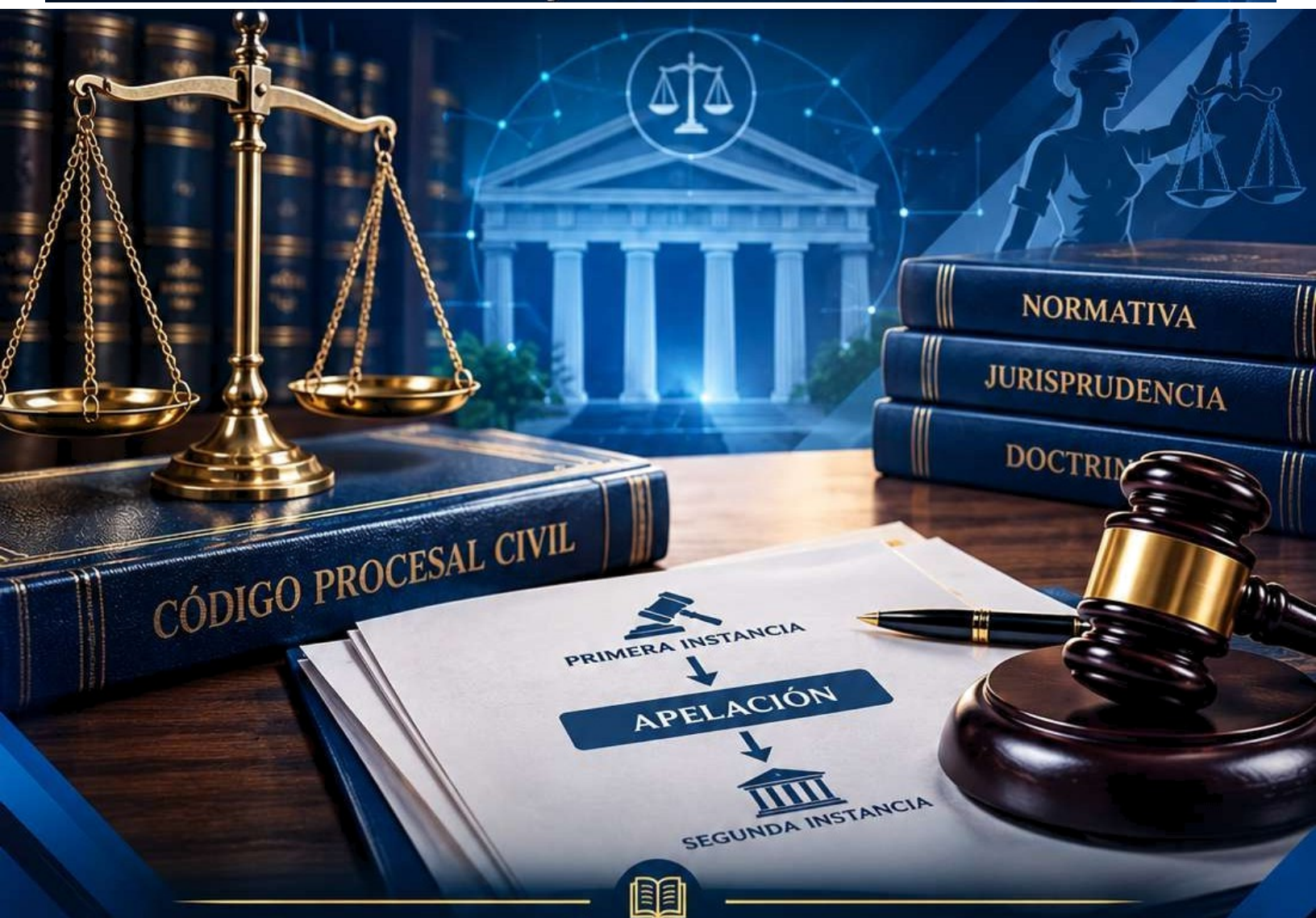


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Abstract— This study examined the relationship between the legal framework governing appeals and access to effective judicial protection in the Honduran civil justice system. The study was quantitative, descriptive-correlational, non-experimental, and cross-sectional. Through direct contact, 100 professionals with experience in civil matters were purposively selected: 65 independent attorneys, 16 court clerks, 4 court secretaries, and 15 judges. A 28-item questionnaire developed by the authors, reviewed by three experts, and scored on a three-point scale was administered. In a pilot test with 10 professionals, it yielded $\alpha = .773$. Data were collected between February and May 2026 and analyzed in SPSS 27 using Spearman's rho. Positive associations were observed between regulatory framework and access to and judicial protection ($\rho = .475$), models and comparative law and efficiency and deficiencies ($\rho = .608$), evidence and reasoning and oral proceedings and legality ($\rho = .674$), and efficiency and deficiencies and evidence and reasoning ($\rho = .580$); all with $p < .001$. The results reflect the sample's perceptions and do not establish causal effects.

Keywords—review of legality, comparative law¹, civil procedure, appeal, effective judicial protection.

Abstract-- The relationship between the regulatory framework governing appeals and access to effective judicial protection in Honduran civil procedure was examined through a quantitative, descriptive-correlational, nonexperimental, cross-sectional study. An intentional sample of 100 professionals with experience in civil matters was contacted directly: 65 independent attorneys, 16 court clerks, 4 court secretaries, and 15 judges. They completed a 28-item, three-point questionnaire developed by the authors and reviewed by three experts. A pilot test with 10 professionals yielded $\alpha = .773$. Data were collected from February to May 2026 and analyzed in SPSS 27 using Spearman's rho. Positive associations were observed between the regulatory framework and access and judicial protection ($\rho = .475$), appeal models and comparative law and efficiency and shortcomings ($\rho = .608$), evidence and reasoning and orality and legality ($\rho = .674$), and efficiency and shortcomings and evidence and reasoning ($\rho = .580$); all $p < .001$. The findings reflect the sample's perceptions and do not establish causal effects.

Keywords—appeal, civil procedure, comparative law², effective judicial protection, judicial review.

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

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

INTRODUCTION

When the reasoning behind a ruling is no longer consistent with the final judgment handed down—due to a change in the judicial officer's criteria—the legal system provides procedural mechanisms designed precisely to challenge such action (Brito Nieto, 2021). In this regard, appeals are essential instruments available to litigants to enforce their constitutional right to effective judicial protection; this right must be guaranteed by judges and courts within a process that fully respects procedural safeguards and the prohibition against leaving a party without a defense, provided that the decision is appealable and meets the relevant procedural requirements, since such protection ultimately constitutes the starting point of the procedural system (García de la Torre & Ramos Romeu, 2023).

The origin of procedural remedies dates back to the inquisitorial procedure; long before they were conceived as a constitutional right and a human right, they were understood rather as mechanisms of bureaucratic control, designed to allow a superior in the hierarchy to supervise the actions of subordinate officials to whom he or she had delegated authority (Zavala Hoyos et al., 2022). Currently, homogeneity takes on special relevance and is established when, in accordance with applicable substantive law, it is possible to assess the unlawful conduct, the collective harm for which redress is sought, and the causal link between the two, without regard to the specific factual or legal circumstances of each consumer or user (Pillado González & Fernández Fustes, 2025).

For some, the appeal becomes a new trial known as *ius novorum*, a concept under which preclusion does not apply with respect to the assertion of new claims, new facts, or the submission of new evidence, even if they could have been raised at the initial stage (Aguirrezabal-Grünstein, 2022). Other legal scholars, however, argue that the claims raised on appeal relate rather to supervening facts or facts that became known after the scope of the dispute was established, which do affect the substantive legal relationship at issue but do not alter the original claim (López Vallejo et al., 2026). In practice, obstacles arise from the moment the appeal is prepared: one must identify the grievance, meet the deadline, and comply with the required conditions, and the literature also mentions difficulties regarding guidance and preparation among those involved (Arízaga Mogrovejo & Chungandro Erazo, 2025); for Rodríguez Campos (2025), however, admissibility should not be reviewed as a mere checklist

of formalities; rather, the appellant should limit themselves to setting forth the defect, leaving it to the court to decide on its legal relevance.

According to Viteri Villamarín et al. (2024), legally recognizing the appeal only makes sense if it results in a real possibility of review by a higher court, and within that process, joinder serves precisely that function, as it allows the other party to raise its own grounds for appeal once the second instance has been opened, even though its outcome is ultimately tied to that of the main appeal (Grau Castillo, 2022). Contradictory judicial rulings affect the predictability of the process, which is why Rojas Sandoval (2023) proposes that these differences be addressed on appeal, thereby facilitating consistent criteria; Sapúlveda Botero (2022), for his part, distinguishes between a challenge based on specific harm and one that merely seeks to delay enforcement of the judgment, since in the latter case the appeal ceases to serve its purpose of judicial review.

This research is important because the appeal allows for the review of court decisions and ensures that individuals have access to effective legal protection in the civil justice system of Honduras. From a practical standpoint, the study seeks to understand lawyers' views on how the appeal process is regulated, how it is accessed, how evidence is evaluated, how decisions are justified, and how legality is reviewed in the second level of jurisdiction. These aspects are important because the right to appeal must allow for a genuine review by a higher court (Viteri Villamarín et al., 2024). From an academic perspective, the research provides numerical data on the connections between the areas analyzed and compares theoretical arguments with the opinions of legal professionals in the Honduran civil justice system. The results reflect only what was found in the sample studied and do not seek to prove causes or analyze specific cases.

Based on the foregoing, the general objective was established as analyzing the relationship between the legal framework governing appeals and access to the appeal process and effective judicial protection in the Honduran civil process. The specific objectives were to determine the relationship between appeal models and comparative law, as well as the efficiency and deficiencies of the appellate system; to examine the relationship between evidence and reasoning in the appellate court and the oral nature of proceedings, modernization, and procedural legality; and to establish the relationship between the efficiency and deficiencies of the appellate system and evidence and reasoning in the appellate court. In accordance with these objectives, the following

research question: What relationship exists between the legal framework governing appeals and access to the appeal process and effective judicial protection in the Honduran civil procedure?

For Gutteridge (2023) and Sarfatti (2024), legal comparison is a means of contrasting solutions and not merely the automatic reproduction of foreign rules; along these lines, while some models grant the appellate court broad review, others limit the scope of the higher court's action; among the mechanisms examined, "adherence" stands out, as it allows the partial winner to challenge the points that are unfavorable to them once the opposing party has already filed an appeal (Garzón Villacrés, 2023). Spain, Argentina, and Chile offer different examples of how arguments are presented: in Spain, the brief filed upon filing the appeal predominates; Argentina allows for oral supplementation at the court's discretion; and Chile combines the written record with oral arguments before the appellate court. Thus, while the comparison does not indicate which model Honduras should adopt, it does show that appellate courts allow for configurations that differ significantly from one another (Aroca Toquica, 2025).

Here, the normative analysis was applied to the rules governing the admission, processing, and decision on the appeal, as it was important to examine whether these rules are consistent with one another and how they define the scope of the challenge; on this point, Crespo Vera (2025) and Andersen (2025) specifically link deficiencies in coordination to the delays and legal uncertainty that result from them.

The law, however, does not by itself explain how the appeal process functions, as the way in which practitioners understand it and the oversight exercised over the admissibility of the challenge also play a role; the studies by Samaniego-Quigüiri (2023) and Pozo Cabrera and Romero Flores (2025) were used as background literature, although their conclusions were not directly applied as findings from the Honduran sample.

The oral hearing is valuable when it clarifies the debate, but it loses its usefulness if it merely repeats what has already been written—a repetition that Peñaherrera Toapaxi and Barona Vilar (2024) discuss when addressing the grounds for the appeal; Guerra-Cerrón (2022), for his part, introduces another relevant element—that of comprehensible language—so that the focus ultimately lies on the function each proceeding serves and not merely on whether it is oral or written.

Reviewing the ruling can help maintain consistent legal standards (López Medina, 2022; Sospedra Navas, 2023), although this study did not review decisions by Honduran courts that would allow for verification of such doctrinal unification.

Valdivieso Sánchez (2024) presents procedural guarantees as limits on state power and as means of defense for the parties. Among their manifestations are the right to challenge, the reasoning behind the ruling, and the court's obligation to abide by the law. Matos Oliva (2024) warns that a guarantee loses its practical effectiveness if relevant evidence is not evaluated or if the ruling remains silent on it.

Providing a rationale requires setting forth the accepted facts, the applicable legal rules, and the reasoning that links both elements to the decision. This obligation to explain the decision is addressed by Ramón Yanchatipan and Barrionuevo Núñez (2023) as part of due process. When hearing an appeal, the court must address the grounds for appeal and explain how the contested evidence was handled. According to Perdomo Delgado and Llor Párraga (2025), a lack of precision during this phase leaves more room for discretionary decisions.

Viera-Robayo and Pachano-Zurita (2023) explain procedural economy in terms of reducing proceedings and expenses that do not contribute to resolving the matter. In Chialvo's (2024) approach, immediacy and conciliation can shorten the process but do not justify an incomplete judicial response.

Bouazza Ariño (2024) points out that the speed of the proceedings cannot limit access to the courts or the review required in the appellate court. Under a limited model, the appellate court reviews the record compiled in the first instance, without restarting the entire trial. Aguirrezabal-Grünstein (2022) observes that, in the face of rigid restrictions in the appellate phase, the parties seek to raise all foreseeable defenses from the outset; thus, the burden that appears to be eliminated reappears in the first instance.

Judicial oversight involves monitoring the legality of the proceedings; the burdens of pleading and proving continue to rest with the parties. The circumstances in which a judge acts on his or her own initiative are examined by Sandoval Guzmán (2024). According to Coba Ruiz and Mayorga Mayorga (2026), a ruling becomes effective when it is based on the appropriate legal grounds. Judicial review is relevant when it preserves the validity of the proceedings.

Judicial review is not limited to the Constitution but also extends to the standards of the American Convention on Human Rights (Vargas Morales, 2022), such that the reasoning serves to make visible how these norms, the facts, and the decision reached are connected; in this regard, Suárez Peña et al. (2026) warn of the risk of arbitrariness that arises when a ruling communicates a result without explaining the reasoning behind it.

METHODOLOGY

Data were collected using a questionnaire and analyzed numerically: first, the sample and its responses were described, and then the associations between the scores obtained were calculated. Since no variables were manipulated, and each participant responded only once, the study falls within the quantitative approach, with a descriptive-correlational scope, a non-experimental design, and a cross-sectional study (Hernández-Sampieri & Mendoza Torres, 2018).

The population of interest consisted of legal practitioners in the Honduran civil justice system. Through purposive sampling and direct contact by the researchers, 100 professionals were selected who held one of the positions under study and had experience in civil matters: 65 independent attorneys, 16 court clerks, 4 court secretaries, and 15 judges. The department of origin was not recorded; therefore, the sample is not presented as representative of the country's 18 departments.

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

Unit of Analysis	
Legal professionals	No
Independent attorney	65
Clerk	16
Clerk	4
Judge	15
Total	100

Source: Compiled by the author.

The instrument used was a 28-item questionnaire with three response options: 1 = disagree, 2 = neutral, and 3 = agree. The instrument assessed six dimensions: regulatory framework; access to remedies and effective judicial protection; models of appeal and comparative law; efficiency and deficiencies of the appellate system; evidence and reasoning in the appellate court; and oral proceedings, modernization, and procedural legality. The relevance and clarity of the items were reviewed by three experts with methodological and legal expertise. The pilot test, administered to 10 professionals with characteristics similar to those of the sample, yielded a Cronbach's alpha of .773.

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
.773	28

Source: Prepared by the author using SPSS version 27.

Data collection took place between February and May 2026. A questionnaire designed in Google Forms was used and sent digitally to the individuals who were contacted. Participation was voluntary, and verbal consent was obtained before administering the questionnaire. The questionnaire did not ask for names, email addresses, or any other information that would allow participants to be identified; therefore, responses were collected anonymously. The results were processed in aggregate using SPSS version 27. Before data collection began, the study underwent institutional ethical review.

Frequencies and percentages were calculated to describe the sample. The relationships among the dimensions established in the questionnaire were analyzed using Spearman's rho coefficient, in accordance with the general objective and the specific objectives formulated. The anonymous database, the administered questionnaire, and the table operationalizing the variables are in the authors' custody and are available upon request, in accordance with the study's confidentiality conditions. **ANALYSIS OF**

RESULTS

The bar chart cross-tabulates gender (male and female) with the position held (independent attorney, legal clerk, court clerk, and judge). Among the male group, independent attorneys predominated, followed by judges and legal clerks; in contrast, no cases were recorded for the position of court clerk.

In the female group, independent attorneys also predominated, with cases also among court clerks, judges, and court reporters; that is, this group was represented in all four positions considered, unlike the male group, where court clerks were not represented. In both groups, however, independent attorneys accounted for the highest frequency.

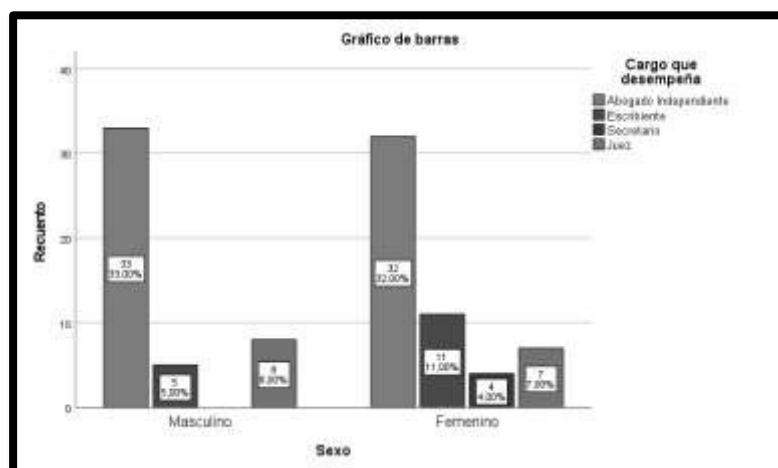


Figure 1. Cross-tabulation of gender and position.

Source: Prepared by the author using SPSS version 27.

This second chart cross-tabulates length of service (1 to 5 years, 6 to 10 years, and 11 years or more) with geographic area (urban and rural). In urban areas, 45% were in the 11 years or more group, compared to 23% in the 1 to 5 years group and 19% in the 6 to 10 years group; in rural areas, however, these proportions were just 7%, 4%, and 2%, respectively. Thus, in both urban and rural areas, the group with the longest tenure was the largest, although there was a notable difference in magnitude between the two areas (45% versus 7%).

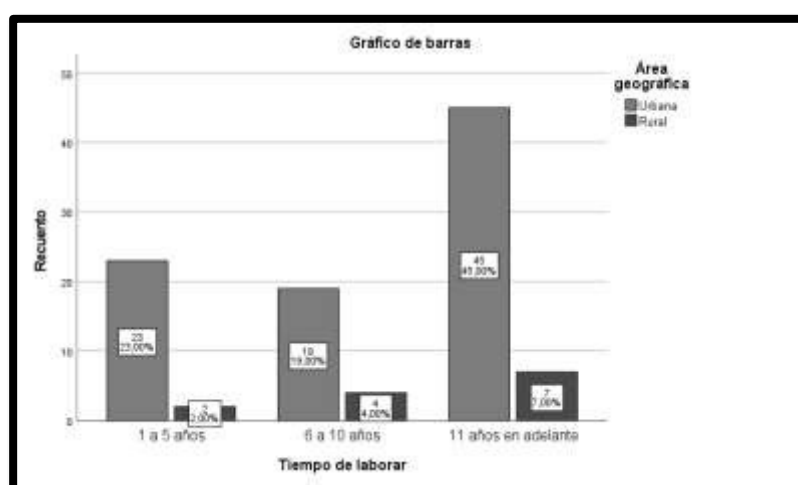


Figure 2. Cross-tabulation of length of employment and geographic location.

Source: Prepared by the author using SPSS version 27.

Table 3. *Correlation between the regulatory framework governing the appeal process and access to the appeal process and effective judicial protection.*

Correlations			Legal Framework	Access and Judicial Protection
Spearman's Rho	Regulatory Framework	Correlation Coefficient	1.000	.475**
		Sig. (bilateral)	.	,000
		N	100	100
	Access to Justice and Legal Protection	Correlation Coefficient	.475**	1.000
		Sig. (bilateral)	,000	.
		N	100	100

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

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

The regulatory framework, access to resources, and effective judicial protection showed a moderate positive association ($\rho = .475$, $p < .001$, $N = 100$). In the sample analyzed, higher scores on one construct tended to be accompanied by higher scores on the other. This result indicates an association between perceptions and does not prove that the regulatory framework leads to greater access or reduces procedural barriers.

Table 4. *Correlation between appeal models and comparative law, and the efficiency and deficiencies of the appellate system.*

Correlations			Models and Comparative Law	Efficiency and Deficiencies
Spearman's Rho	Models and Comparative Law Compared	Correlation Coefficient	1.000	.608**
		Sig. (two-tailed)	.	,000
		N	100	100
	Efficiency and Deficiency	Correlation Coefficient	.608**	1.000
		Sig. (two-tailed)	,000	.
		N	100	100

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

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

Appeal models and comparative law were associated with the efficiency and shortcomings of the appellate system ($\rho = .608$). This finding can be interpreted in conjunction with the works of López Medina (2022) and Sospedra Navas (2023) on the review function and consistency in the application of regulations. However, the study did not compare countries or measure time, costs, productivity, or

institutional quality; it merely recorded the sample's assessments.

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Table 5. *Correlation between evidence and reasoning in the appellate court and oral proceedings, modernization, and procedural legality.*

Correlations			Evidence and Rationale	Oral Proceedings and Legality
Spearman's Rho	Evidence and Rationale	Correlation Coefficient	1.000	.674**
		Significance (two-tailed)	.	.000
		N	100	100
	Orality and Legality	Correlation Coefficient	.674**	1.000
		Significance (two-tailed)	.000	.
		N	100	100

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

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

The trial and motivation in the appellate phase were associated with oral proceedings and procedural legality ($p = .674$). The literature consulted recognizes reasoning as a safeguard against arbitrary decisions (Ramón Yanchatipan & Barrionuevo Núñez, 2023). In this study, however, neither judgments nor hearings were evaluated. The result does not allow us to conclude that reasoning is a cause of judicial modernization or of higher-quality rulings.

Table 6. *Correlation between efficiency and deficiencies in the appeals system and the presentation of evidence and reasoning.*

Correlations			Efficiency and Deficiency	Testing and Motivation
Spearman's Rho	Efficiency and Deficiency	Correlation Coefficient	1.000	.580**
		Sig. (two-tailed)	.	.000
		N	100	100
	Testing and Motivation	Correlation Coefficient	.580**	1.000
		Sig. (two-tailed)	.000	.
		N	100	100

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

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

The efficiency and shortcomings of the appeals system were positively associated with the hearing and the reasoning in the appellate court ($p = .580$, $p < .001$, $N = 100$). The relationship was moderate. The result is limited to the perceptions gathered through the questionnaire and does not verify the effective correction of arbitrary decisions, the quality of judgments, or institutional performance.

DISCUSSION OF RESULTS

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Regarding the regulations on appeals and access to that remedy, as well as effective judicial protection, a moderate and positive relationship was observed. This means that participants tended



tended to score higher on both aspects. García de la Torre & Ramos Romeu (2023) classify appeals as a form of judicial protection, which helps explain the results obtained. However, since specific cases were not analyzed and concrete obstacles to accessing the appeal were not measured, the relationship is based solely on the opinions of the professionals surveyed.

Appeal models and comparative law showed a moderate, positive relationship with the efficiency and shortcomings of the appellate system. This indicates that participants link the way the appeal process is organized to their assessment of how the system functions in practice. The arguments put forward by López Medina (2022) and Sospedra Navas (2023) help to understand this result within the debate on the review function and normative coherence. However, the study did not include institutional indicators such as costs, duration, productivity, or the quality of judicial services.

Evidence and reasoning in the appellate court showed a moderate and positive relationship with oral proceedings, modernization, and procedural legality. This was the strongest association found among the variables studied. Ramón Yanchatipan and Barrionuevo Núñez (2023) view reasoning as a safeguard against arbitrary decisions, which helps explain the relationship found. However, since neither judgments nor hearings were reviewed, the result does not allow for an assessment of the true quality of the reasoning or of the judicial decisions.

The efficiency and shortcomings of the appeals system were positively and moderately correlated with the evidence and reasoning in the appellate court. Aguirrezabal Grünstein (2022) studied the difficulties in presenting evidence in the appellate court, which helps explain the relationship found. However, the study collected only the opinions of professionals and did not review case files, processing times, or judicial decisions; therefore, it is not possible to verify whether the allegations of arbitrariness are actually accurate.

CONCLUSIONS

It is concluded that the regulatory framework governing appeals was positively and moderately associated with access to appeals and effective judicial protection. In the sample studied, a more favorable assessment of the regulatory framework was accompanied by a better perception of access and judicial protection; however, this association does not demonstrate that the regulation alone eliminates barriers to appealing.

Appeal models and comparative law were positively and moderately associated with the efficiency and

shortcomings of the appellate system. This result reflects the participants' perception

participants regarding how the appeals system is organized and how it functions in practice. However, it does not directly measure aspects such as costs, timeframes, productivity, or institutional quality.

Evidence and reasoning in the appellate instance were positively and moderately correlated with oral proceedings, modernization, and procedural legality. Evidence and reasoning in the appellate instance represented the strongest correlation found in the study; however, this correlation does not allow for the conclusion that reasoning alone leads to an improvement in hearings or in the quality of judicial decisions.

The efficiency and shortcomings of the appeals system are positively and moderately correlated with evidence and reasoning in the appellate court. This association reflects the relationship between perceptions of the efficiency and shortcomings of the appeals system; however, the study's design does not allow for verifying actual changes in judicial reasoning or the correction of arbitrary decisions.

FUTURE RESEARCH

A subsequent study could review case files from enforcement proceedings to examine the review of the legality of enforcement orders prior to the issuance of a judgment; such evidence would make it possible to describe how the judge acts and whether the judge's review respects the burdens of proof incumbent upon the parties.

It is also proposed to study the evaluation of evidence in criminal proceedings related to psychological violence; this represents a different line of inquiry from the present research, motivated by the authors' interest in judicial reasoning and legal certainty.

A third line of inquiry would focus on the barriers to protective remedies in public-sector labor relations, where future research would need to identify such limitations, determine how frequently they arise, and ascertain the reasons typically invoked to justify them.

ETHICS APPROVAL STATEMENT

The study was reviewed by the Legal Ethics Committee of the Technological University of Honduras before data collection began. In accordance with the institutional procedure followed, this review does not generate a case number or an individual code for each research project. Before completing the questionnaire, participants received verbal information regarding the purpose of the study, the voluntary nature of their participation, and the confidential treatment of their data. Consent was obtained verbally before administering the questionnaire.

FUNDING

The research was funded with the authors' own resources; no external funding was received.

CONFLICT OF INTEREST

The authors declare that they have no conflicts of interest related to this research or to the publication of the manuscript.

DATA AVAILABILITY

The anonymized database, the questionnaire administered, and the table detailing the operationalization of the variables are in the authors' possession and are available upon request, in accordance with the study's confidentiality provisions.

STATEMENT ON THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE

ChatGPT (OpenAI) was used in the preparation of this manuscript to assist with information retrieval, drafting, and text editing; the tool was not involved in data collection or the performance of statistical analyses. The authors have thoroughly reviewed the content and assume responsibility for the citations, interpretations, and the version submitted to the journal.

DECLARATION OF ORIGINALITY

The authors declare that this manuscript is unpublished and has not been simultaneously submitted to any other journal.

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Project Management	Francisco Javier Cerrato López

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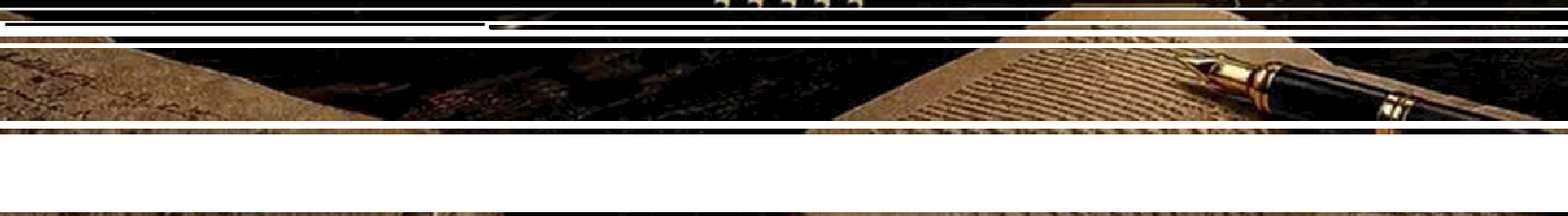
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