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PERCEPTIONS OF PROFESSIONALS



# ABBREVIATED MOTION FOR RECONSIDERATION IN CIVIL PROCEEDINGS: A QUANTITATIVE ANALYSIS OF LEGAL PROFESSIONALS' PERCEPTIONS IN HONDURAS

## ABBREVIATED MOTION FOR RECONSIDERATION IN CIVIL PROCEEDINGS: A QUANTITATIVE ANALYSIS OF LEGAL PROFESSIONALS' PERCEPTIONS IN HONDURAS

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**Abstract**—The objective of this study was to analyze the abbreviated motion for reconsideration in civil proceedings. To this end, the methodology employed was based on a quantitative approach, since the nature of the research requires statistical analysis; at the same time, it adopts a descriptive and correlational scope, as it aims to characterize the features of the study population and the significant relationships that emerge from it; furthermore, it follows a non-experimental design, as significant correlations were found between variables; and finally, a cross-sectional design was adopted, as the field data collection took place at a single point in time. The sample consisted of 85 justice system operators and legal professionals in Honduras, including judges, prosecutors, public defenders, and private attorneys. The study was conducted using a structured survey based on a Likert scale with 36 statements, whose reliability yielded a Cronbach's alpha of 0.986, indicating excellent internal consistency. The study found that the abbreviated motion for reconsideration is correlated at a level of 0.752\*\* with the control of legality, according to Spearman's Rho coefficient, indicating a considerable correlation; It was also observed that the abbreviated motion for reconsideration depends on the deadlines and procedures involved in its application and is further perceived as a remedy or tool that helps alleviate the caseload of higher courts. In conclusion, the abbreviated motion for reconsideration serves as a tool within the Honduran civil procedure system that stands out for its role in legality review, the enforcement of deadlines, and the parties' right to challenge decisions, making it a key tool in alleviating the system's backlog.

**Keywords**—review of legality, law<sup>1</sup>, challenge to decisions, abbreviated motion for reconsideration, effective judicial protection.

**Abstract:** The objective of this study was to analyze the abbreviated reconsideration procedure in civil proceedings. The methodology employed was based on a quantitative approach, given the nature of the research and the need for statistical analysis. It also adopted a descriptive and correlational approach, aiming to characterize the characteristics of the study population and the significant relationships that emerge from them. Furthermore, a non-experimental design was used, as significant correlations were

<sup>1</sup> The term "law" corresponds to a preferred descriptor in the UNESCO Thesaurus.

found between variables. Finally, a cross-sectional design was adopted, since the field research was conducted at a single point in time. The sample consisted of 85 justice system operators and legal professionals in Honduras, including judges, prosecutors, public defenders, and private attorneys. The study was conducted using a structured Likert-scale survey with 36 statements, which demonstrated excellent internal consistency with a Cronbach's alpha of 0.986. The study showed that the abbreviated reconsideration appeal is related to legality control by .752\*\* according to Spearman's Rho coefficient, indicating a considerable correlation. It was also observed that the abbreviated motion for reconsideration depends on the deadlines and procedures followed for its filing and is perceived as a resource or tool that helps alleviate the burden on higher courts. In conclusion, the abbreviated motion for reconsideration is a key tool within Honduran civil procedure, particularly in ensuring oversight of legality, adhering to deadlines, and upholding the parties' right to appeal, thus proving crucial in reducing the system's caseload.

**Keywords:** abbreviated motion for reconsideration, challenging judicial decisions, effective judicial protection, law<sup>2</sup>, review of legality.

## INTRODUCTION

The abbreviated motion for reconsideration in civil proceedings is a means—a tool—for challenging non-final orders and rulings, with the aim of having the court that issued them reconsider them. The premise is that this may be requested by a party, serving as a valid mechanism applicable in cases where the challenged decision contains a legal violation; in general terms, this constitutes a mechanism. The appeal for reconsideration is a remedy aimed at having the same court that issued the decision modify it as a matter of law. The power to challenge stems from the right to bring an action. Through this appeal, the proceedings continue before other instances or levels of the court system. (Llera, 2023).

Thus, the appeal for reconsideration in civil matters stems from the importance of challenging orders and rulings that are considered contrary to law or lacking in grounds, allowing the petitioner to request that the same judge who issued that order or ruling review it and consider its basis and its

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<sup>2</sup> The term "law" is a preferred descriptor in the UNESCO Thesaurus.

decision, so that, if necessary and if the argument in the motion for reconsideration is sound, the request made therein may be granted; it is, therefore, a means of appeal filed by the parties or a third party who has been affected by an erroneous ruling by the judge—in this specific case under analysis, concerning a civil matter—where the error of law is the cause that vitiates the ruling, resulting from the failure to apply or interpret a legal provision. (Macias, 2025).

This appeal is one of the primary means of challenging a decision applicable to civil proceedings, in this sense, because it has effects that can be particularly efficient in terms of procedural economy: since it is resolved by the same judge who issued the order or ruling, it saves time and resources by avoiding the need to appeal to a higher court, and it does not open debate on the merits of the dispute. In particular, an interlocutory order—whose intermediate function is to resolve procedural issues that, while not directly affecting the merits of the case, may impact the validity of the proceedings and the parties' rights—presents special interpretive difficulties and is therefore subject to appeal, with the effect limited solely to correction. (Collaguazo et al., 2025).

Far removed from the intended purpose of the motion for reconsideration, this remedy can also have negative effects, such as its limited practical effectiveness, since when filing a petition to correct a procedural error—and presenting it to the judge who issued the ruling—the result may be the same: the judge confirms his or her own decision. Thus, in some cases, it is more of a formality than an effective remedy, which would be contradictory to the purpose of a remedy such as the motion for reconsideration. This is without disregarding its role as an instrument that seeks to guarantee the right to due process and the possibility of correcting judicial errors, promoting, among other factors, the unification of case law. (Daza, 2025).

Remedies such as the appeal for reconsideration must therefore not lose their effectiveness and efficiency within the civil process, bearing in mind that the latter has been designed to ensure the fair and orderly resolution of disputes arising between private parties in the private sphere of law, taking into account principles that promote the expediency of proceedings—which is why remedies such as the motion for reconsideration exist; legal doctrine also recognizes this as a “horizontal” remedy, given its simplicity—and remedies like this exist because there is no criminal justice system in the world in which errors are not committed. (Beltrán, 2024).

At this point, it is evident that the motion for reconsideration serves a clear purpose within civil proceedings; it acts as a safeguard of rights by addressing the petitioner's request and correcting errors, if any. The purpose of filing a motion for reconsideration is to correct or have reconsidered a decision that may contain irregularities causing harm to the petitioner. These may include procedural defects or clerical errors, as well as irregularities relating to procedural and substantive rules. However, the party filing the motion must demonstrate the prejudice caused by the contested decision. (Monjean-Decaudin, 2024).

The motion for reconsideration thus plays an essential role in civil proceedings, as it provides parties affected by an interlocutory ruling with an immediate and effective mechanism to request a review, thereby preventing flawed rulings—such as orders and dispositions—from becoming final and ensuring that the proceedings remain within the bounds of legality and justice. Thus, the purpose of the appeal is to prevent an error by the judge from leading to an unjust decision. To remedy these errors, judges may resort to annulment, validation, or correction of their actions; however, the parties may resort to remedies such as the appeal for reconsideration and others provided for by civil procedure law. (Tates & Villacrés, 2024).

Furthermore, it should be noted that an appeal such as the appeal for reconsideration warrants special attention, as it contributes to judicial transparency. This is because it compels the judge to analyze and review their decisions, re-justifying them and providing a clear, reasoned response to the petition in order to correct any errors that may have been made. This strengthens the reasoning behind the rulings and the parties' confidence, the motion for reconsideration thus becomes a tool for internal oversight of the civil process; although it is a simple remedy, it is indispensable for maintaining the consistency and legitimacy of judicial proceedings. From the foregoing, it can be inferred that the judicial process is a path in which procedural principles and laws not only regulate, organize, and order the proceedings but also guide the removal of obstacles. (Cucatto, 2025).

In this regard, research on the abbreviated motion for reconsideration in civil proceedings becomes relevant because it provides insight into legal professionals' perceptions regarding its application in challenging judicial decisions. In this regard, it allows for an examination of how it relates to the review of legality, effective judicial protection, compliance with deadlines and procedural requirements, as well as the challenge of court orders and rulings. This will provide insight into how the functioning of this

remedy within civil proceedings relates to the correction of potential errors contained in judicial decisions. Furthermore, in the academic sphere, the research will provide quantitative statistical data on the procedural components under study and will supplement them with the legal and doctrinal aspects of the abbreviated motion for reconsideration. To this end, information obtained from professionals with experience in civil law will be used, which will allow for a comparison of the theoretical contributions presented in the study with the perceptions gathered from the study population and facilitate a better understanding of the phenomenon. For the purposes of this study, a quantitative approach was adopted due to the statistical analyses outlined in the objectives, with a descriptive and correlational scope. Furthermore, the study design is non-experimental and cross-sectional, since the variables were not manipulated but rather analyzed and interpreted. Data collection took place at a single point in time, in accordance with the methodology proposed by Hernández-Sampieri & Mendoza (2023).

Based on the foregoing, the following objectives were established: the primary objective is to analyze the abbreviated motion for reconsideration in civil proceedings; and the specific objectives are to evaluate the effect of the motion for reconsideration and its relationship to the challenge of judicial decisions, to establish the relationship between the time limits for the motion for reconsideration and the procedural steps involved, and to examine the effectiveness of the abbreviated motion for reconsideration as a mechanism for ensuring the legality of judicial decisions. from which the central research question emerges: What are the effects of the abbreviated motion for reconsideration in civil proceedings?

In Roman Republican proceedings, appeals did not exist. Once a judgment was rendered, it became *res judicata*. Francisco Javier Navarro, in his work *\*Así se gobernó Roma\** (*\*How Rome Was Governed\**), states that this was a formal procedure initiated by private petition, consisting of two distinct stages: the first, *\*in iure\**, took place before the praetor, who, after hearing the plaintiff, determined whether there was sufficient evidence for the case to be heard by a judge. Then the second phase, *\*apud iudicem\**, began, in which the parties appeared before the previously agreed-upon judge: a private citizen of prestige and legal expertise who, after hearing the litigants, issued a judgment in accordance with the formula provided by the praetor. (Carranza, 2024).

The motion for reconsideration is a modern procedural remedy; it arises from the need people feel to assert their rights, in the sense that the decision being challenged may violate the rights

of one of the parties. Since the dawn of civilization worldwide, and in every system of social coexistence, a person who felt wronged by the outcome of a verdict sought, through whatever means available to them, to challenge it in order to obtain from the judge who rendered it (a quo) or from a higher-ranking judge (ad quem) a new decision that would grant the claim in their favor. (Moriconi, 2016).

Given humanity's inherent need to challenge—that is, to legally question the validity of a decision, or, in the case of a judge, the rulings they have issued—parties generally resort to procedural remedies as mechanisms for challenge, since they may consider their rights or interests to have been infringed upon at some point. In civil matters, there is the motion for reconsideration, a remedy required to challenge the validity of an order or ruling in civil proceedings; this type of remedy arises and is regulated by law based on the principle of challenge, helping to determine the validity of the actions taken in the proceedings. (Moreno et al., 2024).

The motion for reconsideration fits into this historical context; by its very structure, it possesses certain characteristics inherent to its nature, such as the fact that it lacks devolutive character—since, in civil procedure, other appeals are devolutive because they are filed with higher courts—and it has suspensive effect, although the law does not specify whether an appeal has suspensive effect; it all depends on the decision being challenged; for instance, in the case of enforcement of a judgment, the appeal does not prevent its execution. Furthermore, it is noted that the decision being challenged cannot become final, which is evident given that the appeal seeks to modify it as such. (Folgueral & Pérez, 2021).

The effects of this remedy are significant in the context of civil proceedings, since, as noted, it is not devolutive in nature, nor does it necessarily result in a stay of the civil proceedings, unless the matter at issue is directly related to the outcome of the proceedings. Therefore, its effects can be summarized as non-devolutive in nature, immediate review, a possible suspensive effect, and a procedural guarantee. This justifies legal certainty as an end in itself, as well as the certainty provided as a procedural guarantee by a remedy such as the appeal for reconsideration. (Vargas, 2023).

In the course of the abbreviated motion for reconsideration, it is also important to consider the time limits. These are relevant because, since this remedy is considered one of the simplest, it is emphasized that time limits are decisive, as the motion must be resolved efficiently within the timeframes established by civil procedural rules; hence the importance of a reasonable timeframe, which judicial bodies must adopt as a public policy guiding their institutional mission, thereby ensuring the allocation of necessary resources and personnel to courts and judicial bodies so that they can fulfill their functions—such as providing a timely response to appeals like the motion for reconsideration. (Armas, 2023).

Time limits serve an essential function in that they are brief for a compelling reason: proceedings must not be delayed intentionally or arbitrarily. Thus, the right to have an appeal processed within the established time frame is a right enjoyed by the parties, since the goal is for them to be addressed with the greatest possible speed and procedural efficiency. Generally, the right to a reasonable timeframe applies to the proceedings as a whole, naturally because the parties have the right to have their situation resolved as quickly and expeditiously as possible. In this sense, the right to a process without delays is related to the right to a defined and reasonable timeframe for the resolution of appeals. (Contreras, 2023).

An important aspect of the motion for reconsideration is the possibility of challenging court orders and rulings; these are decisions that do not bring the proceedings to a close but resolve other issues within them. They are subject to appeal because they may affect the parties' rights; thus, they are contestable. Likewise, rulings are brief procedural decisions intended to advance the proceedings. Thus, the law has retained the term "appeal for reconsideration" to denote a non-devolutive and non-suspensive remedy against court orders and rulings. Generally speaking, all non-final court orders and rulings are subject to appeal, except as otherwise provided by law. Court orders and rulings may infringe upon rights that the judge, as the guardian of rights, is duty-bound to protect. (Borrero, 2024).

The procedure for the motion for reconsideration depends on the applicable legislation; it is admissible when there are orders or rulings that are subject to appeal for reasons contrary to the parties' rights. The motion itself must specify the legal violation on which the appeal is based; it may be filed during oral hearings, but if the motion is found to be inadmissible, the court will not proceed further with it. There is also a deadline for

to object to the appeal; subsequently, the court resolves the matter without further proceedings, issuing its decision through a court order. (Rebollo, 2024).

The motion for reconsideration is concluded when it offers no possibility of further appeal, that is, no further appeal may be filed against the order denying the appeal. This may result in a limitation for the affected party, as it exhausts the immediate avenue for challenge, requiring the party to wait until the proceedings conclude and the judge issues a ruling, at which point other means of challenge—such as the appeals that follow in civil matters—may be pursued. The processing of the appeal—specifically, the conduct of the motion for reconsideration—also relates to due process, as it is filed against orders issued by the judge, thereby serving as a guarantee of the transparency and legality of the proceedings. (Quintero, 2016).

Finally, it is very important to understand that the filing of an expedited motion for reconsideration occurs because it is essentially necessary to challenge a judicial decision—whether it be a ruling or an order—which constitutes an action for protection; the duty to provide grounds is inherent in filing such a motion as the one described here. The ability to challenge a ruling is recognized as a right when it is contrary to the parties' interests, affects them, or causes them harm. The purpose of challenging a judicial act is simply to have it modified, revoked, or replaced, on the grounds that it infringes upon a right or legitimate interest; that is, the right to challenge serves as a means of defense against the decisions of a judicial or administrative body. (Molina, 2023). Rulings are subject to challenge because, when they are deemed contrary to the legitimate interests and rights of the parties, the legislature did not simply disregard this issue but rather saw fit to create mechanisms to ensure the protection of these interests and rights. In this context, means of challenging rulings—such as the motion for reconsideration—arise to provide an option; in light of which the judge is also motivated to provide a prompt response that is expected to be satisfactory and issued within the appropriate timeframe, while always respecting the guarantees of due process. The statement of reasons is thus a fundamental guarantee of due process, recognized in the law. (Huilca-Cobos & Molina-Andrade, 2025).

Challenging a ruling gives effect to the right to appeal—to request reconsideration of those decisions that, in the case of the first instance, were made by the judge and that infringe upon rights to some extent. In this context, it should be noted that the right to appeal within procedural law is

a substantive principle; the right to appeal is recognized as a fundamental guarantee integral to the framework of due process. The right to appeal is a fundamental right which, if not enshrined in the procedural rules governing the matter at hand, clearly conflicts with basic guarantees and constitutional rights. (Salazar, 2024).

The right to appeal fulfills its purpose of providing protection to the individual by creating an appellate mechanism that allows the individual to appeal to a higher court to review the prior decision. Therefore, the hierarchical level of the competent bodies responsible for rendering decisions in the first instance must be taken into account. Furthermore, to ensure compliance with internationally recognized rights, it is not only necessary for them to be established in a legal provision but also for them to be effectively enforceable in order to provide legal certainty. The right to appeal presupposes that the appeal is effective, accessible, subject to a comprehensive review, and that the minimum guarantees of due process are respected. (Salazar-Pazmiño, 2023).

That being the case, it is important to understand that the abbreviated motion for reconsideration in civil proceedings is a remedy available to the parties to assert their rights in a manner that suits them, and that this right is realized through the applicable challenge to those decisions subject to appeal. In this context, the right to appeal is considered an element of due process. The existence of appeals, in addition to overturning unjust decisions, will gradually create uniformity in case law since—without the need to adhere to a system of precedent—rulings will consistently shape the same criteria, as in the case of the motion for reconsideration, or the criteria of lower courts, as in the case of other civil appeals, even if there are occasional deviations. (Vásquez & Delgado, 2020).

## DEVELOPMENT

The study was conducted using a quantitative approach, which allowed for the objective measurement and analysis of the perceptions of legal practitioners and private attorneys regarding the abbreviated motion for reconsideration in civil proceedings. This method made it possible to measure the phenomenon, establish relationships between key terms, and ensure the replicability of the results (Hernández-Sampieri & Mendoza Torres, 2023) The research was descriptive and correlational in nature, as it aimed to characterize the participants' knowledge and practices while also identifying the relationship between the abbreviated motion for reconsideration and civil proceedings. Regarding the design, a non-experimental, cross-sectional approach was adopted because the data were collected at a single point in time, without

deliberate manipulation of variables, limiting the study to observing the phenomenon in its natural context. (Kerlinger & Lee, 2020).

The population consisted of legal practitioners in the Honduran civil justice system. The sample comprised 85 legal professionals, selected through purposive non-probabilistic sampling, based on their direct experience in cases where the abbreviated motion for reconsideration has been applicable in civil proceedings. The following inclusion criteria were established: (a) active practice in the field of civil law, (b) minimum experience in legal proceedings related to the subject matter, and (c) direct participation in cases involving the application of the abbreviated motion for reconsideration in civil proceedings. Professionals without specific experience in this area were excluded. The distribution of the sample is presented in Table 1.

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

| Unit of analysis    |           |
|---------------------|-----------|
| Legal professionals | No        |
| Prosecutor          | 11        |
| Judge               | 29        |
| Private attorney    | 39        |
| Public defender     | 6         |
| <b>Total</b>        | <b>85</b> |

**Source:** *Compiled by the author.*

The data collection instrument consisted of a structured questionnaire designed with 36 items on a Likert-type scale based on three response categories. The questionnaire covered six main dimensions: effects of the motion for reconsideration, time limits for civil motions for reconsideration, appealable orders, appealable rulings, the motion for reconsideration process, and challenges to judicial decisions. To ensure content validity, the instrument was reviewed by specialists in civil procedural law, who assessed the relevance and clarity of the items. Subsequently, a pilot test was conducted with a group of ten professionals with characteristics similar to those in the sample and knowledge of the application of the abbreviated motion for reconsideration in civil proceedings. Reliability was calculated using Cronbach's alpha coefficient, which measures the instrument's reliability by assessing the internal consistency of the questionnaire; in this case, the result is shown in

Table 2 with a percentage of 98.6%, indicating excellent reliability since it is above 90% (George & Mallery, 2023).

**Table 1.** *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 | N of items |
|------------------|------------|
| .986             | 36         |

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

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

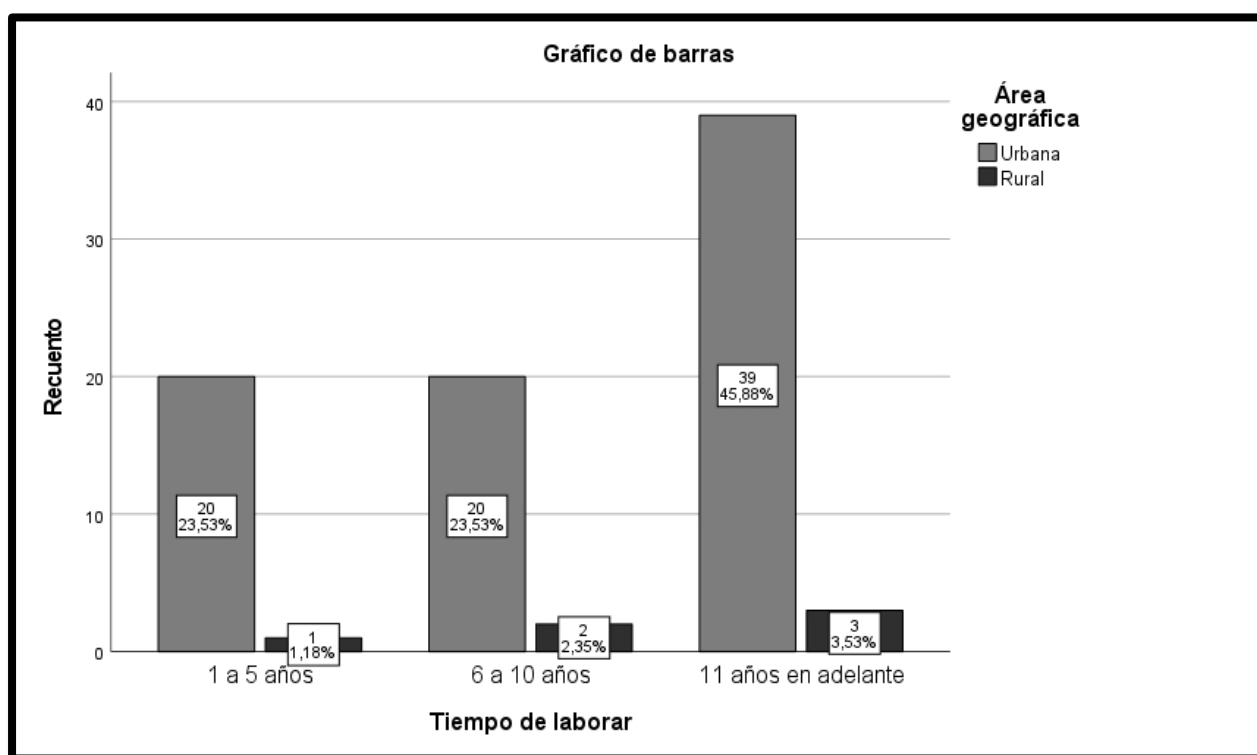
Data collection was conducted at a single point in time and was cross-sectional in nature. The results were organized into tables and frequency charts presenting descriptive statistics, which facilitated the interpretation of the research objectives (Hernández-Sampieri & Mendoza Torres, 2023)

## ANALYSIS OF RESULTS

Figure 1 shows that among men, 24.72% hold the position of private defense attorney, 17.65% are judges, 5.88% are prosecutors, and 1.18% are public defenders. Among women, the majority are also represented by private defense attorneys at 21.18%, 16.47% are judges, 7.08% are prosecutors, and 5.88% are public defenders. The majority of both men and women are private defense attorneys, while a minority hold the position of public defender; these results suggest that,

there is a marked trend in the sample toward private defense attorneys, who are independent legal professionals.

These results reinforce the idea that public service has become a strategic arena for the inclusion of both genders, highlighting the essential role played by women and thereby fostering the exercise of effective judicial protection as promoted within national and international frameworks; It also highlights progress within state institutions regarding how women are advancing in their professional development in careers such as prosecutors and judges, carrying out duties such as the prosecution of crimes, and the concrete application of effective judicial protection in the courts by women as an integral and active part of Honduras's procedural system.



**Figure 2.** Cross-tabulation of work time and geographic area.

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

Figure 2 shows that most participants are from urban areas, and among them, 45.88% have been employed for more than 11 years, another 23.53% have been employed for between 6 and 10 years, and an equal proportion—another 23.53%—have been employed for 1 to 5 years. It is evident that, particularly those who have built their careers in

the judicial sphere—such as the Public Prosecutor’s Office and the Court of First Instance—whether as judges or public defenders—not only have long careers and extensive experience but also enjoy job stability. Complementing this data analysis, it is observed that those in urban areas with more than 10 years of experience suggest the consolidation of a strengthened career-based civil service in judicial centers—particularly in positions within the judiciary and the Public Prosecutor’s Office—thereby ensuring the retention of talent, which is essential for legal certainty.

**Table 3.** *Relationship between the abbreviated motion for reconsideration and legality review.*

| Correlations    |                          |                           | Appeal for Reconsideration<br>Abbreviated | Review<br>of Legality |
|-----------------|--------------------------|---------------------------|-------------------------------------------|-----------------------|
| Rho<br>Spearman | Appeal for Rectification | Correlation coefficient   | 1.000                                     | .752**                |
|                 | Abbreviated              | Significance (two-tailed) | .                                         | .000                  |
|                 |                          | N                         | 85                                        | 85                    |
|                 | Legality Control         | Correlation coefficient   | .752**                                    | 1.000                 |
|                 |                          | Significance (two-tailed) | .000                                      | .                     |
|                 |                          | N                         | 85                                        | 85                    |

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

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

The “abbreviated appeal” variable has a Spearman’s Rho correlation of .752\*\* with the “legality control” variable, indicating a considerable positive relationship between the two; This coefficient suggests that, as the abbreviated appeal is applied, greater legal compliance is observed; in this regard, as the “abbreviated appeal” variable increases, the “legal compliance” variable increases significantly.

The Spearman correlation coefficient ( $Rho = 0.752$ ) indicates a significant positive relationship between the abbreviated appeal and legality control. The level of significance obtained validates the statistical robustness of this finding, which is consistent with the rights-protecting nature of the Honduran civil process. In this regard, the abbreviated motion for reconsideration acts as an immediate challenge mechanism that allows for the correction of procedural defects at early stages, ensuring that judicial proceedings strictly adhere to current regulations.

The correlation outlined above suggests that, as the use of this remedy as a tool for procedural rectification is strengthened, the robustness of the legality review exercised by the

court; consequently, the effective implementation of this means of challenge strengthens the principle of procedural economy and also enhances the quality of judicial protection by purging the process of potential arbitrariness before proceeding to subsequent stages.

**Table 4.** Relationship between procedural deadlines and proceedings and appealable orders and rulings.

| Correlations       |                                        |                           | Time Limits and<br>Procedural Steps<br>Procedural | Orders and Rulings<br>Subject to Appeal |
|--------------------|----------------------------------------|---------------------------|---------------------------------------------------|-----------------------------------------|
| Rho of<br>Spearman | Deadlines and Procedures<br>Procedural | Correlation Coefficient   | 1.000                                             | .561**                                  |
|                    |                                        | Significance (bilateral)  | .                                                 | .000                                    |
|                    |                                        | N                         | 85                                                | 85                                      |
|                    | Decisions and Orders<br>Appealable     | Correlation coefficient   | .561**                                            | 1.000                                   |
|                    |                                        | Significance (two-tailed) | .000                                              | .                                       |
|                    |                                        | N                         | 85                                                | 85                                      |

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

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

The variable “time limits and procedural steps” has a Spearman’s Rho correlation of .561\*\* with the variable “appealable rulings and orders,” indicating a moderate positive relationship between the two; This coefficient suggests that time limits and procedural steps have a considerable impact on appealable orders and rulings, since the viability of appeals is contingent upon strict compliance with statutory time limits, as well as due process.

The Spearman correlation coefficient ( $Rho = 0.561$ ) indicates a moderate positive relationship between deadlines and procedural steps and orders and rulings; the significance level of .000 indicates that there is a zero probability that the observed relationship is the result of chance, implying that the probability of error is less than 0.1%, This result shows that the effectiveness of remedies such as the abbreviated appeal against court orders and rulings is linked to compliance with deadlines and procedural requirements in accordance with the law.

The correlation suggests that, as compliance with deadlines and procedural requirements increases, the effectiveness of challenging court orders and rulings increases proportionally, thereby demonstrating that adherence to the timeframes and deadlines established by law is not a mere formality. These findings demonstrate that the proper management of procedural deadlines leads to expediency, which serves as a safeguard for civil proceedings and the rights of the parties.

**Table 5.** Relationship between the challenging of rulings and effective judicial protection.

| Correlations   |                         |                         | Challenges to Decisions | Effective Judicial Protection |
|----------------|-------------------------|-------------------------|-------------------------|-------------------------------|
| Spearman’s Rho | Challenges to Decisions | Correlation Coefficient | 1.000                   | .908**                        |

|                               |                           |        |       |
|-------------------------------|---------------------------|--------|-------|
| Effective Judicial Protection | Significance (two-tailed) | .      | ,000  |
|                               | N                         | 85     | 85    |
|                               | Correlation coefficient   | .908** | 1.000 |
|                               | Significance (two-tailed) | ,000   | .     |
|                               | N                         | 85     | 85    |

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

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

The challenging of decisions has a Spearman's Rho correlation of .908\*\* with the variable "effective judicial protection," indicating a very strong positive relationship between the two; this coefficient suggests that the challenging of decisions has an extremely strong correlation with effective judicial protection.

The Spearman correlation coefficient (Rho = 0.908) indicates a very strong positive relationship between the challenging of rulings and effective judicial protection. The significance level of 0.000 indicates that there is a zero probability that the observed relationship is due to chance, implying that the probability of error is less than 0.1%. This result shows that the right to challenge rulings is an integral part of effective judicial protection as one of its control mechanisms.

The correlation suggests that, as the parties' right to challenge rulings is applied and respected, it is realized through effective judicial protection; given that the coefficient is .908, it is demonstrated that the right to appeal is not an incidental element but an inseparable component of due process. Consequently, the results confirm that access to a second instance and the possibility of reviewing the legality of judicial acts are the pillars that underpin trust in the justice system, ensuring that citizens receive not only a judgment but also a judicial decision free from errors, fair, and fully in accordance with the law.

**Table 6.** Relationship between the review of legality and effective judicial protection.

| Correlations   |                               |                           | Review of Legality | Effective Judicial Protection |
|----------------|-------------------------------|---------------------------|--------------------|-------------------------------|
| Spearman's Rho | Legality Control              | Correlation Coefficient   | 1.000              | .826**                        |
|                |                               | Significance (two-tailed) | .                  | ,000                          |
|                |                               | N                         | 85                 | 85                            |
|                |                               | Correlation Coefficient   | .826**             | 1.000                         |
|                | Effective Judicial Protection | Significance (two-tailed) | ,000               | .                             |
|                |                               | N                         | 85                 | 85                            |

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

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

Legal oversight has a Spearman's Rho correlation of .826\*\* with the variable "effective judicial protection," indicating a very strong positive relationship between the two; this coefficient suggests that challenging decisions has an extremely strong correlation with effective judicial protection. The Spearman correlation coefficient ( $Rho = 0.826$ ) indicates a very strong positive relationship between legality review and effective judicial protection. The significance level of 0.000 indicates that there is a zero probability that the observed relationship is due to chance, implying that the probability of error is less than 0.1%. This result shows that legality review is a tool that forms part of effective judicial protection as one of its control mechanisms.

The correlation suggests that, as the review of legality is applied in this manner, effective judicial protection materializes and takes shape; given that the coefficient is .826, this demonstrates that the review of legality is an element of utmost importance that constitutes effective judicial protection. The results confirm that this review of legality is both a principle and a function of the Honduran civil procedural system, within the framework of ensuring effective judicial protection, serving as a mechanism that guarantees that no one acts above the law.

## DISCUSSION

The research on the abbreviated motion for reconsideration in civil proceedings yields relevant findings regarding the research objectives set forth. It is observed that, based on the level of correlation found between the variables "application of the abbreviated motion for reconsideration" and "review of legality," this reveals an inseparable component of justice, just as the relationship demonstrated between the challenge of rulings and effective judicial protection highlights the robustness of the civil procedure. Thus, the validity of the abbreviated motion for reconsideration must be emphasized based on the results. This stands in contrast to critical positions that suggest limited practical effectiveness, given that the decision is rendered by the same judge who issued the ruling that is essentially being challenged through the abbreviated motion for reconsideration; the data collected from the sample under investigation demonstrate that, in the practical reality of Honduras, this remedy acts as an essential filter for correcting errors.

The significant positive correlation between the variables "abbreviated motion for reconsideration" and "review of legality" contrasts with the argument put forth by Monjean Decaudin (2024), who states that this remedy arises precisely to correct errors in the interpretation of the law. This finding suggests that the

protective function described by Monjean Decaudin (2024) holds that the appeal for reconsideration is not merely a formal mechanism but a tool that ensures judicial proceedings remain within the bounds of legality. In this regard, the results contradict the view presented in the study by Beltrán (2024), which asserts that the remedy under investigation is an empty formality that serves as a necessary antidote to remedy judicial error. When comparing these results, a convergence is observed with the arguments put forward by Llera (2023), who defines the motion for reconsideration as a remedy for challenging a decision, intended to compel the same court that issued the ruling to modify it as a matter of law. The power to challenge a decision stems from the right to bring an action.

Thus, based on the results, a central point of debate emerges when analyzing the findings regarding the relationship between the variables “time limits” and “procedural steps” on one hand, and “appealable orders and rulings” on the other, revealing that the effectiveness of the appeal is linked to compliance with procedural deadlines and procedures. This is supported by Contreras’s (2023) discussion of the “reasonable time frame” as an obligation that is not a mere formality; thus the right to have an appeal processed within the established timeframe is a right held by the parties, since the aim is for matters to be addressed with the greatest possible speed and procedural efficiency; generally, the right to a reasonable timeframe is embedded in the broader context of the proceedings, which implies the right to a process free from delays of any kind. Consequently, the positive correlation between time limits and procedural steps involving appealable orders and rulings is also consistent with the views expressed by Armas (2023) and Vargas (2023), who emphasize that short and reasonable time limits are essential for the effectiveness of the appeal. The results suggest that the effectiveness of an appeal depends directly on strict compliance with time limits, which aligns with Borrero’s (2024) view on the need to appeal court orders and rulings to guarantee rights, always within the timeframes established by law.

The results also contrast with the research by Salazar (2024), which observes a failure to observe the right to appeal—suggesting an optimistic yet more demanding perspective. the author warns of the violation of guarantees when clear rules are not established for this type of appeal; this clearly conflicts with basic guarantees and constitutional rights. The results suggest that there is a significant relationship between the variable “abbreviated appeals for reconsideration” and the

variable “legality review,” indicating that the clearer the rules governing the appeal, the greater the legality review that can be applied.

On the other hand, the perception of effective judicial protection, evidenced by a very strong positive correlation, reinforces the idea that the right to challenge is not an attack on the judge’s authority but rather a tool for judicial transparency that requires a more transparent, clear, and legally sound justification for judicial decisions that can be appealed—such as orders and rulings— through which the judge helps to advance the proceedings and ensure that the process proceeds within the timeframes set forth in the law. Therefore, the challenge of rulings and effective judicial protection reinforce the arguments put forth by Beltrán (2024) and Tates & Villacrés (2024), who maintain that procedural appeals are indispensable instruments for guaranteeing due process and preventing flawed rulings from becoming final; This confirms that the right to appeal is an essential component of the procedural system, which is also directly in line with the arguments put forth by Molina (2023) that challenging decisions constitutes a means of defense against judicial decisions that cause harm.

The very strong correlation between legality review and effective judicial protection aligns with the observations of Moreno et al. (2024), who note that procedural remedies arise to challenge the validity of actions taken during proceedings; This finding confirms that the review of legality is not merely ancillary but a structural principle of the Honduran civil process, as explained by Folgueral & Pérez (2021) in their analysis of the suspensive and corrective effects of appeals.

The practical implications of this study point toward strengthening the understanding and use of the abbreviated motion for reconsideration and how it reduces litigation in the appellate stage; thus, the study supports the view of Cucatto (2025), who envisions the process as a path where laws guide the removal of obstacles—the motion for reconsideration is thus the mechanism for removing obstacles in the initial stages of litigation, it is also imperative to recognize that, although the Spearman’s correlation coefficient of .826 links legality review with effective judicial protection, the procedural rule stating that no appeal may be filed against a ruling denying the petition represents an area of risk for the lack of legal defense.

The fact that the results show a marked incidence of appeals in cases involving effective judicial protection is linked to the historical evolution described by Carranza (2024) and Moriconi (2016): while in Rome there were no appeals and judgments became final immediately, the modern development of procedural law

has created mechanisms such as reconsideration to guarantee substantive justice and legal certainty; this evolution is not merely theoretical but is reflected in Honduran judicial practice.

## CONCLUSIONS

The findings suggest that the application and use of the parties' right to challenge proceedings is an option for expressing dissatisfaction with situations that arise during proceedings or with what is perceived as an error, and this right represents an opportunity to correct such errors. In this regard, it is observed that the abbreviated motion for reconsideration is a tool for immediate challenge; the findings suggest that the primary effect of this remedy is early procedural rectification and respect for the parties' right to a defense and other procedural guarantees, since it is resolved by the same judge (*a quo*), it functions as a tool or filter that prevents the higher courts from becoming overburdened, thereby aligning with the principle of procedural economy.

With regard to the relationship between procedural deadlines and formalities and the orders and rulings subject to appeal, the results show that the viability of the appeal depends largely on those deadlines and on the doctrine of preclusion; thus, it is observed that deadlines must be met in a timely manner, and it follows that the speed of the proceedings is what prevents the appeal from becoming an unnecessary delay in the process, so that strict adherence to procedural deadlines ensures the effectiveness of the right to a defense and the proper administration and application of justice, since the concept of preclusion serves as a safeguard in the proceedings, preventing the parties from unduly prolonging the litigation and reinforcing the finality of the rulings issued.

Regarding the effectiveness of the expedited motion for reconsideration as a mechanism for reviewing legality, this remedy strengthens such review because it compels the judge—as the authority in civil proceedings—to conduct a self-review that reduces arbitrariness, thereby ensuring compliance with substantive and procedural law, thus becoming a tool that not only corrects potential factual or interpretive errors but also reinforces transparency and confidence in judicial decisions when this remedy allows the same body to consolidate its decisions within the bounds of legality, through a process that observes the procedural guarantees applicable to due process.

Finally, the abbreviated motion for reconsideration serves as a mechanism through which the legality and transparency of judicial proceedings are ensured, since its effectiveness lies in the ability to resolve or correct errors that may arise during the course of the

proceedings; thus, the abbreviated motion for reconsideration contributes to aspects or principles such as expediency, procedural economy, the right to a defense, and the right to be heard and defeated in court, among others. In conclusion, the findings allow us to affirm that the motion for reconsideration in Honduras is the first and most vital line of defense for procedural legality.

## **FUTURE RESEARCH**

It is recommended that future research assess the extent to which the motion for reconsideration is utilized as a tool to alleviate the caseload of higher courts. Likewise, it is suggested that comparative studies be conducted among judicial jurisdictions regarding the application of the abbreviated motion for reconsideration, its effectiveness and compliance, and the oversight of legality it provides.

In the future, it will be relevant to conduct research measuring the impact of the abbreviated motion for reconsideration on effective judicial protection and due process, while also exploring the relationship between this remedy and judicial decisions as well as other appeal mechanisms.

Finally, future lines of research could focus on developing indicators of transparency and public trust in the Honduran judicial system by examining the link between the appeal for reconsideration and the legal certainty experienced by the parties to the proceedings.

## **DATA AVAILABILITY**

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

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

## **STATEMENT ON GENERATIVE ARTIFICIAL INTELLIGENCE**

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

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| Software                                 | Aurora Castillo Orellana, Adalid Medina Reyes     |
| Validation                               | Aurora Castillo Orellana, Adalid Medina Reyes     |
| Formal Analysis                          | Medina Reyes Adalid, Victor Méndez Ordoñez        |
| Research                                 | Victor Méndez Ordoñez                             |
| Resources                                | Not applicable                                    |
| Data Curation                            | Victor Méndez Ordoñez, Ana Graciela Elvir Mendoza |
| Deed - Preparation of the original draft | Victor Méndez Ordoñez, Ana Graciela Elvir Mendoza |
| Drafting - Review and editing            | Victor Méndez Ordoñez, Ana Graciela Elvir Mendoza |
| Visualization                            | Victor Méndez Ordoñez, Ana Graciela Elvir Mendoza |
| Supervision                              | Aurora Castillo Orellana, Adalid Medina Reyes     |
| Project Management                       | Victor Méndez Ordoñez                             |
| Fundraising                              | Not applicable                                    |

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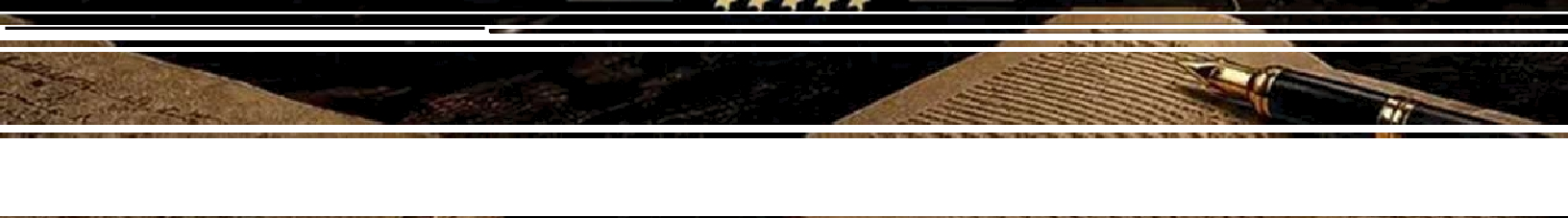
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