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INTERVENCIÓN DEL MINISTERIO PÚBLICO

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IN HONDURAN CIVIL PROCEEDINGS



INTERVENTION OF THE PUBLIC PROSECUTOR'S OFFICE AND PROTECTION OF THE PUBLIC INTEREST IN HONDURAN CIVIL PROCEEDINGS ACCORDING TO LEGAL PROFESSIONALS' PERCEPTIONS

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Abstract -- The purpose of this study was to determine whether assessments of the Public Prosecutor's Office's performance were related to the protection of the public interest within the Honduran civil procedure. The survey included 160 legal professionals. All reported having more than one year of civil law experience and knowledge of the prosecutor's role; they were contacted via convenience sampling. The survey, sent via WhatsApp between February and April 2026, contained 32 items and three response options. Six scores were calculated based on 30 items (five for each), while the two general questions were excluded from the correlations. The content was reviewed by a methodologist and two legal experts. In a pilot study involving 10 professionals, Cronbach's alpha reached .953. Using Spearman's rho, four associations were estimated: the role and intervention of the public prosecutor's office in safeguarding the public interest, $\rho = .669$ ($p < .001$); FEMAC with oversight of legality and public order, $\rho = .786$ ($p < .001$); the principle of legality and limits with supplementary provisions and regulatory integration, $\rho = .743$ ($p < .001$); and oversight of legality with protection of the public interest, $\rho = .592$ ($p < .001$). These values correspond to opinions gathered in this sample. For this reason, they describe joint variation among scores but do not establish causality or institutional performance.

Keywords—administration of justice ¹, civil law ², Honduras ³, Public Prosecutor's Office, legal proceedings ⁴, legal system ⁵.

Abstract -- The study examined whether legal professionals' views on prosecutorial activity were associated with their views on the protection of the public interest in Honduran civil proceedings. Participants consisted of 160 practitioners recruited through convenience sampling. Eligibility required more than one year of civil law experience and familiarity with prosecutorial participation. Data were collected from February to April 2026 via a WhatsApp link to a 32-item questionnaire with three response options. Thirty items were combined into six five-item scores; the remaining two general questions were excluded from the correlation tests. One methods specialist and two legal specialists reviewed the item content. The pilot study with 10 participants yielded a Cronbach's α of .953. Spearman correlations were $\rho = .669$ for the prosecutorial role/intervention and protection of the general interest, $\rho = .786$ for FEMAC and legality/public order control, $\rho = .743$ for legality/limits and supplementary application/normative integration, and $\rho = .592$ for

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

² The term "civil law" corresponds to a preferred descriptor in the UNESCO Thesaurus.

³ The term "Honduras" corresponds to a preferred descriptor in the UNESCO Thesaurus.

⁴ The term "legal procedure" corresponds to a preferred descriptor in the UNESCO Thesaurus.

⁵ The term "legal system" corresponds to a preferred descriptor in the UNESCO Thesaurus.

legality control and protection of the public interest; all four tests had $p < .001$. The results pertain to ratings provided by this group of respondents. They show that the paired scores varied in tandem, without establishing a causal relationship or measuring institutional performance.

Keywords—administration of justice⁶ , civil law⁷ , Honduras⁸ , legal procedure⁹ , legal systems¹⁰ , Public Prosecutor's Office.

INTRODUCTION

Civil proceedings are initiated and conducted at the initiative of the parties. However, in some cases, the proceedings affect more than just the litigants, as minors, persons with disabilities, absent parties, or rights requiring special attention and protection may also be involved. In these situations, the Public Prosecutor's Office intervenes, bearing in mind that the prosecutor does not participate to defend a personal interest. The prosecutor's actions are based on a protective function duly established by law. Nevertheless, the mere existence of a civil proceeding does not justify its intervention; rather, there must be a statutory authorization determining when its participation is appropriate. This approach is supported by Tymoshevskaya (2019) and Gnativ and Troyan (2020).

In civil proceedings, the Public Prosecutor's Office's involvement falls directly under the Special Prosecutor's Office for Civil Matters, which also participates in matters related to family law. Among its functions are representing the Public Prosecutor's Office and issuing legal opinions or rulings in cases established by procedural regulations. Its participation should not be merely formal or ceremonial, nor can it be unlimited, as it must conform to the procedures and functions authorized by law (Public Prosecutor's Office of Honduras, 2025).

The involvement of the Special Prosecutor's Office for Civil Matters must be based on the provisions of the Honduran Code of Civil Procedure, as its participation cannot be separated from compliance with procedural guarantees. In these cases, the right to a defense, the right to cross-examination, equality between the parties, and the judge's responsibility to render the appropriate decision must be respected. For this reason, it is not intended that the Public Prosecutor's Office participate permanently in all civil proceedings, nor is it intended that it be excluded when its involvement is

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necessary. What needs to be determined is in which cases it may intervene and what functions are authorized by law (National Congress of Honduras, 2007).

The experience of other countries provides insight into how the Public Prosecutor's Office's involvement is regulated, although these provisions cannot be directly applied in Honduras. In Spain, the Public Prosecutor's Office is responsible for upholding the rule of law, citizens' rights, and the public interest, but its involvement is determined by procedural law (Office of the President of Spain, 1981, 2000). Other legal systems also take into account the interest to be protected, the right that is at stake, and the procedure used to determine whether prosecutorial intervention is warranted (Brusakova et al., 2021; Kravtsov & Ryazanova, 2026). Even when a state institution is involved, the parties' rights must be safeguarded, and not every civil dispute should automatically be considered a matter of general interest (Mikhailova, 2024).

The issue addressed in this research lies in the need to define the scope of the Public Prosecutor's Office's role in the Honduran civil process. Its participation must protect the public interest without supplanting the judge's functions or affecting the procedural rights of the parties. In practice, it is necessary to understand how professionals with experience in civil matters assess the role and intervention of the Public Prosecutor's Office, the actions of the Special Prosecutor's Office for Civil Matters, the oversight of legality and public order, the limits derived from the principle of legality, and the supplementary application and integration of regulations. These perceptions do not replace legal analysis nor do they allow for a direct determination of whether a judicial decision is correct, but they provide insight into how institutional intervention within civil proceedings is understood. In practical terms, the study contributes to understanding the professional assessment of the limits and functions of the Public Prosecutor's Office. In the academic sphere, it provides quantitative evidence that complements normative analysis and may serve as a reference for future research on the protection of the public interest.

The general objective of the study was to determine the relationship between the role and intervention of the Public Prosecutor's Office and the protection of the public interest in Honduran civil proceedings. Three specific objectives emerged from this general purpose: to relate the actions of FEMAC to the oversight of legality and public order; to examine the link between the principle of legality and its limits, and the supplementary nature and integration of regulations; and to relate the oversight of legality to the protection of the public interest. The central question was as follows: What relationship exists between the role and intervention of the Public Prosecutor's Office and the protection of the public interest in Honduran civil proceedings, according to professionals with experience in the civil law field?

METHODOLOGY

DESIGN AND PARTICIPANTS

A quantitative approach was used, employing a non-experimental, cross-sectional design with a correlational scope. Data were collected over a single period, without manipulating the variables. Consequently, the analysis was limited to determining how the aggregated ordinal scores varied jointly; no causal inferences were made (Hernández-Sampieri & Mendoza Torres, 2018).

The sample consisted of 160 legal professionals residing in various parts of Honduras. Recruitment was conducted on a convenience basis, through the researchers' direct contacts. Eligible participants were those currently practicing law, with at least one year of civil law experience, familiar with the Public Prosecutor's Office's role in this area, and who voluntarily provided informed consent. Experience with a specific case was not required. To protect participants' identities, place of origin was classified only as urban or rural, and the specific department was not recorded.

Table 1. *Sample profile by position and gender.*

Position	Male	Female	Total
Prosecutor	4	7	11
Judge	2	5	7
Clerk	6	11	17
Private attorney	53	62	115
Public defender	5	5	10
Total	70	90	160

Source: Author's own work (2026).

INSTRUMENT AND QUALITY OF MEASUREMENT

The questionnaire was developed specifically for this study and consisted of 32 items, answered on a three-point scale: 1 = Disagree, 2 = Neither agree nor disagree, and 3 = Agree. Thirty items were grouped in sets of five according to the following categories: role and intervention of the Public Prosecutor's Office (1–5), protection of the public interest (6–10), Special Prosecutor's Office for Civil Matters (11–15), oversight of legality and public order (16–20), principle of legality and limits (21–25), and supplementary nature and regulatory integration (26–30). The two general questions were analyzed separately and were not included in the correlations.

Prior to administration, three experts reviewed the content: a methodologist and two legal specialists. They assessed the clarity, relevance, and consistency of each item. After making the adjustments recommended by the experts, the pilot survey was administered to 10 professionals whose profiles were similar to those required for participation in the study. The Cronbach's alpha calculated for the 32 items was .953. Although this value indicates high

internal consistency, it should be interpreted as an initial estimate due to the small number of participants in the pilot study (George & Mallery, 2023).

PROCEDURE AND ANALYSIS

Data were collected from February to April 2026. The researchers created the questionnaire in Google Forms and shared the link via messaging apps, primarily WhatsApp. Before accessing the response section, the invited participants were informed—both verbally and in writing—of the purpose of the study, the voluntary nature of their participation, and the confidential handling of their information. Consent was documented via a response within the form. The relevant institutional review board at the Technological University of Honduras reviewed the research; the authors do not have an identification number for that review.

Data were analyzed using IBM SPSS Statistics 27. Frequencies and percentages were calculated solely to characterize the respondents. Associations among the six aggregate scores were estimated using Spearman's rho, a nonparametric statistic appropriate for monotonic relationships involving ordinal scores and which does not depend on the assumption of multivariate normality (Field, 2013). $\alpha = .05$ was set as the decision criterion. Some p-values appeared in SPSS as .000; these were reported as $p < .001$ because the output represents a value below the displayed precision, not a probability equal to zero.

ANALYSIS OF RESULTS

SAMPLE CHARACTERISTICS

Of the 160 people surveyed, 90 were women (56.25%) and 70 were men (43.75%). The accounted for 115 cases (71.88%): 62 women and 53 men. The remainder consisted of 17 court clerks, 11 prosecutors, 10 public defenders, and seven judges. These figures describe those reached through the recruitment process; they do not constitute an occupational profile of the Honduran justice system.

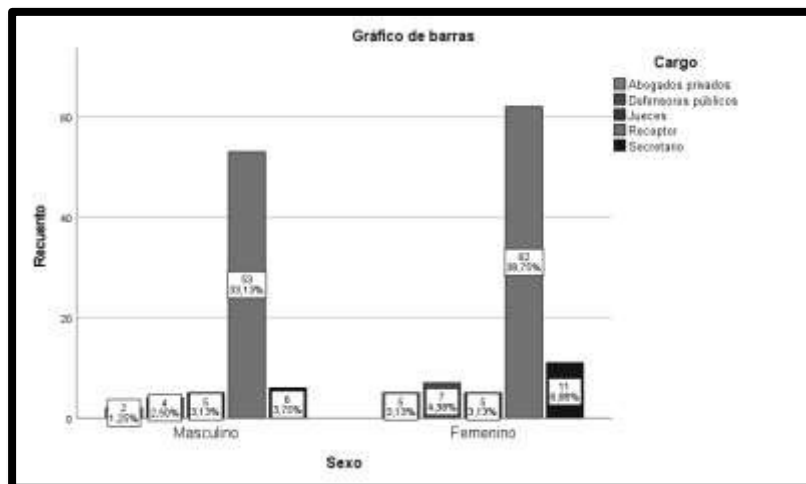
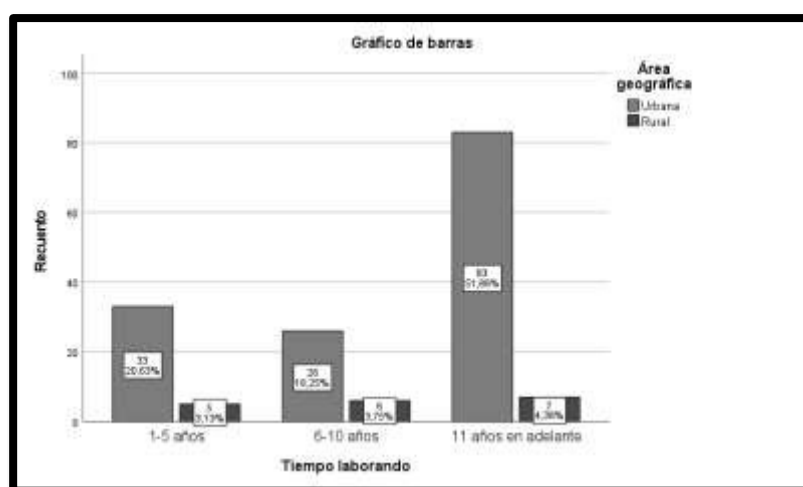


Figure 1. *Distribution of participants by position and sex.*

Source: Author's own work (2026).

The reported location was urban for 142 participants (88.75%) and rural for 18 (11.25%). Regarding professional experience, 90 individuals (56.25%) had 11 years or more of experience, 38 (23.75%) had between one and five years, and 32 (20.00%) had between six and ten years. Since the survey did not measure infrastructure or employment opportunities, the data do not explain why this distribution occurred.

Figure 2. *Professional experience by urban or rural location.*



Source: Prepared by the authors using the original descriptive outputs (2026).

RELATIONSHIPS BETWEEN THE ANALYSED SCORES

The first correlation was calculated using the sum of items 1–5, which refer to the role and intervention of the Public Prosecutor's Office, and the sum of items 6–10, which concern the protection of the public interest. The result was $p = .669$, with

$p < .001$ and $N=160$. In this sample, the two scores increased together with a positive correlation. The coefficient does not allow us to conclude that one of them causes changes in the other.

Table 3. *Correlation between the role and intervention of the Public Prosecutor's Office and the protection of the public interest.*

		Correlations	Role and Intervention of the Public	
			Prosecutor's Office Protection of the Public Interest	General
Spearman's Rho	Role and intervention of the Public Prosecutor's Office	Correlation coefficient	1.000	.669**
		Significance (two-tailed)	.	.000
		N	160	160
	Protection of the Public Interest	Correlation coefficient	.669**	1.000
		Significance (two-tailed)	.000	.
		N	160	160

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

Note. ** Significant at the .01 level, two-tailed test. SPSS reported .000; because the program rounds to three decimal places, $p < .001$ is reported.

Source: Author's own calculations using IBM SPSS Statistics 27 (2026).

For the second analysis, the FEMAC score—comprising items 11–15—was compared with the score for law and order, comprising items 16–20. The result was $\rho = .786$ ($p < .001$; $N = 160$), the highest value among the four analyses. This association reflects a correlation between responses, not an effect attributable to the specialized prosecutor's office.

Table 4. *Correlation between the Special Prosecutor's Office for Civil Matters and oversight of legality and public order.*

		Correlations	Special Civil Prosecutor's Office	Oversight of legality and public order
Spearman's Rho	Special Civil Prosecutor's Office	Correlation Coefficient	1.000	.786**
		Significance (two-tailed)	.	.000
		N	160	160
	Enforcement of the Law and Public Order	Correlation Coefficient	.786**	1.000
		Significance (two-tailed)	.000	.
		N	160	160

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

Note. ** Significant at the .01 level, two-tailed test. The SPSS value of .000 corresponds to a probability below the third decimal place and is reported as $p < .001$.

Source: Author's own calculations using IBM SPSS Statistics 27 (2026).

The third test related items 21–25, corresponding to the principle of legality and its limits, to items 26–30, relating to supplementary provisions and regulatory integration. The estimate was $\rho = .743$ ($p < .001$; $N = 160$). Both scores showed a positive relationship, although the study design does not allow for the assignment of direction or causality to the link.

Table 5. *Correlation between the principle of legality and its limits and normative supplementation and integration.*

Correlations			Principle of legality and its limits	Supplementarity and normative integration
Spearman's Rho	Principle of legality and limits	Correlation coefficient	1.000	.743**
		Sig. (two-tailed)	.	,000
		N	160	160
	Supplementarity and Regulatory Integration	Correlation coefficient	.743**	1.000
		Sig. (two-tailed)	,000	.
		N	160	160

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

Note. ** Significant at the .01 level, two-tailed test. The value displayed in the output was .000; the notation used in the manuscript is $p < .001$.

Source: Author's own calculations using IBM SPSS Statistics 27 (2026).

Finally, the control of legality and public order (items 16–20) was compared with the protection of the general interest (items 6–10). The correlation was positive, $\rho = .592$ ($p < .001$; $N = 160$), and was the lowest among those estimated. Even so, the value indicates a joint variation between the two scores within the sample, not a cause-and-effect relationship.

Table 6. *Correlation between oversight of legality and public order and protection of the public interest.*

Correlations			Control of Legality Public Interest and Interest	Protection of the Public Order General
Spearman's Rho	Control of legality and public order	Correlation coefficient	1.000	.592**
		Significance (two-tailed)	.	,000
		N	160	160
	Protection of the Public Interest	Correlation coefficient	.592**	1.000
		Significance (two-tailed)	,000	.
		N	160	160

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

Note. ** Significant at the .01 level, two-tailed test. SPSS rounded the p-value to .000; the result is reported as $p < .001$.

Source: Author's own calculations using IBM SPSS Statistics 27 (2026).

DISCUSSION

All four coefficients were positive and statistically significant. Those who gave higher scores for prosecutorial participation also tended to give higher scores for the protection of interests that go beyond an individual claim. This correlation does not equate to observed institutional behavior. The study did not review case files, processing times, prosecutorial opinions, or judicial decisions; consequently, there is no basis for evaluating the practical performance of the Public Prosecutor's Office or the courts.

The relationship between the role of the Public Prosecutor's Office and the protection of the public interest showed a moderate positive correlation, indicating that both scores were positively associated among the professionals surveyed. This result may be related to the functions performed by FEMAC in civil and family proceedings, including representing the Public Prosecutor's Office and issuing legal opinions in cases established by law (Public Prosecutor's Office of Honduras, 2025). However, the result does not mean that prosecutorial intervention is necessary in all civil proceedings or that its participation leads to better decisions, since the study analyzed only the participants' assessments.

The strongest relationship was found between FEMAC's actions and the oversight of legality and public order, yielding a significant positive correlation. This suggests that the professionals consulted associate the functions of the specialized prosecutor's office with compliance with the law within civil proceedings. Studies on public-interest litigation also acknowledge the role of prosecutorial bodies in protecting collective interests, although their actions depend on institutional organization and the oversight exercised by judicial bodies (Li, 2022; Ma & Xiang, 2023; Zhang, 2023). However, it should be noted that the two assessed scores cover similar aspects, which may also contribute to the higher correlation found.

The principle of legality and its limits were positively correlated with the principle of suppletivity and regulatory integration, yielding a moderate positive correlation. According to the responses, participants believe that regulatory gaps can be filled while still respecting the limits established for the Public Prosecutor's Office's actions. This approach does not allow suppletivity to be used to create new powers or expand the authorities already recognized by law. The nomophylactic function helps ensure that the law is interpreted uniformly, but this does not mean that it replaces the legal powers that correspond to each

institution (Faggiolo et al., 2019). The findings reflect the views of the professionals consulted and cannot be interpreted as authorization to expand the prosecutor's functions.

Of the four correlations studied, the one between the oversight of legality and the protection of the public interest was the weakest, although it maintained a moderate positive association. According to the responses obtained, these functions are related but do not mean the same thing, nor do they fall under the exclusive responsibility of the Public Prosecutor's Office. Judges, the participating parties, and the rules that must be applied in accordance with each proceeding also bear responsibility for this protection. Experience in other countries shows that public litigation already encompasses environmental, food safety, and rights protection issues; however, problems still arise due to unclear regulations, regional differences, and decisions left to the discretion of institutions (Wang, 2025; Han & Li, 2026).

Reviewing the experiences of other countries helps us understand how prosecutorial participation has developed, keeping in mind that their regulations differ from those in Honduras. In Spain, the defense of legality and the public interest is part of the responsibilities of the Public Prosecutor's Office, but its intervention is limited to cases specified by applicable provisions (Presidency of the Republic of Spain, 1981, 2000). In Honduras, this analysis must be based on the Code of Civil Procedure and the functions recognized for FEMAC. Thus, foreign legislation serves as a useful reference but does not provide a basis for assigning functions that the Honduran legal system has not established.

In practical terms, the results highlight the need to explain more clearly the circumstances in which the Public Prosecutor's Office may intervene and the criteria that must be applied. Civil law professionals must distinguish when the prosecutor participates as a party, represents a person in need of protection, or issues a legal opinion, since these functions do not serve the same purpose. Such actions must respect procedural equality, reasonableness, and effective judicial protection, ensuring that the protection of one party does not create a new inequality within the proceedings (Valiente-Ángel & Chimborazo-Castillo, 2025). To determine whether these measures are effective, further studies will be necessary, including a review of case files and procedural outcomes.

CONCLUSIONS

1. A positive relationship was found between the role and intervention of the Public Prosecutor's Office and the protection of the public interest. Within the sample, ratings on both dimensions tended to rise together. This addresses the general objective but does not prove that prosecutorial intervention leads to more effective protection.

2. FEMAC and the oversight of legality and public order showed the strongest association. The result demonstrates a marked correlation between the two scores and aligns with the nature of the functions assigned to the specialized prosecutor's office. It also calls for caution due to the conceptual proximity between the measured variables.

3. The principle of legality and its limits were positively associated with the supplementary nature of the law and regulatory integration. Participants did not view the filling of legal gaps as opposed to legal delimitation. This assessment does not expand jurisdiction or replace the authority provided for by law.

4. The monitoring of legality and the protection of the public interest are moderately correlated. These are related dimensions, but they are not equivalent. Given that professional perceptions were analyzed, it is not appropriate to conclude that arbitrariness has decreased, rulings have improved, or procedural timelines have been shortened.

LIMITATIONS AND FUTURE WORK

Convenience sampling prevents the generalization of the coefficients to the entire legal profession in Honduras. Furthermore, private practice attorneys and urban residents predominated, and the questionnaire gathered opinions rather than observed institutional performance. The cross-sectional design also does not allow for a temporal ordering of the variables. A subsequent study should incorporate a greater diversity of positions and geographic areas, review civil case files, and compare the timeliness, content, and utility of prosecutorial involvement according to the type of proceeding.

STATEMENTS

Ethical Considerations

Participation was voluntary. Before submitting their responses, each participant received information about the study and provided written consent via Google Forms. Records were handled anonymously and confidentially. The relevant institutional body at the Technological University of Honduras reviewed the research.

Funding

The authors covered the costs of the study; no external funding was received.

Conflicts of Interest

None of the authors reported any conflicts of interest related to this research.

Data Availability

Public access to the primary dataset is not available. The manuscript and the statistical outputs included in the paper are preserved.

Use of Generative Artificial Intelligence

ChatGPT was used for an initial exploratory search. The authors were responsible for selecting and verifying sources, analyzing the data, interpreting the results, and approving the final text.

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COLLABORATIVE WORK TABLE

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Methodology	Aurora Orellana Castillo; Adalid Medina Reyes
Software	Aurora Orellana Castillo; Adalid Medina Reyes

Role	Author(s)
Validation	Aurora Orellana Castillo; Adalid Medina Reyes
Formal Analysis	Adalid Medina Reyes; Janeth Oneyda Osorio Cruz
Research	Janeth Oneyda Osorio Cruz
Resources	The four authors
Data curation	Janeth Oneyda Osorio Cruz; Paola Hugueth Ávila Chinchilla
Drafting	Janeth Oneyda Osorio Cruz; Paola Hugueth Ávila Chinchilla
Review and editing	The four authors
Visualization	Janeth Oneyda Osorio Cruz; Paola Hugueth Ávila Chinchilla
Supervision	Aurora Orellana Castillo; Adalid Medina Reyes
Project Management	Janeth Oneyda Osorio Cruz
Funding	Not applicable; study funded with internal resources

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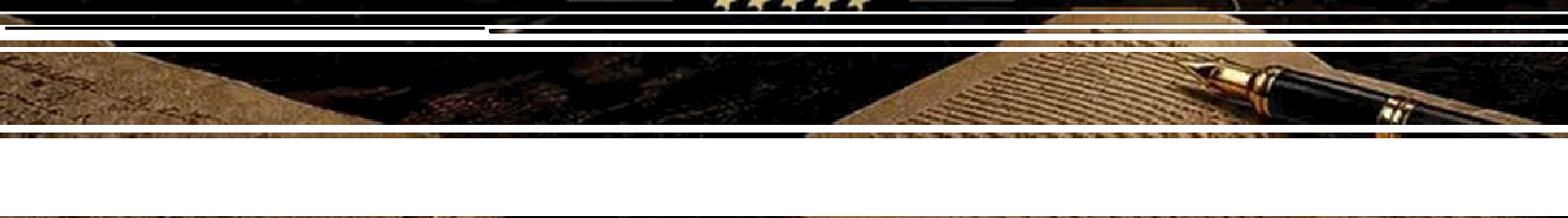
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