—which proposes the prosecution of crimes committed in flagrante delicto in Honduras via criminal prosecution followed by prompt arrest—the aim is to ensure the effectiveness of criminal justice through an immediate response. However, in terms of its practical application, the reality is contradictory in that the rights and principles enshrined in the Constitution may be violated, since the Constitution states that the right to a defense is inviolable, as is the presumption of innocence—principles that the application of the “flagrancy” rule may contradict, resulting in a genuine violation of procedural rights and principles. In this context, it can be observed that, in a democratic state, procedural rules and constitutional guarantees operate in tandem: the former govern judicial proceedings, while the latter limit state action to protect individual rights (Echeverría, 2024).

In this regard, the research problem centers on understanding the compatibility of the concept of “flagrancy”—in terms of prosecution and immediate apprehension—and how it aligns with due process, the presumption of innocence, and constitutional guarantees, while taking into account certain violations that may paradoxically arise from the application of flagrancy. In this regard, some studies suggest that, outside of cases of flagrante delicto, arrest requires different conditions. When apprehension occurs for a crime committed in flagrante delicto, the authorities have a maximum period of twenty-four hours to file the corresponding charge (Ochoa Risco et al., 2025).

In this context, the research is justified because it is necessary to examine whether arrest in flagrante delicto is compatible with the constitutional guarantees of the Honduran criminal justice system. Its practical significance lies in the fact that

it provides insight, from the perspective of legal practitioners and professionals, into how immediate apprehension relates to respect for due process, the presumption of innocence, and the right to a defense. This analysis is necessary because the speed of the expedited procedure must not lead to the disregard of the procedural safeguards that protect the detained person. In the academic world, the analysis provides data on the issues examined and allows for a comparison of legal theories and ideas regarding flagrante delicto with the opinions of experts with experience in the Honduran criminal justice system. Thus, a clearer understanding is achieved of the tensions between the speed of criminal proceedings and the protection of constitutional rights (González, 2024).

The principle of the presumption of innocence and due process constitute fundamental guarantees of criminal law, essential for the protection of human rights against the exercise of the State's punitive power. On this point, the authors Casalombo Mantilla et al. (2024) argue that it is important to highlight the role played by a principle such as due process, since due process serves as a limit on judicial discretion; judges must adhere to it, as it is defined as the minimum guarantees established in the Constitution and aims to ensure that parties to the proceedings receive fair decisions in accordance with the law (Encarnación Díaz et al., 2020).

The methodology employed in this research is essentially based on a quantitative approach, as it aims to generate a statistical analysis to verify and develop the stated objectives. Likewise, a descriptive and correlational scope is adopted, since the research focuses on investigating the most relevant elements of the topic, as well as identifying the relationships that arise. Furthermore, a non-experimental, cross-sectional design was used, as the variables were observed without modification and the data were collected at a single point in time (Hernández Sampieri & Mendoza, 2018).

Based on the foregoing, this research is guided by the following objectives: to define the effectiveness of arrest in flagrante delicto as a mechanism of criminal prosecution; to identify the tensions arising from arrest in flagrante delicto with respect to principles and rights such as due process and the presumption of innocence; and to determine the limits set forth in the current Code of Criminal Procedure regarding the concept of flagrante delicto in order to harmonize arrest in flagrante delicto with procedural guarantees and principles. To address these objectives, the following research question is posed: To what extent is the concept of arrest in flagrante delicto (flagrancy) compatible with constitutional guarantees within the framework of the Honduran criminal procedure?

Arrest in flagrante delicto—as initially defined by procedural law—occurs when a person is caught in the act of committing a crime, at the moment of attempting to commit it, or immediately after committing the crime; and, according to these regulations, it triggers a special procedure. However, some studies suggest that this concept entails violations such as the infringement of the right to liberty, as it lacks legal validity; specifically, the deprivation of liberty may lack a legal basis when it depends solely on the statements of the victim or a witness and there are no other elements to support that allegation (Huamalias et al., 2024).

Arrest in flagrante delicto can be analyzed from two perspectives: on the one hand, as a favorable mechanism that carefully safeguards the victim's rights; and on the other hand, as a practice that could potentially violate procedural rights and principles. On this point, some studies offer relevant insights into crimes committed in flagrante delicto that highlight both perspectives. An offense committed in flagrante delicto is defined as one involving immediacy, where a person is apprehended and objects—such as weapons, fingerprints, or documents related to the offense—are found (Galarza et al., 2023).

Some research indicates that, although arrest in flagrante delicto is legally recognized, its implementation presents difficulties. The gap between arrests made and convictions ultimately handed down necessitates a more detailed review of the effectiveness of the criminal justice system (Mio, 2024).

The foregoing reflects a perspective on crimes committed in flagrante delicto, which highlights the tensions that this legal concept can generate in practice regarding the respect for and application of constitutional guarantees. This raises a point of debate regarding this type of crime, since, while they offer advantages related to efficiency and procedural economy, and the victim's violated rights, their application may infringe upon the accused's rights, such as the right to a defense and to a fair trial, in accordance with the principle of due process. Thus, some studies suggest that expedited procedures arise from the need for speed in criminal judicial proceedings, due to the severe congestion of the judicial system—specifically, the years-long delays in reaching a final judgment that either convicts the alleged offender or confirms their innocence (Cando & Morales, 2023). In this regard, the introduction of concepts such as “flagrancy” and expedited proceedings gave rise to a duality of positions: on the one hand, some authors consider that they streamline proceedings and prevent lengthy trials for obvious crimes; on the other hand, others argued that they conflicted with constitutional principles and rights

; thus, some studies argue that the incorporation of summary trials into criminal procedural codes marked two distinct phases within the realm of academic criticism. In the first phase, its introduction sparked a series of legal theoretical analyses, both in favor of and against its use, highlighting its potential dangers in relation to the constitutional framework. What is clear from the second phase of research is that, despite profound criticisms that also point to political and criminal dangers, the system became widely established and has become the primary means of securing convictions (Anitua & Sicardi, 2024).

From the above, two theories emerge regarding summary trials for crimes committed in flagrante delicto, along with diverse and ambiguous positions, since, in reality, crimes committed in flagrante delicto are based on premises that must be met for their application; however, the logic behind them rests on the certainty that the requirements set forth in the law are fulfilled to establish flagrante delicto as such and provide the necessary legal certainty—which is why it is considered that no violation has been committed in this regard. Procedural rules and constitutional guarantees fulfill complementary roles within a democratic state: they organize judicial proceedings and, at the same time, protect individuals from the exercise of state power (Echeverría, 2024).

Authors suggest in their research that, for a crime to be considered committed in flagrante delicto, it is essential that it meet two criteria: 1. The person is caught in the act and apprehended at the moment of committing the crime. 2. The person is caught in the act or identified at the moment of committing the crime and apprehended immediately afterward as a result of pursuit or cries for help from a witness to the incident (Montoya et al., 2022).

In this context, it has been observed that flagrante delicto is one of the primary cases in which these standards are met, as it constitutes sufficient grounds to presume that the suspect is in possession of items linked to a crime—which is only one aspect of the theory regarding crimes committed in flagrante delicto (Esteves, 2025). Arrest is thus the result of flagrante delicto, once the requirements or parameters are met, as well as the certainty of the crime. The application of the requirements for flagrante delicto depends on the established types of crimes, since the law stipulates that there are certain criminal offenses that cannot be prosecuted through flagrante delicto due to the expedited process that accompanies it (Torres, 2025).

The requirements for crimes committed in flagrante delicto are the basis that, in theory, should reasonably guarantee the certainty of the process; however, the process does not begin as such with the classification of flagrante delicto,

as this is a subsequent act; the true basis lies in the fact that the offender is caught in the act of committing the crime or immediately after it has been committed. However, whether these crimes are prosecuted through the expedited process depends heavily on their nature and type. Flagrancy falls within the scope of criminal law based on the act itself and is grounded in the principle of the act, as it does not take into account the person's character, dangerousness, or criminal history for the purpose of arrest, but only the criminal conduct (Gutiérrez, 2024).

In other words, speed as such is not always a prerequisite for the swiftness of the proceedings, but rather for the arrest of the accused or the offender. Crimes committed in flagrante delicto do not always lead to expedited proceedings, as everything depends on the nature of the crime; moreover, the positions adopted by the parties based on the adversarial principle and the presentation of evidence, as set forth in Article 440-A of the Code, cannot be disregarded. The objective of proceedings involving crimes committed in flagrante delicto is to eliminate crime and to ensure the expediency of criminal proceedings; empowering the prosecutor to file charges when he or she has sufficient evidence to hold the detainee accountable, while avoiding the violation of fundamental rights such as the right to a defense (Yamunaqué & Moreno, 2021).

In this regard, one of the rights considered most frequently violated in the context of crimes committed in flagrante delicto is the right to a defense; since there is insufficient time to gather evidence and conduct a full hearing, it is not possible to determine with certainty whether the offender or defendant can mount an adequate defense. In this regard, the principle of the right to a defense is a central tenet of due process, as it obligates the State to treat the individual, at all times, as a true subject of the proceedings—in the broadest sense of this concept—and not merely as an object of the proceedings. Thus, the right to a defense must be guaranteed from the moment a person is charged as a possible participant... in a criminal offense (Quispe, 2024).

It follows from the foregoing that the concept of “flagrancy”—as a legal basis for arrest in the act of committing a crime—requires the establishment of certain limits; in this sense, flagrancy constitutes an exception allowing for the provisional deprivation of an individual's personal liberty and their surrender to the authorities; any excess constitutes a violation of their human rights, which implies the need to impose limits on the concept itself (Gutiérrez, 2024).

There are also theories that support the concept of flagrancy with regard to immediate apprehension and prosecution; among these is the theory of crime. This theory constitutes a system

logically and sequentially establishes the essential elements and characteristics common to all crimes; that is, it analyzes not only a specific criminal offense but also the elements common to all crimes. Among these elements are conduct—which is voluntary, negative, or positive—the act, which constitutes a criminal offense; the criminal classification derived from the act committed; the unlawfulness applicable by virtue of the act; and, finally, culpability, from which the penalty is derived (Pérez, 2020).

This theory, as it relates to flagrante delicto, provides the framework for determining whether the conduct observed in flagrante delicto constitutes a crime; flagrante delicto, for its part, is the factual situation to which the framework outlined in the theory of crime is applied, allowing for the identification of the common elements necessary to attribute punishable status to a conduct. From this perspective, a crime requires legal definition, unlawfulness, and culpability—elements that must be examined in a logical order (Velásquez, 2022).

Another supporting theory that underpins the crime in flagrante delicto and arrest in flagrante delicto is the theory of legal definition, since it is understood that without legal definition there is no flagrante delicto; the principle of legal definition: From the finalist and functionalist perspectives, legal definition constitutes the first level of analysis of a crime, as it allows for comparing the conduct with the description set forth in the law and verifying whether a legal interest was placed at risk. When the components required by the criminal definition are lacking, the conduct must be considered atypical (Tixi et al., 2021).

Finally, another theory regarding flagrancy and arrest in the act is the theory of objective imputation, which is applied in proceedings involving crimes of flagrancy and holds that the judge must assess whether the conduct attributed to the defendant warrants the urgency in question. Some authors have sought to characterize objective imputation as a defense against criminal liability, but this characterization has limited scope. First, because most authors agree that it applies on an ad hoc basis only to result-oriented crimes; and second, because, given the quintessentially positive nature of criminal law and the content of the principle of legality in criminal law, defenses against criminal liability must be expressly provided for by law (Avalos Acevedo, 2022).

METHODOLOGY

The research was conducted using a quantitative approach, through which the responses of legal practitioners and professionals regarding arrest in the act of committing a crime were measured and analyzed. This method made it possible to quantify the phenomenon, as well as to establish relationships between

key terms and ensuring the replicability of the results (Hernández-Sampieri & Mendoza Torres, 2023). The study was descriptive and correlational in nature, as it aimed to characterize the participants' knowledge and practices while identifying the relationship between the variables under study presented in the research. Regarding the design, a non-experimental, cross-sectional approach was adopted, as data were collected at a single point in time without deliberate manipulation of variables, limiting the study to observing the phenomenon in its natural context (Kerlinger & Lee, 2020).

The population consisted of legal practitioners in the Honduran criminal justice system and legal professionals who litigate within that same system; from this group, a sample of eighty-five professionals was selected through purposive sampling. The sample included judges, prosecutors, public defenders, and private defense attorneys with direct experience in judicial proceedings involving arrests in flagrante delicto for the commission of a crime.

The population consisted of legal practitioners within the Honduran criminal justice system. The sample comprised 85 individuals, including justice system practitioners such as judges and prosecutors, public defenders, and legal professionals, selected through non-probabilistic purposive sampling, taking into account their experience in proceedings related to arrests in the act. The following inclusion criteria were established:

(a) active practice in the field of criminal law, (b) minimum experience in judicial proceedings related to the subject matter, and (c) direct participation in cases involving arrest in the act of committing a crime. Professionals without specific experience in this area were excluded. The distribution of the sample is presented in Table 1.

Table 1. *Profile of the unit of analysis by position.*

Unit of analysis	
Legal Professionals	No
Prosecutor	15
Judge	14
Private defense attorney	38
Public defender	18
Total	85

Source: *Compiled by the author*

The data collection instrument consisted of a structured questionnaire designed with Likert-scale items featuring three response options ranging from “disagree” to “agree.” The questionnaire covered six main dimensions expressed through the research’s key terms: flagrancy, immediate prosecution, immediate arrest, due process, presumption of innocence, and constitutional guarantees. To ensure content validity, the instrument was reviewed by specialists in criminal and procedural law, who assessed the relevance and clarity of the items. Subsequently, the questionnaire was pilot-tested with five professionals whose characteristics were similar to those of the participants; after which its consistency was assessed using Cronbach’s alpha, which explains how the results can be interpreted based on the data obtained and their analysis, thereby demonstrating the internal consistency among the questions posed in the study. A result of .909 was obtained, indicating excellent reliability (George & Mallery, 2023).

Table 2. *Reliability Statistics.*

Summary of Case Processing			
		N	%
Cases	Valid	10	100.0
	Excluded	0	.0
	Total	10	100.0
a. List-based elimination is based on all variables in the procedure.			

Reliability Statistics	
Cronbach’s alpha	Number of items
.909	36

Source: *Prepared by the author using SPSS version 27.*

Data collection took place between March and April 2026. The questionnaire was created using Google Forms and distributed digitally via email and messaging apps such as WhatsApp, ensuring the confidentiality and anonymity of the participants. Once the information was collected, the data were exported to Microsoft Excel for initial cleaning and then processed using SPSS version 27 statistical software. The analysis included coding the variables, calculating descriptive statistics such as frequencies and percentages, and applying Spearman’s correlations to determine the relationship between the variables under investigation. (Field, 2013).

Data collection was conducted at a single point in time and was cross-sectional in nature. The results were organized into tables and frequency charts, which facilitated the interpretation of the

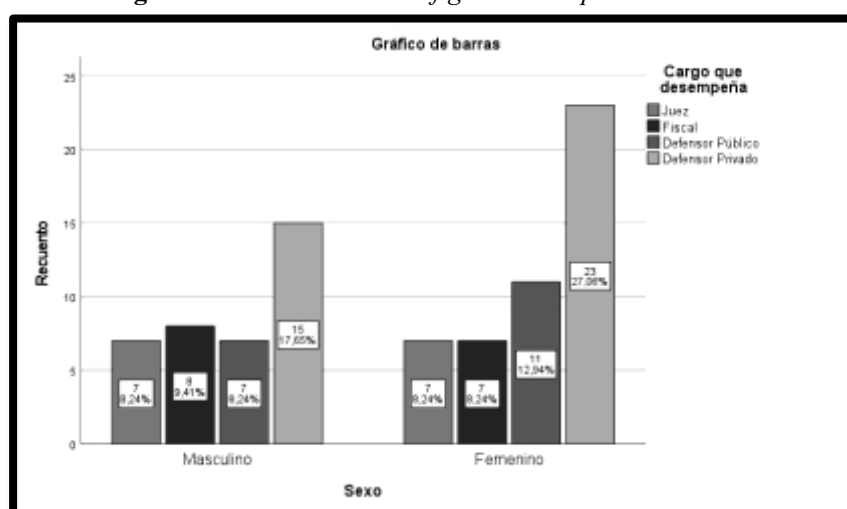
objectives set forth, as well as the identification of relevant correlations (Hernández-Sampieri & Mendoza Torres, 2023).

ANALYSIS OF RESULTS

The results are presented below in Figure 1: 27% (23) are female attorneys serving as private defense attorneys in cases involving arrest in the act, as opportunities for women appear to be extensive in the practice of law; likewise, 12.94% (11) of women work in public defense, and 8.24% serve as judges and prosecutors, indicating that the judicial career currently offers ample opportunities for women. As for men, 17.65% (15) stand out as private defense attorneys, reflecting the ample opportunities available to them in representing clients in expedited proceedings for crimes committed in flagrante delicto; of these, 9.41% (8) serve as prosecutors, and another 8.24% (7) serve as judges and public defenders.

As the results show, women are in the majority among private defense attorneys and public defenders, while opportunities for judges and prosecutors are symmetrical for judges and differ only minimally for prosecutors. This concentration of results thus suggests that there is currently significant openness for women's advancement both in the private legal sector and in judicial careers, thereby promoting principles such as equality, non-discrimination, and inclusion within the Honduran judicial system, while recognizing the importance of women's role in advancing criminal proceedings.

Figure 1. Cross-tabulation of gender and position held.



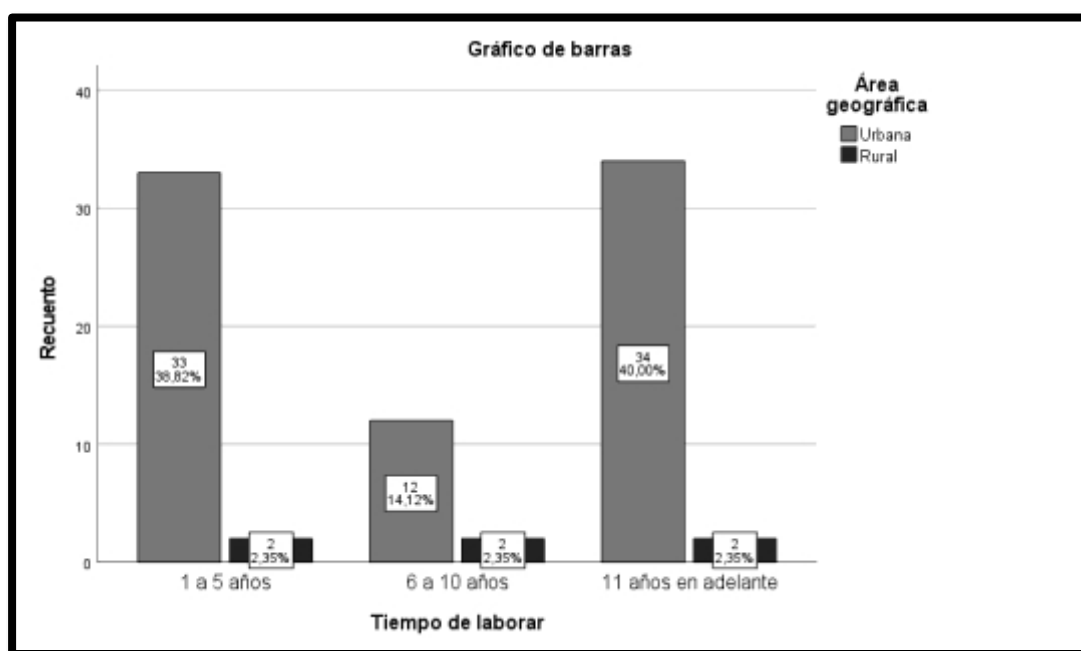
Source: Prepared by the author using SPSS version 27.

Figure 2 presents the results regarding the participants' length of service and the geographic area in which they reside. It shows that the urban area stands out, with 40% (34) having worked for 11 years or more at the institution where they are employed or as private attorneys; 38.82%

(33) have been working for 1 to 5 years as private attorneys or in the judicial system as public defenders, judges, or prosecutors; and finally, 14.12% (12) have been in their current positions for 6 to 10 years. As for those in rural areas, 2.35% (2) have been working for 1 to 5 years, another 2.35% (2) have been working for 6 to 10 years, and finally, another 2.35% (2) have been working for 11 years or more.

The results show that those working in urban areas stand out, with higher levels of concentration—which makes sense, given that judicial venues are located in cities. Consequently, most legal activity is concentrated in urban areas, where population density and the location of public institutions facilitate the practice of law and the administration of justice. In contrast, in rural areas, legal services and access to judicial institutions are more limited, and the results reflect this reality of professional development.

Figure 2. *Cross-tabulation of years of practice and geographic location.*



Source: *Prepared by the author using SPSS version 27.*

Spearman's correlation coefficient (.366**) indicates a weak positive relationship between "Caught in the Act" and "Flagrancy" and "Commission of the Crime." The result was statistically significant ($p < .001$), so the null hypothesis of no association between the variables was rejected; these findings suggest that, even when an arrest occurs in the act, the proceedings themselves are often not handled as such; this frequently occurs due to the time limits or deadlines involved, since once an arrest in the act takes place, these must be processed expeditiously.

This weak positive correlation of .366** highlights a critical independence between police action and the formal initiation of the proceedings; although arrest in flagrante delicto is the starting point for an effective flagrante delicto procedure, this is hindered by the lack of flexibility in procedural deadlines and the administrative burden faced by the courts. This suggests that the success of the flagrancy procedure does not depend solely on the immediacy of the arrest, but rather on the ability to manage the process with the speed required in the first few hours following the arrest; without a structure to support the presentation of evidence and expert opinions within the critical timeframes required by law, arrest in flagrante delicto loses its effectiveness as a fast-track procedure, forcing the system to refer cases to the ordinary proceedings and perpetuating judicial overload.

The findings reinforce the need to understand flagrante delicto as a tool that contributes to the agility of the criminal justice system; the weak correlation indicates that the system's operational effectiveness is constrained by limitations that prevent the arrest in flagrante delicto from resulting in a real reduction in procedural timelines, therefore, to enhance the efficiency of arrest in the act as such or of the "flagrancy" principle, it is important to strengthen institutional responsiveness. This can be achieved through coordination that ensures the smooth flow of proceedings from the moment of arrest through the hearing, thereby ensuring that the "flagrancy" principle fulfills its role in streamlining proceedings, preventing cases from lapsing due to the expiration of time limits, and guaranteeing more expeditious justice.

Table 3. *Relationship between apprehension in the act, flagrancy, and the commission of the crime.*

		Correlations		
			Apprehension in the Act	Flagrancy and Commission of the Crime
Spearman's Rho	Caught in the Act	Correlation coefficient	1.000	.366**
		Significance (two-tailed)	.	<.001
		N	85	85
	Flagrancy and Commission of Crime	Correlation coefficient	.366**	1.000
		Significance (two-tailed)	<.001	.
		N	85	85

****.** The correlation is significant at the 0.01 level (two-tailed).

Source: Prepared by the author using SPSS version 27.

Spearman's correlation coefficient (0.643**) indicates a moderate positive relationship between the variables of Prosecution and Arrest and Due Process and Expedited Procedure; the significance level of $p < 0.001$ reinforces the statistical validity, reflecting a confidence level greater than 99%. These results suggest that there is a specific relationship between the operational effectiveness of the apprehension and respect for procedural safeguards through due process; that is, to the extent that criminal prosecution is carried out, the likelihood increases that the expedited procedure will proceed in accordance with the rules of due process.

This correlation of .643** demonstrates that conducting the arrest correctly is one of the fundamental pillars of the principle of legality in expedited proceedings, and that, unlike weaker correlations, this value indicates that an arrest that has been properly executed, in compliance with all legal requirements, facilitates the transition to expedited proceedings, reducing the likelihood that the case will be dismissed due to due process violations. This demonstrates that the success of the justice system is not based solely on the speed of the arrest, but on carrying it out lawfully in accordance with due process standards to safeguard the quality of the proceedings, ensuring that the power of the State translates into an effective, swift judicial response that respects the fundamental rights of the accused.

Based on these results, we can see that it is necessary to strengthen arrest capabilities, since an arrest carried out correctly has a direct impact on reducing the backlog in the criminal justice system, indicating the correlation that, when agencies act with precision, expedited proceedings fulfill their role of being efficient, preventing cases from being transferred to the ordinary court system due to errors in the initial stage. Therefore, to maintain the integrity of procedural efficiency, it is vital that all actors in the process—such as the police, the Public Prosecutor's Office, defense attorneys, and, above all, justice system operators—so that they focus on due process from the very beginning, ensuring that speed does not compromise legality and that the judicial system operates with the necessary fluidity to deliver true and timely justice.

Table 4. Relationship between prosecution and immediate arrest and due process and expedited proceedings.

Correlations

			Pursuit and Apprehension	Due Process and Expedited
Spearman's Rho	Pursuit and Apprehension tailed)	Correlation coefficient	1.000	.643**
		Significance (two-tailed)	.	<. 001
		N	85	85
	Due Process and Expedited Procedure tailed)	Correlation coefficient	.643**	1.000
		Significance (two-tailed)	<. 001	.
		N	85	85

** . The correlation is significant at the 0.01 level (two-tailed).

Source: Author's own analysis using SPSS version 27.

Spearman's correlation coefficient (.360**) indicates a weak positive relationship between the Presumption of Innocence and Constitutional Guarantees; the statistical significance level of $p < .001$ confirms that there is sufficient evidence to assert that both variables are significantly related. These findings suggest that, although the presumption of innocence is a fundamental right in criminal proceedings, respect for and effective application of this right do not always translate proportionally into the exercise of constitutional guarantees, as there are external or procedural factors that limit this relationship.

The correlation of .360** was positive but weak. This suggests that recognizing the presumption of innocence in the law does not, in and of itself, ensure that all guarantees are applied equally throughout the process. Certain practices or interpretations may give greater weight to detention than to the defendant's freedom.

The weak relationship found indicates that the presumption of innocence must be safeguarded at all stages. Expedited proceedings must not turn detention into a form of preemptive punishment; their application must preserve the protection of the individual and respect for their dignity.

Table 5. Relationship between the presumption of innocence and constitutional safeguards.

		Correlations	Presumption of Innocence	Constitutional Guarantees
Spearman's Rho	Presumption of Innocence	Correlation Coefficient	1.000	.360**
		Significance (two-tailed)	.	<.001
		N	85	85
	Constitutional Guarantees	Correlation Coefficient	.360**	1.000
		Significance (two-tailed)	<.001	.
		N	85	85

** . The correlation is significant at the 0.01 level (two-tailed).

Source: Author's own analysis using SPSS version 27.

Spearman's correlation coefficient (0.470**) indicates a weak positive relationship between arrest in flagrante delicto and respect for constitutional guarantees; the statistical significance level of $p < 0.001$ confirms with 99.9% confidence that these variables are significantly related. These findings suggest that the immediacy of an arrest in flagrante delicto has a direct impact on the invocation of constitutional guarantees, indicating that, in nearly half of the cases observed, an arrest in flagrante delicto is carried out within the framework of the detainee's fundamental rights.

This correlation coefficient of .470** demonstrates that arrest in flagrante delicto represents a critical procedural moment that determines the legitimacy of the entire criminal case; since this is a moderate relationship, the results reflect that, although there is an institutional effort to carry out arrests in compliance with constitutional guarantees such as the right to a defense and physical integrity, challenges still exist that prevent this relationship from being complete or perfect. This suggests that the nature of the flagrant offense should not serve as a justification for compromising constitutional standards; on the contrary, it requires more rigorous judicial oversight to ensure that the speed of the proceedings does not result in a violation of rights.

The findings reinforce the premise that the effectiveness of the criminal justice system depends on a balance between operational efficiency and the protection of due process rights; moderation in striking this balance reveals that, to strengthen the system, it is necessary to standardize protocols for action during arrests in flagrante delicto, ensuring that each arrest is documented and carried out in accordance with the law, therefore, improving the efficiency of the National Police and the Public Prosecutor's Office must simultaneously ensure the speed of the arrest and that it is proportional to the constitutional safeguards provided, preventing procedural efficiency from being achieved at the expense of due process and thereby guaranteeing the validity of proceedings before the courts.

Table 6. Relationship between arrest in the act and constitutional safeguards.

Correlations				
			Arrest in the Act	Constitutional Constitutional Rights
Spearman's Rho	Caught in the Act tailed)	Correlation Coefficient	1.000	.470**
		Significance (two- tailed)	.	<. 001
	Constitutional Guarantees tailed)	N	85	85
		Correlation coefficient	.470**	1.000
		Significance (two- tailed)	<. 001	.
		N	85	85

** . The correlation is significant at the 0.01 level (two-tailed).

Source: Prepared by the author using SPSS version 27.

DISCUSSION

The results revealed by the statistical analysis indicate a moderate positive relationship between arrest in flagrante delicto and respect for constitutional guarantees, which contrasts with the position put forward by Ochoa Risco et al. (2025), who state that arrest in flagrante delicto implies detention at the very moment the crime is committed; while these authors emphasize the immediacy of the act, the study demonstrates that, in practice, such swift action must be carried out within a framework of fundamental rights to be legitimate.

The research allows for a nuanced interpretation of Calderón's (2019) position, which holds that flagrancy requires the criminal act to be simultaneous and overt. Although the findings confirm the existence of a relationship between arrest in flagrante delicto and flagrancy, this relationship is not absolute; the results suggest that, even when the act is evident, there are procedural obstacles and time limits that prevent the arrest from always resulting in an effective and seamless flagrancy proceeding, highlighting a separation between the police action and the judicial formalization.

On the other hand, the relationship identified between immediate apprehension and due process supports the argument of Yamunaqué & Moreno (2021), who assert that the purpose of these proceedings is to achieve speed without violating the right to a defense; thus the study confirms that a technically sound arrest facilitates the expedited proceedings within the bounds of due process, which in turn helps reduce the incidence of procedural defects that could invalidate the judicial proceedings.

However, there is a difference from the views expressed by Chicoma et al. (2024), who warn that the need for speed in cases of flagrante delicto can negatively affect the right to a proper defense by eliminating essential stages of the preliminary investigation; the study reinforces this position by noting that the relationship between the presumption of innocence and constitutional guarantees is limited, suggesting that the system's speed prioritizes the effectiveness of the arrest over the protection of the defendant's liberty.

Regarding the structure of the process, González (2024) argues that the speed of the expedited process tends to result in the violation of procedural guarantees. This position aligns with the analysis of the previous results, which indicate that arrest in flagrante delicto—even when carried out in a timely and proper manner—loses its effectiveness as a fast-track option due to the backlog of proceedings and the administrative burden prevailing

in the courts, which forces cases to be referred to the ordinary proceedings, thereby demonstrating that the operational speed the police can achieve does not always guarantee the legal effectiveness intended by the Honduran expedited system.

Regarding the legal basis, Huamalias et al. (2024) suggest that arrests for flagrant offenses may lack legal validity if they are based solely on testimony without supporting evidence; The findings of the investigation highlight the need for oversight of all justice system actors, demonstrating that the effectiveness of the criminal justice system depends on a balance between the operational efficiency of institutions and the protection of citizens' rights to ensure that speed does not result in violations of the procedural guarantees of all parties involved.

Similarly, the contrast with Quispe's (2024) position is fundamental, as this author considers the right to a defense to be a central component of due process from the moment charges are filed. In this regard, the research reveals that to enhance institutional efficiency, it is essential that the speed of arrest not violate the guarantees provided or infringe upon the rights of the accused citizen—a finding consistent with Gutiérrez's (2024) call to impose strict limits on arrests in flagrante delicto to prevent excessive deprivation of liberty.

Regarding the nature of the trial process, Anitua & Sicardi (2024) note that the summary trial system has prevailed despite criticism of its political and criminal risks; the study's findings reflect this situation, indicating that, although there is an effort to align arrests with legal safeguards, challenges remain that prevent this relationship from being perfect, thereby validating the differences highlighted by these authors.

Regarding the Theory of Crime, Pérez (2020) and Velásquez (2022) state that it provides the logical framework for determining whether conduct observed in flagrante delicto is punishable, and in this regard, the study complements this view by demonstrating that the quality of the arrest is what underpins the legality of the subsequent proceedings, thereby integrating the factual phase of the arrest with the irrefutable structure of criminal classification and culpability.

Currently, legal practitioners observe a high proportion of private defense attorneys. This finding is related to the theory of Anitua & Sicardi (2024) regarding the expansion of expedited conviction mechanisms; the predominant presence of private defense counsel suggests that the implementation of the "flagrancy" system in Honduras has generated a dynamic professional market. However, it is alarming to observe that this representation does not always succeed in ensuring the full application of constitutional guarantees in the face of the pressure that

exerted by the procedural speed characteristic of these trials; given the lack of time to prepare a solid defense strategy, evidence collection becomes inadequate, leading defendants to opt for an alternative route to secure a quick sentence.

Likewise, an analysis of the theory of criminality presented by Tixi et al. (2021) establishes that without a description of socially relevant conduct, there is no flagrante delicto; meanwhile, the research confirms that when the assessment of criminality is conducted correctly from the moment of arrest, the likelihood that the expedited procedure will be challenged on grounds of lack of harmfulness decreases, which reinforces the premise that the legality of flagrante delicto depends on a strict legal classification and not merely on the physical act of arrest.

Regarding the requirements for flagrante delicto, Montoya et al. (2022) argue that for an offense to be considered as such, it is essential that the person be caught in the act and apprehended at the time of the offense or immediately following a pursuit; This is corroborated by the research findings, which partially validate this premise, suggesting that, even when the physical apprehension described by the authors occurs, the lack of adequate logistics prevents these effective measures from always translating into a smooth judicial process. This indicates that the certainty proposed by these authors depends not only on the act itself but also on the system's capacity to formally document such requirements.

Furthermore, the study aligns with the position of Esteves (2025), who argues that being caught in the act is sufficient grounds to presume that the suspect possesses evidence linked to the crime, thereby satisfying the initial standards of proof. However, the study opens a debate between what the law and legal doctrine establish and the reality faced by justice system practitioners, by demonstrating that possessing evidence of the crime does not exempt the State from its obligation to respect the integrity of due process; otherwise, a prior conviction would be established against the accused, thereby violating their right to a defense. For this reason, practice demonstrates the need to standardize operational protocols to avoid procedural defects, but above all, violations of citizens' fundamental rights.

Finally, this study aligns with the approach of Echeverría (2024), who defines procedural law and constitutional guarantees as pillars of a democratic state. The final results of this study emphasize that the success of the "flagrancy" procedure does not depend solely on the immediacy and speed with which an arrest is carried out. In reality, the true success of an expedited process lies in all justice system actors working in a coordinated manner; only in this way can it be ensured that the

to manage evidence does not violate rights and, at the same time, the process complies with the law to deliver timely justice.

CONCLUSIONS

Based on the results, it is concluded that while arrest in flagrante delicto constitutes the essential starting point for the operation of the criminal process, its effectiveness is conditioned by external factors. The weak positive correlation found between arrest and the effective formalization of the process demonstrates that immediate arrest is merely the beginning of the case. At this stage, the police play an indispensable role in swiftly apprehending the suspect; however, due to the workload of other personnel, an expedited resolution cannot be guaranteed because of limitations in procedural deadlines for gathering both incriminating and exculpatory evidence, compounded by the chronic administrative overload of the courts.

The investigation shows that the quality of the arrest is decisive for ensuring due process, finding a moderate positive correlation that suggests a lawful arrest facilitates the conduct of expedited proceedings free of procedural defects. However, it is noted that the speed required in the first hours following the arrest poses a problem, where a lack of institutional coordination can divert cases to the ordinary judicial process, thereby perpetuating judicial congestion.

Similarly, the study determines that the presumption of innocence, although an inalienable right, faces challenges in its practical application in cases of flagrant offenses. The weak positive correlation with constitutional guarantees indicates that procedural factors or limited legal interpretations may compromise the presumption of innocence, sometimes prioritizing detention over freedom; therefore, it is crucial to understand that, in order to harmonize this legal framework, it is imperative that the presumption of innocence serve as a safeguard against turning expedited trials into a form of preemptive punishment.

The results show a notable increase in women's participation in the Honduran criminal justice system within the sample analyzed. This parity in positions within the judicial career reflects progress in the principles of equality and inclusion within the judicial system, with the majority of professional activity concentrated in urban areas due to the strategic location of judicial headquarters.

FUTURE RESEARCH

Based on the research findings, the following future lines of research are identified:

An analysis of the technical capacity of institutions such as the National Police and the logistical arrangements with other institutions, based on a mixed-methods approach that presents figures, reasons, and characteristics of the issue under investigation.

Likewise, a study focused on the effectiveness of arrests in flagrante delicto in relation to procedural deadlines, with an emphasis on business days for these purposes, presenting an analysis grounded in a qualitative approach—following a phenomenological or hermeneutic method—that delves into the experiences of justice system practitioners and reveals the true needs of the criminal justice system regarding crimes committed in flagrante delicto.

DATA AVAILABILITY

The datasets supporting the results of this study are available in their entirety within this article.

FUNDING SOURCE

This study did not receive funding from any external organization; it was conducted using the authors' own resources.

STATEMENT ON GENERATIVE ARTIFICIAL INTELLIGENCE

During the initial literature review phase, the authors used the ChatGPT tool (OpenAI, version 5.6) to assist with the search for and preliminary organization of bibliographic information. Generative artificial intelligence tools were not used in the subsequent stages of analysis, interpretation of results, and manuscript drafting. The authors assume full responsibility for the content, accuracy, and originality of the work presented.

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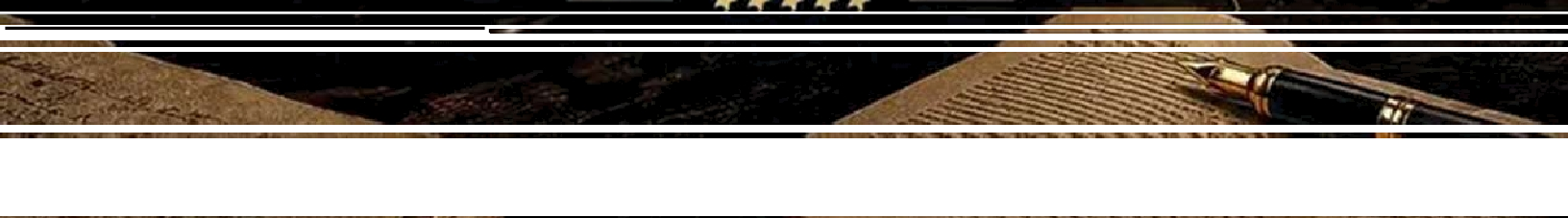
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Vol. 4. No. 5 julio - diciembre 2026



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Edición UTH
“Investigación Jurídica”



ISSN: 2992-7101