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THE PRINCIPLE OF OPPORTUNITY AND ITS RELATIONSHIP TO THE EFFECTIVE HANDLING OF PRIVATE-PROSECUTION OFFENSES IN SIGUATEPEQUE, HONDURAS

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Abstract—The objective of this scientific article was to analyze the impact of the application of the principle of opportunity in the Honduran criminal justice system. A quantitative approach was used for statistical analysis, and both descriptive and correlational methods were employed to highlight the most relevant characteristics of the phenomenon under investigation. Furthermore, the study was conducted using a non-experimental, cross-sectional design, as there was no manipulation of the variables. The research showed that there is a moderate positive correlation between the variables “principle of opportunity” and the effective handling of privately prosecuted offenses, with a Spearman’s rho of .516**; there is also a significant relationship between the State’s criminal policy and the use of case dismissal as a tool for procedural streamlining. In conclusion, it was determined that the principle of discretion is the cornerstone of criminal justice in Honduras, which prevents congestion in the criminal procedural system, in conjunction with the principles of expediency and procedural economy.

Keywords—Administration of justice¹, dismissal of charges, victims’ rights, extinction of criminal action
, criminal policy.

Abstract-- This scientific article aimed to analyze the impact of applying the principle of prosecutorial discretion (principio de oportunidad) within the Honduran criminal justice system. A quantitative approach was used for statistical analysis, alongside descriptive and correlational methods designed to highlight the most relevant characteristics of the phenomenon under study; furthermore, the research employed a non-experimental, cross-sectional design, as there was no manipulation of variables. The study revealed a moderate positive correlation between the principle of prosecutorial discretion and the effective handling of offenses subject to private prosecution, with a Spearman’s Rho of 0.516**, as well as a significant relationship between state criminal policy and the use of case withdrawal (desistimiento) as a tool for procedural simplification. In conclusion, the principle of prosecutorial discretion was found to be a cornerstone of the criminal justice system in Honduras, working in conjunction with the principles of celerity and procedural economy to prevent congestion within the criminal procedural system.

¹ The term “administration of justice” corresponds to a preferred descriptor in the UNESCO Thesaurus.

Keywords-- Administration of justice², criminal policy, termination of criminal proceedings, victims' rights, withdrawal of prosecution.

INTRODUCTION

In Honduras, the principle of opportunity is applied through the concept of discretionary prosecution, the use of which is subject to compliance with the requirements established in criminal procedural law. The regulations also specify the consequences of failing to comply with the agreements reached. Its incorporation into the criminal process constitutes a manifestation of the State's criminal policy, as it allows the Public Prosecutor's Office to refrain from initiating criminal prosecution or to discontinue proceedings already initiated in cases authorized by law (Miranda, 2025).

The principle of discretion is applied in Honduras through the concept of "discretionary criteria"; it is governed by requirements that must be met for its application, as well as by the implications of noncompliance with the agreement arising from this criterion—specifically, its effects—all of which are regulated by Honduran criminal procedural law. The incorporation of the principle of opportunity into the criminal process is an innovative feature in the application of criminal policy and can be defined as a power that allows the Attorney General's Office to suspend, interrupt, or resume criminal prosecution (Moreno, 2024).

The evolution of the principle of discretion has been marked by doctrinal and legal debates related to reforms aimed at improving the effectiveness of the criminal justice system, without neglecting fundamental rights and guarantees. Its incorporation into criminal proceedings stems from doctrinal, procedural, constitutional, politico-criminal, organizational, and economic factors, influenced by minimalist and expansionist trends in criminal law (Hernández, 2023). In this context, the doctrinal and legislative restrictions traditionally imposed on this principle have diminished, facilitating its incorporation into criminal procedural laws (Rodríguez Arias, 2020).

In Honduras, the principle of discretionary prosecution is regulated by the Code of Criminal Procedure. However, questions remain regarding its limits and scope, specifically with regard to offenses subject to private prosecution as provided for in Article 26 of the Code, in which the victim may

² The term "administration of justice" is a preferred descriptor in the UNESCO Thesaurus.

urge the Public Prosecutor's Office to initiate criminal prosecution. The importance of this principle is also recognized throughout Latin America, although its application continues to generate theoretical and doctrinal debates due to its potential conflict with other principles of criminal procedure (López Torres, 2024).

The principle of discretion aims to streamline proceedings and alleviate the burden on the criminal justice system. However, if applied excessively or inappropriately, it may compromise the protection of fundamental rights. Therefore, it is necessary to clearly establish its limits and scope, seeking a balance between procedural efficiency, the rights of the accused, and the rights of the victim. Although it is the responsibility of the Public Prosecutor's Office to initiate criminal prosecution, the law allows it to refrain from initiating proceedings or to discontinue those already initiated only in cases specifically provided for by law (Uribe, 2023).

In criminal procedural law, there are alternative mechanisms that can help reduce judicial backlogs. Among these is the "discretionary prosecution" criterion, recognized in Honduran law as a measure to divert cases from the courts. The referral of cases to specialized criminal mediation centers by judges and prosecutors remains minimal, even though these cases could be resolved through alternatives to a trial. In certain scenarios, these approaches are viewed solely as means of reducing judicial congestion, applicable only to less serious offenses or to cases that lack sufficient evidence to secure a conviction (González, 2022).

The gaps identified in criminal procedural law stem from the challenge of reconciling punitive effectiveness with strict respect for fundamental rights. This balance is key to ensuring that state punishment does not infringe upon human rights; consequently, the system must protect the rights of both the victim and the accused equally. In this same vein, it is necessary to correctly apply the Constitution and international treaties, ensuring that criminal intervention remains exceptional and minimal (Domínguez Gallego et al., 2022).

Consequently, it is essential to reconcile the punitive function with respect for the Constitution. Among these alternatives, the principle of discretion can facilitate the resolution of criminal disputes through an agreement between the accused and the victim, with the participation of the Public Prosecutor's Office. Its application is based on the principle of consensus and allows, in cases authorized by law, for the early termination of criminal proceedings (Amésquita, 2023).

The principle of discretion allows for a focus on serious crimes and avoids wasting time on minor offenses. Its application stems from the practical impossibility of prosecuting all alleged criminal acts with the same intensity. In this way, it helps weigh the minimal social significance of the act against the degree of harm to the protected interest (Murcia, 2025).

This study is warranted because there are no studies in Honduras that analyze the relationship between the principle of discretion and the effective handling of privately prosecuted offenses in Siguatepeque, Honduras. From a legal and social perspective, the application of this principle requires reconciling procedural simplification and the alleviation of the criminal justice system's caseload with the protection of the victim's rights and the defendant's due process guarantees. This study will provide a deeper exploration of theories regarding normative and doctrinal perspectives, thereby broadening our understanding within the criminal context under examination. Similarly, the results will shed light on the perceptions of participating justice system practitioners and private attorneys regarding the application of these procedural mechanisms. The data collected will help identify opportunities for improvement in their use, while respecting the limits established by law. The methodological design of this study provides a foundation for future research analyzing the principle of prosecutorial discretion and privately prosecuted offenses in other contexts of the Honduran criminal justice system.

The study adopted a quantitative approach, based on the statistical analysis of the collected data. Similarly, the study had both descriptive and correlational scopes, as the descriptive scope allowed for the characterization of the variables under investigation, while the correlational scope made it possible to determine the relationship between them in statistical terms. A non-experimental cross-sectional design was used, since the variables were observed without manipulation and the information was collected at a single point in time (Hernández Sampieri & Mendoza Torres, 2023).

The general objective of the study was to analyze the relationship between the principle of discretion and the effective prosecution of privately prosecuted crimes in Siguatepeque, Honduras. To achieve this objective, the study sought to determine the relationship between state criminal policy and the withdrawal of charges, as well as to establish the relationship between the termination of criminal proceedings and the rights of the victim. In line with the stated objectives, the following question arises: What is the relationship between the principle of discretion and the effective handling of privately prosecuted crimes in Siguatepeque, Honduras?

The principle of discretion is a legislative measure designed to enhance the efficiency of the criminal justice system while simultaneously safeguarding fundamental rights. By providing for regulated discretion to suspend or waive the prosecution of certain crimes, its legal viability is contingent upon strict compliance with the applicable substantive, procedural, and temporal conditions (Villalva Espinosa & Medina Medina, 2024).

The principle of discretion arose from the State's need to make criminal prosecution more flexible and reduce congestion in the justice system. Its application allows for consideration of the nature and significance of the offense before deciding whether it is appropriate to proceed with criminal prosecution. Thus, the law grants the Public Prosecutor's Office the authority to refrain from initiating prosecution or to discontinue proceedings already underway in authorized cases. This decision must be subject to the corresponding review of legality (Castro, 2013).

Some studies suggest that on the European continent, the principle of discretion presents various discrepancies regarding a clear definition. This is because, although the principle of discretion has been implemented in systems of continental European origin for more than three decades, it still lacks a clear concept and continues to depend on its relationship with the principle of legality. Nor is there clarity regarding the position of the principle of discretion in relation to the principle of legality—that is, whether it opposes or complements the latter. (Teixeira, 2023)

The principle of discretion was established in Germany's Emminger Act of 1924 as a response to the rise in petty crimes in society at the time. This law is found in Article 153 and was widely debated in academic circles. The Emminger Act granted the German Public Prosecutor's Office the authority to refrain from bringing criminal charges against a defendant under certain conditions. These include repairing the damage caused, performing community service, and fulfilling specific obligations. However, during World War II, several European countries experienced an increase in the frequency of minor offenses due to the social conflict prevailing at the time. As a result, in countries such as Germany, Portugal, and Italy, it became necessary to reform the procedural system related to the principle of prosecutorial discretion. In the mid-20th century, Latin America adopted alternative justice systems inspired by the procedural reforms carried out in Europe. (Cacuango, 2023)

The principle of discretion constitutes a response to the tensions between procedural efficiency and restorative justice, as it allows for greater flexibility in criminal prosecution in certain cases. Its foundation is rooted in philosophical and legal schools of thought such as utilitarianism, the ethics of responsibility, the social contract, and criminal law theory. From a utilitarian perspective, it is justified by the possibility of optimizing state resources, avoiding unnecessary proceedings, and focusing criminal prosecution on cases of greater social significance. (Oliveros, 2025)

The application of this principle is supported at the constitutional and doctrinal levels. In Honduras, it is addressed through the constitutional principles of defense, due process, and other constitutional guarantees related to fundamental rights, which must also ensure equality between the parties to the proceedings—a context in which the principle of equality of arms may also be invoked.

Thus, the prosecuting authority has a duty to verify, to the extent possible, the veracity of the circumstances described by the applicant seeking the principle of opportunity, provided that these circumstances are relevant in light of the facts under investigation. (Pardo Monsalve, 2023)

The principle of prosecutorial discretion is a strategic tool in the pursuit of harmony within the criminal justice system; while this may at times be contradictory and generate tensions, the goal of this pursuit of harmony is for the system to avoid becoming overwhelmed by cases of little social relevance. Similarly, the applicability of the principle of discretion—which is embedded in and regulated as a criminal policy of the State—is subject to the oversight of legality exercised by the supervisory judge. (Ocampo, 2024)

Criminal prosecution cannot be exercised without limitation but must remain within the limits established by the legal system. In this context, the principle of prosecutorial discretion constitutes an exceptional authority of the Public Prosecutor's Office, in accordance with the provisions of Article 28 of the Honduran Code of Criminal Procedure. Consequently, the prosecuting authority may only refrain from initiating an investigation or discontinue one already underway in cases authorized by law. Its application must also be subject to the corresponding judicial review of legality. (Ahumada, 2025)

The relevance of this discussion lies in determining whether or not we can replace the traditional model of prosecuting legal entities with a model of settlement that is more beneficial to society. This implies opening the possibility of applying discretionary criteria in criminal proceedings, which would allow for the legitimate resolution of corporate criminal-legal conflicts through a functional

functional alternative to punishment. (Portales González, 2025) This is reinforced by the understanding that criminal action is a right granted to individuals under the legal system to bring a matter before a judge in order to obtain a ruling on a specific claim. (León Padrón et al., 2022)

Once a criminal action has been filed, it is understood that it may be withdrawn or that the principle of discretion may be applied regarding the appropriateness of continuing with criminal prosecution; and although both are mechanisms used in different contexts, the principle of discretion can be said to encompass withdrawal; therefore, the application of this principle refers to the initiation or withdrawal of the criminal investigation. (National Court of Justice of Ecuador, 2018)

The relationship between the principle of discretionary prosecution and privately prosecuted offenses raises differences regarding its application compared to publicly prosecuted offenses. In the latter, prosecution is primarily the responsibility of the Public Prosecutor's Office; in contrast, in privately prosecuted offenses, the initiation and continuation of the proceedings depend on the actions of the aggrieved party. Criminal law includes in this category certain offenses against honor, the disclosure of secrets, blackmail, and some cases of check fraud. In this context, it is necessary to examine the compatibility between the principle of discretion, the victim's will, and the limits of criminal prosecution (Molina, 2023).

The principle of prosecutorial discretion is related to privately prosecuted offenses, as both seek to balance the exercise of criminal prosecution. The origins of private criminal action date back to Roman law, where the victim had the authority to initiate criminal proceedings against the alleged perpetrator of a crime. (Martínez, 2024) While it is true that the purpose of the criminal justice system is to administer effective and prompt criminal justice, as the law states, it is also true that such action must have limits and maintain a balance. Thus, some studies suggest that crimes can be classified into three types: public, semi-public, and private offenses, and all of them are governed by some manifestation of the principle of discretion. (San Cristóbal, 2022)

The extinction of criminal proceedings constitutes another relevant element for understanding the principle of discretion, as it allows for the termination of prosecution when the conditions set forth in the law are met. This principle can be applied to acts of lesser criminal significance with the aim of streamlining state intervention and contributing to procedural efficiency and cost-effectiveness (Moya, 2022). However, the termination of criminal proceedings must be applied using objective criteria and

with respect for the

victim's rights. In this regard, case law can serve as a corrective mechanism against potential interpretations that undermine the victim's legal protection (Castro Menacho et al., 2025).

The principle of discretion is an exception to mandatory criminal prosecution, in that it allows for the prosecution to be discontinued and for a different course of action to be taken—which, under Honduran law, involves an agreement addressing a breach of the reparations agreement. Thus, the prosecutor may refrain from initiating a criminal investigation or discontinue one that has already begun. The Public Prosecutor's Office is thus granted the authority to terminate criminal proceedings under two conditions: by refraining from initiating a criminal investigation; and by discontinuing one that has already been initiated. (Hoyos Zavala & Alfonso Caveda, 2023) A central aspect of applying the principle of discretion is the protection of the victim's rights and guarantees. The victim has not only suffered the consequences of the crime but may also be affected by a decision that prematurely terminates criminal prosecution. Therefore, the victim must be informed and heard during the negotiation of agreements, even if the law does not necessarily grant the victim the power to veto them (Fuentes Tenorio & Banguera Díaz, 2025). In this regard, some studies suggest that this is all part of the restitution agreement, noting that, with respect to the ability to enter into preliminary agreements, the victim has the right to be heard and informed of the agreements reached, even if they do not have the power to veto them. (Zúñiga Martínez, 2023)

The balance between the victim's rights and those of the defendant in criminal proceedings sparks debate from legal and doctrinal perspectives, with differing viewpoints on how these rights should be applied and on which rights take precedence. One might think that when committing a crime, the defendant loses many of their rights by violating those of another person; however, the law is clear that defendants retain their rights, and criminal procedural law offers not only measures to avoid court proceedings but also benefits that result in reduced sentences. However, in the case of applying the principle of opportunity, the aim is not only to address the direct involvement of the victim and the perpetrator in the conflict affecting them but also to achieve comprehensive reparations, thereby ensuring prompt and timely justice without undue delays that would affect the victims' rights and the defendant's due process guarantees (Ortega, 2023).

METHODOLOGY

This research was conducted using a quantitative approach, as this proved to be the most suitable

method for objectively measuring and analyzing the perceptions of legal practitioners and private attorneys considered

as the sample in the study on the principle of discretion in privately prosecuted crimes within the criminal justice system. This methodological approach allowed for quantifying the phenomenon, linking the categories of analysis to one another, and ensuring that the results could be replicated (Hernández Sampieri & Mendoza Torres, 2023). The adopted level of analysis was descriptive-correlational, aimed at characterizing the participants' knowledge and practices and, based on this, establishing the relationship between the principle of discretion and privately prosecuted offenses. Regarding the design, a non-experimental, cross-sectional approach was chosen, since the data were collected at a single point in time, without intervening in or manipulating the variables, and were limited to describing the phenomenon as it occurs in its natural setting. (Kerlinger & Lee, 2020)

The population consisted of justice practitioners within the Honduran criminal justice system, including private attorneys who serve as defense counsel within that same system. From this population, a sample of 89 legal professionals was selected through purposive non-probabilistic sampling based on their direct involvement in cases where the principle of discretion has been applied to privately prosecuted offenses. The following inclusion criteria were considered: (a) active practice in the field of criminal law, (b) prior experience in judicial proceedings related to the topic, and (c) having participated directly in cases where the principle of prosecutorial discretion was applied to privately prosecuted offenses. Professionals who lacked specific experience in this area were excluded from the study. Table 1 shows the distribution of the sample.

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

Unit of analysis	
Legal professionals	No
Prosecutor	3
Judge	3
Private attorney	68
Public defender	15
Total	89

Source: *Compiled by the author.*

To collect the information, a structured questionnaire was developed with Likert-type items offering three response options (agree, neither agree nor disagree, disagree), organized around six dimensions: the principle of discretion, criminal policy, withdrawal of charges, privately prosecuted offenses,

extinction of criminal proceedings, and victims' rights. Content validity was verified through expert review

by experts in criminal and procedural law, who assessed the relevance and clarity of each item. Additionally, a pilot test was administered to ten professionals with a profile similar to that of the final sample, based on which the reliability of the instrument was estimated using Cronbach's alpha coefficient—an indicator that assesses internal consistency among the items based on the observed response frequency; in this case, a value of .916 was obtained. (George & Mallery, 2023)

Table 1. *Reliability Statistics.*

Summary of Case Processing				Reliability statistics	
		N	%	Cronbach's alpha	Number of items
Cases	Valid	10	100.0	.916	28
	Excluded	0	.0		
	Total	10	100.0		

a. List-based elimination is based on all variables in the procedure.

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

Data collection took place between March and April 2026 using a questionnaire designed in Google Forms and shared digitally via email and WhatsApp, ensuring the anonymity and confidentiality of participants at all times. The collected data were first exported to a Microsoft Excel spreadsheet for cleaning and were subsequently processed using SPSS version 27, where variables were coded, descriptive statistics (frequencies and percentages) were generated, and Spearman's correlations were calculated to establish the relationship between the study variables (Field, 2013).

Since this was a cross-sectional study, all data were collected at a single point in time. To facilitate the interpretation of the findings in light of the study objectives, the results were presented in tables and graphs (Hernández-Sampieri & Mendoza Torres, 2023).

ANALYSIS OF RESULTS

The results show that, with regard to the position held by the sample and the sample's gender, private attorneys stand out among males at 47.19%, while among female respondents, private attorneys also stand out at 29.21%, followed for both genders by public defenders—who account for 11.24% of female respondents and 5.62% of male respondents. Positions with lower representation include

such as prosecutors, with 2.25% for men and 1.12% for women; and finally, judges, with a share of 1.12% for men and 2.25% for women.

The results show that legal professionals find greater opportunities in the private sector than in the judicial career path; however, it is evident that the latter is becoming more inclusive in terms of providing greater participation for women today, which aligns with principles such as equal opportunities for women. In this regard, it is evident that the judicial career offers greater opportunities for women's advancement, as reflected in the results for positions such as judges; likewise, a career as a private-practice attorney offers significant opportunities for women.

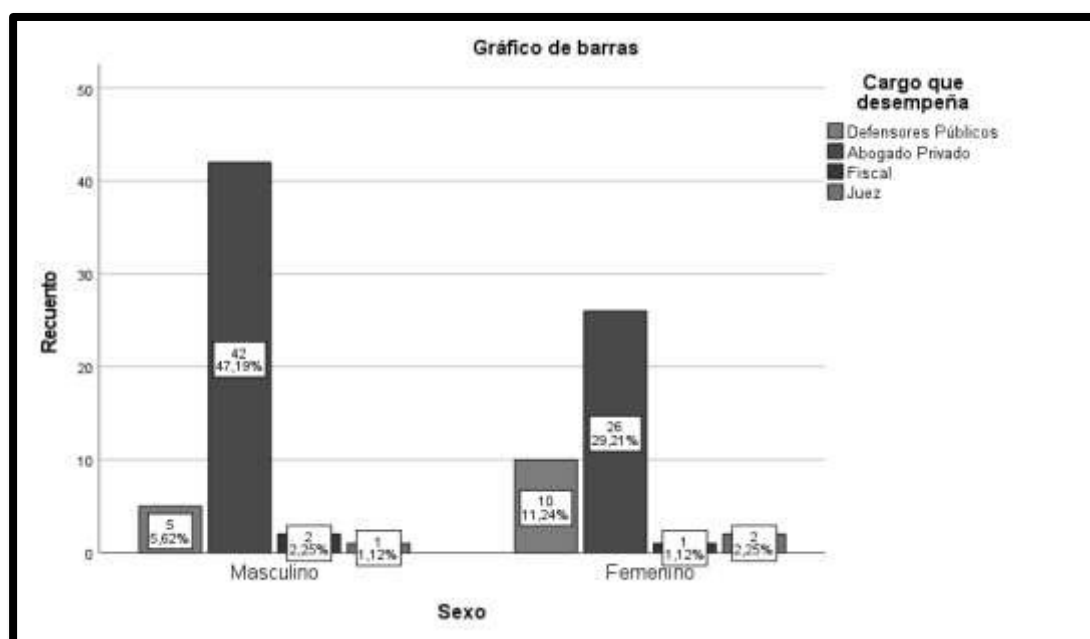


Figure 1. Cross-tabulation of gender and position held.

Source: Prepared by the author using SPSS version 27.

Regarding the geographic area of origin of the sample and length of service, it is noted that the urban area stands out with 43.82% of respondents having 1 to 5 years of service, and the rural area with 7.87%; among those who have been working for 6 to 10 years, the urban area stands out with 17.98% and the rural area with 2.25%, finally, among those who have been working for 11 years or more, urban areas account for 23.60% and rural areas for 4.48%, highlighting the dominance of urban areas and those with 1 to 5 years of work experience.

These findings reveal how professional development is concentrated in urban areas, which makes perfect sense given that the majority of the population is concentrated there. They also show that these are young professionals, as most have been working for 1 to 5 years; their work experience is recent, particularly in the development of their careers as attorneys and, for some, in the judicial career path they are pursuing.

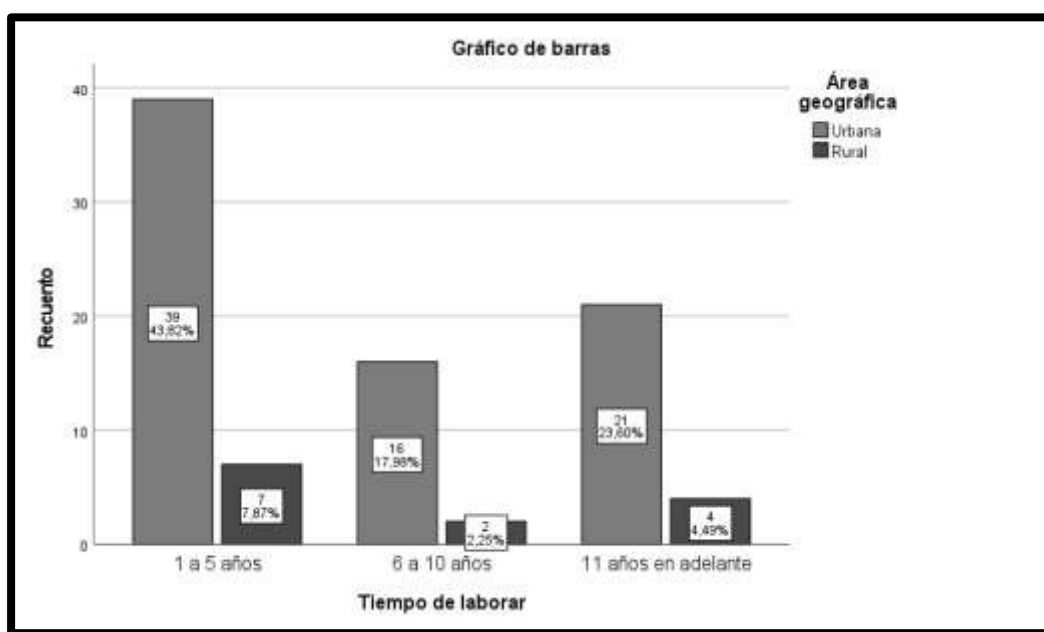


Figure 2. Cross-tabulation of years of work experience and geographic area.

Source: Prepared by the author using SPSS version 27.

The results indicate that there is a Spearman's Rho correlation coefficient of .516** between the "principle of discretion" variable and "private criminal offenses," representing a moderate positive correlation. This finding suggests that the application of the principle of discretion is related to the handling of private criminal offenses, that is, as these principles are properly applied, the resolution and procedural handling of conduct classified as privately prosecuted offenses are facilitated, allowing for greater autonomy of will and procedural simplification in managing the course of proceedings and alleviating the burden on the system by proposing options that are not onerous but rather timely.

The correlation coefficient $Rho = 0.516^{**}$, as well as the statistical significance level of $p < .001$, confirm that there is significant evidence to assert that both variables are related. This reinforces the fact that the principle of discretion is not intended to be an isolated tool in the

criminal process, but rather a central element in the effective handling of private criminal offenses. This demonstrates that the effective application of the principle of opportunity acts as a mechanism that determines the success of private criminal actions in certain cases where this principle is applicable and its conditions are met, linking the functioning of the criminal justice system to its ability to offer alternative solutions that alleviate its workload.

The correlation outlined above suggests that, to the extent that the principle of prosecutorial discretion is accurately applied to privately prosecuted offenses, the system's capacity to respond to conflicts—which do not necessarily require a judgment rendered in the customary manner for privately prosecuted offenses—is strengthened, thereby achieving peace between the parties, which can be said to be one of the objectives of the principle of prosecutorial discretion; This indicates that respect for the procedures and conditions governing the application of this principle is fundamental, since its proper implementation prevents unnecessary procedural delays and ensures that the handling of privately prosecuted offenses is organized around a modern vision of criminal justice, where redress for harm and procedural efficiency are fundamental to the conduct of the proceedings.

Table 3. *Relationship between the principle of prosecutorial discretion and privately prosecuted offenses.*

Correlations			Principle of Discretion	Private Offense
Rho Spearman	Principle of Significance	Correlation Coefficient	1.000	.516**
		Sig. (two-tailed)	.	<. 001
		N	89	89
	Crime Private	Correlation coefficient	.516**	1,000
		Next (bilateral)	<. 001	.
		N	89	89

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

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

The results indicate that there is a Spearman's Rho correlation coefficient of .548** between the criminal policy variable and withdrawal, which represents a moderate positive correlation. This finding suggests that the State's criminal policy framework is directly related to the viability and application of case dismissal as a procedural mechanism; that is, as the national criminal policy oriented toward efficiency is strengthened, the use of case dismissal as a tool to

resolve the dispute, allowing the parties' intentions and procedural economy to work together in the management of criminal cases.

The observed correlation of $Rho = 0.548^{**}$, along with a statistical significance level of $p < .001$, confirms the existence of significant evidence demonstrating that both variables are interrelated, thereby reinforcing the idea that withdrawal should not be understood as a mere waiver left to the discretion of the individual, but rather as a means through which the will of the parties is expressed; This indicates that effective regulation of case dismissal serves as an indicator of the success of state policy aimed at reducing the burden on the judicial system, linking the effectiveness of the criminal justice system to its ability to provide solutions that prioritize social peace over criminal prosecution when the latter is unnecessary.

Consequently, the correlation outlined above suggests that, to the extent that criminal policy embraces less restrictive and more restorative approaches, the appropriate use of withdrawal is strengthened, allowing the system to respond more nimbly to conflicts where public intervention is no longer a priority compared to the agreement or the will of the aggrieved party, this indicates that the design of a rational criminal policy is fundamental, since its proper configuration with procedural simplification measures ensures that the administration of justice is organized according to a modern vision, where respect for the autonomy of will and the management of state resources are essential pillars for the conduct of criminal proceedings.

Table 4. *Relationship between criminal policy and withdrawal of charges.*

Correlations			Criminal Policy	Withdrawal
Rho Spearman	Policy Criminal	Correlation coefficient	1.000	.548**
		Sig. (two-tailed)	.	<.001
		N	89	89
	Dropout	Correlation coefficient	.548**	1.000
		Significance (two-tailed)	<.001	.
		N	89	89

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

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

The results indicate that there is a Spearman's Rho correlation coefficient of .509** between the variable "termination of criminal proceedings" and "victim's rights," which represents a moderate positive correlation. This suggests that the application of grounds for terminating criminal proceedings is directly related to the protection and respect for the victim's rights, that is, as the criminal procedural system allows for the premature termination of proceedings under legal conditions, a process is achieved that takes the victim's wishes into account, enabling the fulfillment of their rights and the resolution of the conflict to work together toward the conclusion of the proceedings.

However, the observed correlation coefficient of $Rho = 0.509^{**}$, together with a statistical significance level of $p < .001$, reaffirms the existence of significant evidence demonstrating that both variables are interrelated; This reinforces the argument that the termination of criminal proceedings should not be interpreted as a loss of the State's criminal authority, but rather as a component that, in many cases, guarantees the victim's rights by offering solutions that address their claim for reparations or their desire not to continue with the litigation, thus demonstrating that the effective use of grounds for termination serves as an indicator of a rights-based system that seeks to balance expeditious justice with respect for the dignity and autonomy of the victim.

Table 5. Relationship between the termination of criminal proceedings and victims' rights.

		Correlations		
			Termination of Criminal Proceedings	Victim's Rights
Rho Spearman	Termination of Criminal Proceedings Penal	Correlation coefficient	1.000	.509**
		Sig. (two-tailed)	.	<.001
		N	89	89
	Victim Rights	Correlation coefficient	.509**	1.000
		Significance (two-tailed)	<.001	.
		N	89	89

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

Source: Prepared by the author using SPSS version 27.

In summary, the correlation suggests that, to the extent that procedural rules facilitate forms of termination of criminal proceedings that respect the victim's rights, the restorative approach of the criminal justice system will be further strengthened, thereby allowing the judicial system to respond

with greater leniency in cases where comprehensive reparation or an agreement between the parties

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beneficial than a public oral trial. Likewise, the design of rational mechanisms for terminating criminal proceedings is necessary, as their proper implementation ensures that the administration of justice does not disregard the victim, organizing the process under a modern vision where the victim's well-being and the effective resolution of the conflict are essential pillars for the rule of law.

DISCUSSION

The principle of prosecutorial discretion and private criminal offenses have a moderate and statistically significant positive relationship. This result is supported by the arguments of Miranda (2025), who defines the criterion of prosecutorial discretion as a power that must be exercised without undermining procedural guarantees. This aligns with Moreno (2024), who links it to the State's criminal policy.

We can also analyze the identified relationship from the perspective of autonomy of will and procedural simplification proposed by Molina (2023), who argues that this manifests as a direct response to the crisis of efficiency in the criminal justice system; legal practice demonstrates that, when the parties have the power to influence the outcome of the case, the criminal process takes on a more humane and less mechanical character; this approach aligns with the vision of Portales and González (2024) on transactional justice, where the primary objective shifts from the imposition of a penalty to the effective resolution of the conflict; here, the principle of discretion acts as the channel that allows the system to focus on what matters, setting aside the obstacles that traditionally impeded a swift response.

From a perspective of maximum utility, advocated by authors such as Oliveros (2025), the legitimacy of the principle of discretion lies in its ability to optimize state resources; thus, it makes no sense for the state apparatus to invest efforts in acts of insignificance—a concept developed by Moya (2022) to describe crimes with little social impact— The findings of this study suggest that legal professionals in Honduras have internalized this approach, recognizing that the system's effectiveness depends on positive discrimination among cases. In this way, the principle of discretion not only relieves congestion in the courts but also enhances the quality of justice in the most serious cases.

Criminal policy and case dismissal have a moderate and statistically significant positive relationship. This finding indicates that criminal policy and mechanisms such as case dismissal reveal a shift in the hierarchy of protected interests; thus, the doctrinal barriers that previously restricted

the victim's will are giving way to a more restorative vision; withdrawal is no longer viewed as a capitulation by the State but is now understood as a tool for social peace. In this regard, Zavala and Caveda (2023) argue that the effectiveness of a criminal justice policy is measured by its ability to validate consensual solutions; consequently, the success of judicial administration in the area of private criminal offenses is linked to the ease with which the system allows the parties to resolve their dispute autonomously.

The pursuit of procedural efficiency must remain subordinate to respect for the rule of law and fundamental rights. López Torres (2024) and Rodríguez-Arias (2020) warn of the tensions that may arise between the principle of prosecutorial discretion and other guarantees of the criminal process. Consequently, withdrawal of charges should not be interpreted as an arbitrary waiver of criminal prosecution, but rather as a legal mechanism subject to the fulfillment of statutory conditions. According to Uribe (2023), its application must take into account both the rights of the accused and the protection of the victim.

The relationship between the termination of criminal proceedings and the victim's rights was also positive, moderate, and statistically significant. This result is consistent with Fuentes Tenorio and Banguera Díaz (2025) and Zúñiga-Martínez (2023), who emphasize the victim's right to be heard and informed during the proceedings. From this perspective, the termination of criminal proceedings can be linked to the protection of the victim's interests when it meets legal requirements and provides for appropriate reparations. This approach is also consistent with Ortega (2023), who emphasizes the importance of comprehensive reparations in resolving criminal conflicts.

The findings can be interpreted in light of the need to balance the early termination of proceedings with the protection of procedural safeguards. Domínguez Gallego et al. (2022) argue that criminal proceedings must respect the fundamental rights of the parties. In this regard, the application of the principle of discretion should not automatically be equated with impunity, provided that there is oversight of legality and the victim's interests are protected. As Portales González (2025) points out, alternative solutions may be appropriate when they offer a response proportional to the nature of the conflict.

The findings must also be analyzed in light of the conceptual difficulties surrounding the principle of discretion. Teixeira (2023) notes that, even in some European systems, there is no complete clarity

regarding its relationship with the principle of legality. Cooperation with the justice system and the application of

discretionary criteria are perceived as functional elements of the procedural system; the research suggests that legal professionals in Honduras no longer question the validity of these mechanisms but rather focus on their correct practical application. This aligns with the views of Castro (2013), who, more than a decade ago, already understood the need for a criminal justice system that is more flexible and adapted to social realities.

The consolidation of these mechanisms for procedural simplification is essential to avoid what some authors call “procedural decay” or the “administrative collapse” of the system. Thus, Murcia (2025) and Amésquita (2023) agree that the viability of the modern criminal process depends on its ability to divert cases toward alternative resolutions; therefore, the quantitative data analyzed allow us to conclude that respect for the forms and conditions of application of the principle of discretion is the foundation upon which a modern vision of criminal justice is built; in this vision, redress for harm and procedural efficiency are not merely secondary objectives, but essential pillars of the rule of law.

Overall, the results are consistent with the doctrinal approaches of Moya (2022), González (2022), and San Cristóbal (2022) regarding the rationalization of criminal prosecution and the search for alternative solutions. These findings demonstrate that the principles of prosecutorial discretion are the rational response to a judicial system that would otherwise be unable to fulfill its promise of prompt and effective justice; the balance between the State’s punitive power and the rights of individuals lies precisely within this regulated space, where the law not only imposes sanctions but also offers pathways to reconciliation and social peace.

CONCLUSIONS

It was found that the variables “principle of discretion” and “private prosecution offenses” have a moderate positive correlation, which supports the view that the principle of discretion is a fundamental pillar underpinning the efficiency of the criminal justice system in Honduras, particularly in addressing private prosecution offenses. The results confirm that the application of this principle and the effective management of cases lead to the conclusion that its proper use not only alleviates the burden on the judicial system but also strengthens individual autonomy and offers prompt and less costly solutions for the parties in conflict.

Likewise, it was found that criminal policy and the withdrawal of charges have a positive relationship, revealing that as national guidelines shift toward an approach based on efficiency and rationality, the termination of criminal proceedings through consensus is facilitated; This demonstrates that the withdrawal of criminal charges has ceased to be a mere relinquishment of the action and has instead become an indicator of the success of a state policy that prioritizes the peaceful resolution of conflicts over unnecessary criminal punishment.

It was determined that the relationship between the termination of criminal proceedings and the victim's rights is also positive; contrary to the perception of impunity, the application of discretionary criteria and grounds for termination acts as a mechanism that allows for comprehensive redress of the harm, thus the results suggest that the current criminal justice system manages to balance procedural efficiency with the dignity of the victim, ensuring that the victim's wishes are respected and that the process does not become a source of revictimization or wasteful government spending.

FUTURE RESEARCH

Based on the findings identified in this study, the following lines of research are proposed: A comparative study on the effectiveness of alternative dispute resolution methods applied directly at police or prosecutor's offices. Additionally, research could focus on the application of the principle of prosecutorial discretion in Honduras, its effectiveness, its results, and a comparison with countries in the region that apply similar mechanisms. Finally, it would be interesting to conduct research on recidivism among active offenders who were granted the principle of opportunity and to determine whether they have reoffended.

CONFLICT OF INTEREST

The authors declare that they have no conflict of interest related to this study.

DATA AVAILABILITY

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

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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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Software	Orellana Castillo, Aurora; Medina Reyes, Adalid
Validation	Orellana Castillo, Aurora; Medina Reyes, Adalid
Formal Analysis	Medina Reyes Adalid, Rivera Valenzuela Gabriel Alfonso
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Resources	Not applicable
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Project Management	Gabriel Alfonso Rivera Valenzuela
Fundraising	Not applicable

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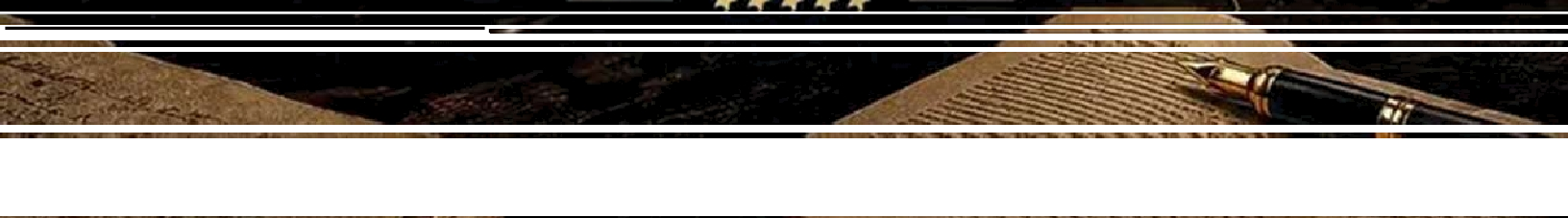
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