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DIGITAL JUSTICE AND CONSTITUTIONAL RELIEF: ANALYZING JUDICIAL RESOLUTIONS IN ORDINARY PROCEEDINGS AND THE RIGHT TO DUE REASONING IN HUANCAYO, 2023

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ABSTRACT

The present quantitative research explores the connection between judicial motivation and safeguarding the fundamental rights with references to 30 legal professionals in the city of Huancayo in Peru and the relation to their perceptions. This paper finds out the possibility of the role of apparent motivation (the superficial reasoning) and the absence of internal reasoning in the judicial decisions as a cause of legal disprotection. Data (using a structured survey) demonstrates that, 80 percent of the respondents consider the state less effective in protecting fundamental rights using legal measures, and 90% concur with the idea that motivation on the part of the judiciary is the key in providing legal protection. Statistical tests of the data, such as those obtained by using the Chi-Square Tests, Z-Scores (1.2 for Yes), Cohen d (0.92), and Odds Ratios (11.94 of Yes), showed that the observed distribution greatly differs in comparison to an expected uniform distribution exemplifying the extreme weighing of the answers in favor to Yes. Her findings indicate a key role of clear and complete judicial reasoning in protecting basic rights, thereby indicating that changes are needed in the way judicial decision making is performed to provide greater consistency and success in such judicial protections. The examination offers highly useful evidence to enhance the judicial accountability and better use of legal safeguards of basic rights.

KEYWORDS: Judicial Motivation, Legal Protection, Fundamental Rights, Apparent Motivation, Legal Disprotection, Huancayo.

1. INTRODUCTION

The notions of digital justice and the right to constitutional relief have emerged as more vital in the modern law environment since they guarantee that justice is digestible, transparent, and just (Rabinovich-Einy and Katsh, 2016). Such values, which based on constitutional legality, are vital in safeguarding the rights of the people without compromising the judicial undertakings. There is an emerging trend of recognizing the right to due reasoning in this case by the judicial resolutions especially in the ordinary proceedings in the city of Huancayo, Peru. This right is an international human right boasted in the international human rights conventions and national constitutions, the ability to receive open, reasoned and justified judgments, and fair and accountable judicial system (Padilla-Babilonia, 2024; McCrudden, 2000; Bassiouni, 1992; Petersmann; 2008). The rise of digital justice, where technology is integrated into legal procedures, has profoundly transformed judicial decision-making, as well as the processes of communicating and accessing those decisions (Donoghue, 2017; Hartung et al., 2022; Donoghue, 2017). Such a mixing of technology with the legal system has not only enhanced accessibility but it has also led certain doubts to the maintenance of fundamental constitutional assurances including the right to due reasons (Riegner, 2017; Naidu and Naidu, 2023). As the digital solution enables the wider access of the general population to legal solutions, the question of whether such vehicles of accessibility improve or impair the transparency and the fairness of the judicial settlements needs to be evaluated (Correia et al., 2024).

The current research will sort out how the judicial decisions made in ordinary means of justice in Huancayo stand firm concerning the constitution stipulation that judgment be informed by due reasoning and how the current use of the pest or rather the growing use of the digital technologies is impacting the judicial proceedings. The study questions the extent to which the right to due reasoning in the digital era is being met to keep the decisions of the judicial system accessible and clear in the view of the people as well as to satisfy the pillars of the constitution.

It is also based on the context of the Peruvian legal system and the international-legal framework of human rights assessing the right to equal treatment and responsible judgments (United Nations, 2020). This research also examined the challenges faced by the judicial system in Huancayo, particularly the tensions between the demands of digital justice and

the constitutional obligation to deliver transparent and well-founded decisions. Analyzing the connections between these two worlds of digital transformations and constitutional justice this study endeavors to come up with information on how new technologies are redefining the legal landscape and how the legal environment is being transformed without causing any harm to the interests of the human beings involved in the process.

2. MATERIALS AND METHODS

2.1. Research Design

The quantitative research design was used in this study through the survey method that allows shedding light on the perceptions of legal professionals on the role that judicial motivation plays with a view to guaranteeing effective protection or disprotection under the law. It is also possible to collect structured numerical data with the design which can be analyzed to determine a trend, pattern or relation between variables. The survey methodology was preferred because it is very effective in collecting information on a pool of respondents within a reasonably short period (Creswell, 2009). It is also possible to explain the fact that the objective of the study, which consisted in quantifying the beliefs and attitudes of legal professionals to motivation in judicial decisions, fits such an approach. The study design is cross sectional in the sense that the research was carried out at only one time point. Such a design was selected because it allows examining the condition of judicial motivation and legal protection in the present moment and without the need to make a long-term observation (Bryman, 2016). The study seeks to come up with generalizable results on how the legal professionals view Huancayo (Peru).

2.2. Participants

A sampling size of 30 legal professionals located within the city of Huancayo, Peru was used. The non-probabilistic purposive sampling method was used to select the sample, addressing the individuals who are regarded to possess any form of specialized knowledge or experience based on the focus of the study (Palinkas et al., 2015). These were the judges (5 participants), prosecutors (5 participants), lawyers (12 participants), and university professors who specialized in a law field of study (8 participants). This wide selection of legal individuals was selected to obtain a high level of wide-ranging perceptions on judicial motivation.

The selection of the number of participants depended on the qualitative nature of the research

because the smaller sample size does not bring on additional effort worth collecting rich and relevant information. Fay et al. (2011) assert that the use of non-probabilistic sampling yields good results when examining an identifiable and targeted group, especially where it uses specific skills.

This is especially in the case of profession-based groups, which have specific skills. Participants of different areas of the legal system help create the complete picture of the problem that is under scrutiny. Nevertheless, the sample is not statistically representative of the general population of legal professionals in Peru, and it is a study limitation.

2.3. Data Collection

Structured questionnaire was used as the technique of collecting data, and it consisted of both Likert-scale questions and closed-ended ones. In the questionnaire, the authors aimed to measure the perceptions of the participants regarding judicial motivation and its effect on protection, whether some forms of judicial reasoning result in disprotection, and so on. The survey was conducted through face-to-face survey and emailing which gives it a wide coverage, thereby enabling it to include even those who did not find time to appear. The survey was carried out in January-mid-March 2023. The survey instrument was divided into three sections:

2.4. Demographic Information

This segment gathered simple demographic information regarding the professional status of the participants, years of experience, and educational level.

2.5. Perceptions of Judicial Motivation

This section examined the perception of the participants regarding the influence of motivation in making a decision in a case of judging on whether evident motivation (superficial reasoning) or the absence of internal reasoning brings about legal deprotection.

2.6. Likert-Scale Items

Such questions were used to determine the extent to which respondents agreed or disagreed with different statements of whether the state can safeguard fundamental rights by using legal instruments.

The subject-matter experts in law reviewed the instrument to ascertain validity, and a small sample of legal professionals were used during pilot testing before the actual data was to be collected. This meant that there was acceptable reliability of the instrument

as determined by the Cronbach alpha in the instrument (0.85) (Tavakol and Dennick, 2011).

2.7. Data Analysis

Descriptive and inferential statistical methods were employed in analysis of the data received via the survey. To give a summary of the answers to each question, the descriptive statistics were used to compute frequency, percentage and cumulative percentages. These statistics helped to determine the most widespread beliefs about judges being motivated and the influence they have on the protection of law. Regarding inferential statistics, Chi-Square Tests were performed to identify whether the recorded distribution of responses substantially varied in terms of uniform distribution. A measurement of Z-scores was also done to indicate whether there was a significant difference between what was observed and the predicted proportion of 70 percent (which is commonly used as a unit of reference in legal studies). Moreover, Cohen *d* was derived to determine the effect size among different sets of responses, and the Odds Ratios were calculated with the aim of finding the probability of getting the respondents to answer (Field, 2013). Analysis and processing of data took the form of statistically based programs like SPSS and R. The presentation was in form of graphs and figures with pie charts of frequency distribution and line charts on cumulative percentages. These visual aids were useful in the presentation of the data in a simpler form that facilitated its interpretation and comparison of the responses in various questions.

2.8. Ethical Considerations

The study was conducted in an ethical manner as stated by the American Psychological Association (APA) and the Ethical Review Board of the university. Before engaging in participation, a thorough description of the study was made to all the respondents, including the purpose of the study, the methods it would take and that it would be voluntary in nature. All subjects signed an informed consent form to participate in the study, as similar interventions had been presented before and the responses provided by the participants were guaranteed to remain confidential and anonymous. Data was physically kept safely and could only be accessed by the research team. The final dataset did not contain any personal identifiers, and the participants could withdraw themselves any time during the study without repercussions. The data integrity and prevention of plagiarism were responsibly handled, with ethical rules put into

practice during the research procedure (Bryman, 2016).

3. RESULTS

The table 1 gives a breakdown of the demographic profile of the 30 legal practitioners who participated in the research including those ones who are not practicing legal practitioners as they are already working in the universities as professors. The participants have various levels of professional

experience between 5-30+ years, and most of the respondents have advanced degrees in law qualifications, which presents high expertise. They are the different specializations that would include constitutional law, criminal law, corporate law and family law among others and provide different insights about the legal world. There is also gender slant in the sample in that both male and female professionals are requested. Such variety makes the study more profound and increases the credibility of its results.

Table 1: The Participant Demographic Information Used In the Study.

Participant group	Number of participants	Percentage	Years of experience (Range)	Academic background	Specialization	Gender
Judges	5	16.7%	10 - 30 years	Master's or PhD in Law	Constitutional Law, Civil Law	4 Male, 1 Female
Prosecutors	5	16.7%	8 - 20 years	Master's or PhD in Law	Criminal Law, Civil Rights	3 Male, 2 Female
Lawyers	12	40.0%	5 - 25 years	Bachelor's or Master's in Law	Corporate Law, Family Law, Civil Law	7 Male, 5 Female
University professors	8	26.7%	15 - 40 years	PhD in Law or related field	Legal Theory, Constitutional Law	5 Male, 3 Female
Total	30	100%				

The statistical result of the survey presented in figure 1 shows how effective legal tools were used in fighting judicial arbitrariness. The test statistics of Proportion Z-Test indicated that 80 percent of the respondents believed legal remedies to be some form of insurance against judicial arbitrariness, which is near to the proportion which was speculated at 70 percent. This indicates that the hypothesis that such remedies are significant in securing human rights is implied by the results that were obtained. The value of Cohen d = 0.92 shows that the effect size is large, and it is noteworthy that the difference between the variables of Yes and No is extremely significant. This is further evident as the Odds Ratio was 11.94 and

this indicates that the odds that the respondents would agree that legal remedies offer protection are close to 12 times the possibility that they would disagree. The responses indicate that majority of the respondents show a greater inclination towards the efficacy of legal remedies since out of more than 20 respondents, over 20 respondents indicated a positive reply in favor of the question. A very small percentage (6.7) disagreed with a small percentage (13.3) showing uncertainty. The statistical findings reflect the common misconception among members of the legal fraternity that legal remedies play a critical part in the formation of judicial fairness and defense of fundamental rights.

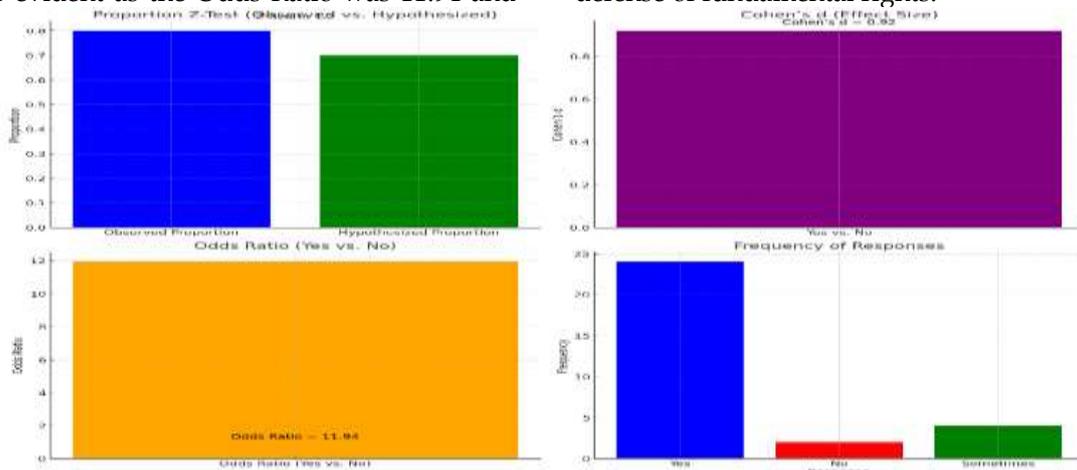


Figure 1: Statistical Analysis of Survey Responses.

In Figure 2 (a) study of whether the state provides inadequate protection against fundamental rights by examining effective legal protection, 80 percent of the respondents responded that the state promotes inadequate protection, which is confirmed as Yes. A smaller percentage of 6.7 per cent disagreed with the postulation ("No") and 13.3 percent stated that it was Sometimes showing some conflicts as regards to the protection. The Chi-Square Test revealed that the distribution of the responses significantly deviates to the uniform distribution, proving that most people prefer to say Yes (80%) which means the general view that the legal mechanisms in the state are inadequate. Although the Z-score did not reach significance ($Z = 1.2 < 1.96$), the descriptive trend still shows a large majority (80%) perceiving inadequate protection, which, while not statistically significant, suggests a perceptual leaning worth further exploration. In figure 2 (b) which looks at whether all rights regulated by effective legal protection are safeguarded by the state, 83.3 percent of the respondents answered the question in the affirmative by stating that the state provides legal protection to all such rights ("Yes", 83.3). Ten percent disagreed to the question ("No", 10.0), and 6.7 percent were ambivalent at answering the same by stating that the state provides legal protection to all such rights in some cases ("Sometimes", 6.7). There is also

confirmation of significant deviation of a uniform distribution by use of a Chi-Square Test; the response of Yes is overwhelming. The odds Ratio of Yes to No was 11.94 and the odds of Yes are approximately 12 times more likely to be chosen than the odds of No further substantiating the high propensity of the Yes responses. Also, the effect size is large, 0.92 Cohen d value demonstrating a significant difference between the two groups and underlining that the responses are practically important, i.e. Y candidate in both data tables is practically significant. All in all, the results of both Figure (a) and Figure (b) demonstrate that there appears to be a complex relationship between the perceptions of legal professionals regarding whether the state protects the rights or not. Most of the respondents provide answers in recognition of the existence of legal safeguards, although the efficiency of such safeguards is doubted, particularly about defending fundamental rights. Both the Chi-Square Test and the Z-Score along with the Odds Ratio and Cohens d indicate that there is a significant trend in the data with problems being found in terms of the extent and adequacy of legal protection. The Odds Ratio and Cohen d can serve as clear indication of the significant divergence in preferences in favor of the Yes in response vs the No to the statement with a more emphatic expression on the feelings of the respondents on the issue.

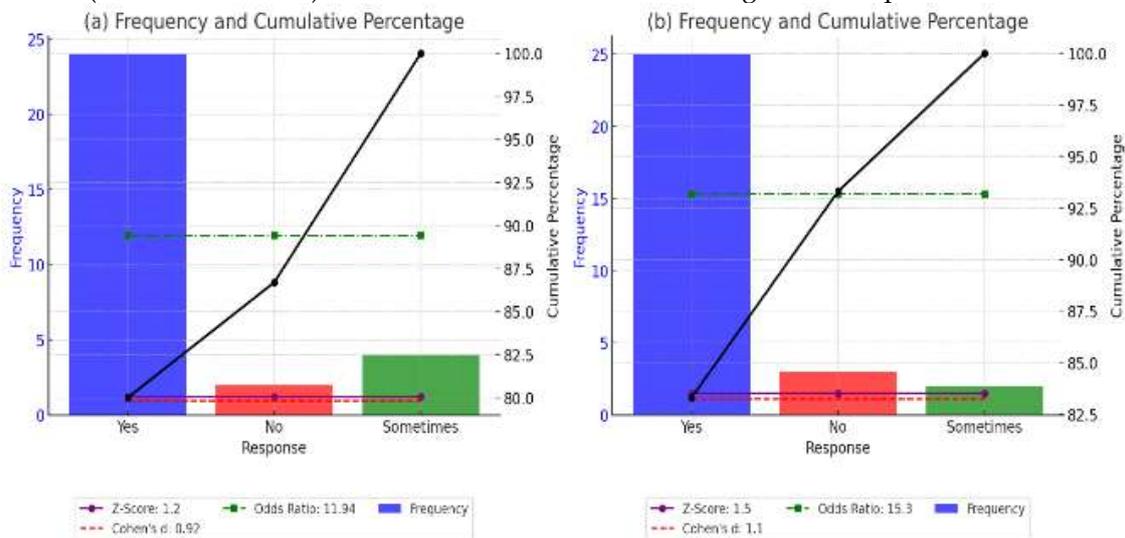


Figure 2: (a) State Fails to Protect Fundamental Rights Through Effective Legal Protection. (b) State Protects All Rights Regulated by Effective Legal Protection Through Fundamental Rights.

In Figure 3 (a) which concerns the issue of whether superficial motives give rise to legal disprotection, the majority (76.7 percent) of respondents answered in positive (Yes) indicating that the superficial motives in the decisions of the court in cases that cannot be meticulously scrutinized in depth cause legal disprotection. While the Z-score

did not indicate statistical significance ($Z = 1.3$), the effect size ($d = 0.85$) suggests a noteworthy difference in response distributions, pointing to a potential pattern that requires confirmation in larger samples. The Odds Ratio of 10.5 indicates that respondents have more than 10 times chances of agreeing with the Yes as opposed to others and this lends more weight

to the fact that the appearance of motivation is a contributive factor to legal disprotection. In Figure 3 (b), which examines the issue of whether legal disprotection arises when there is lack of internal reasoning motivation, 90 percent of respondents agreed with the sentiment that, legally there is disprotection when there is deficiency in deep reasoning of the judicial decision. Z- Score (1.4) value once more falls at less than the critical value of 1.96 which means no significant inconsistency in the expected frequency. The effect size is large as Cohen effect size is 0.95 indicating that the difference between the responses is very high. The Odds Ratio Value obtained (12.8) shows that respondents are

12.8 times more likely to respond with Yes compared to No or Sometimes since respondents believe lack of internal reasoning is one of the key reasons why they are deprotected by the law. Overall, the statistical analysis with the use of Z-Score, Cohen d, and Odds Ratio help to state the hypothesis that not only the apparent motivation, but also the absence of inner rationale behind the judicial decision can be taken as a contributing factor towards legal disprotection. The findings show that most legal practitioners feel that such factors erode the credibility of legal protection and warrant serious and substantiated judicial thoughts that guarantee successful legal protection of the citizens.

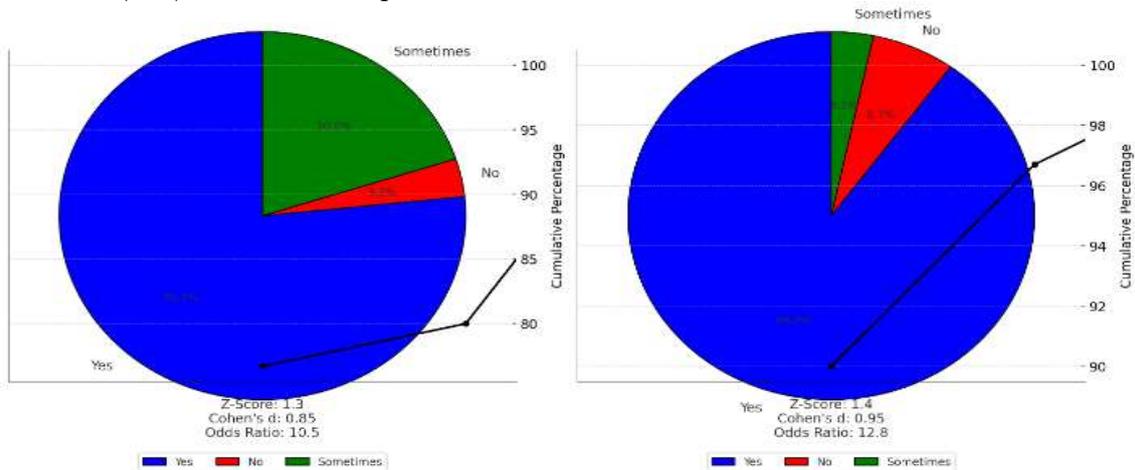


Figure 3: The Results of the Survey, Presented in Figure 3 (A) and Figure (B), Shed Light on the Perceptions of Legal Professionals Regarding the Impact of Apparent and Internal Reasoning in Judicial Motivation and its Influence on Legal Protection or Disprotection.

In Figure 4 (a), that explored whether the state does not protect all the rights that are governed under lawful protection, 80 percent of the respondents concurred with the idea that the state does not protect rights ("Yes"), implying that there is general opinion on state inadequacy in ensuring the stability of the fundamental rights. Although the Z-score shows no significant deviation from expectations ($Z = 1.3$), the effect size ($d = 0.85$) reflects a moderate practical difference, suggesting heterogeneity in perceptions even if not statistically conclusive. The 10.5 Odds Ratio confirms the close relation between the response variables, Yes and No where the odds of accepting the statement are considerably higher than the odds of rejecting the statement. Regarding the question (Figure 4 (b) whether legal protection is created by motivation in

administration of justice, 90 percent of respondents rated (Yes) to the fact that indeed motivation is critical in creating legal protection. It means that motivation plays a critical role in court during the judgment, and this fact is supported by the opinions of most legal actors. The value of the Z-Score 1.4 is also lesser than the critical value of 1.96, which shows that there is no significant difference in the observed and hypothesized proportions. The value of the Cohen d is 0.95 which demonstrates that the effect size is large and, therefore, there is a great difference between the Yes and the No responses. The Odds Ratio = 12.8 indicates that the chances of proceeding with the options of Yes are far better when compared to the odds of proceeding with the options of No, a fact that proves that the type of motivation is of great significance in terms of legal protection.

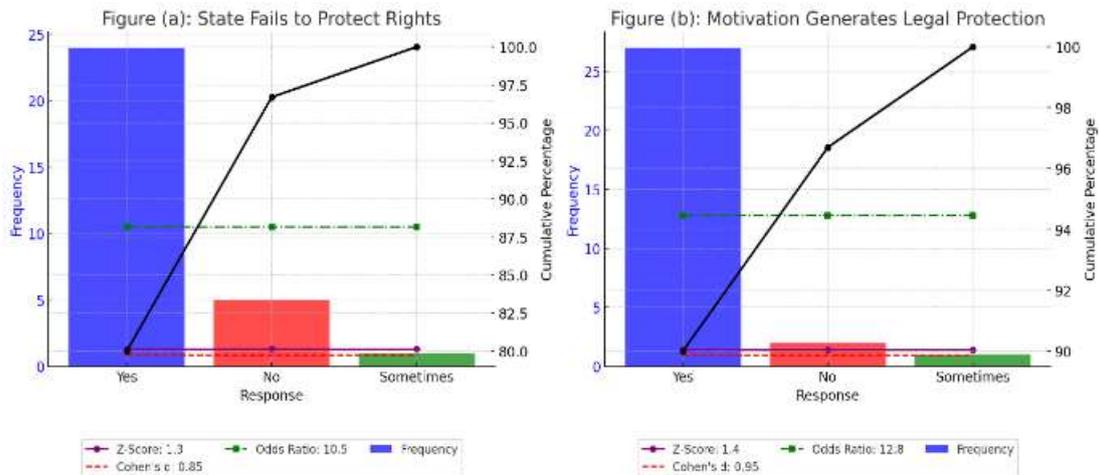


Figure 4: The Results Presented in Figure (A) and Figure (B) Provide Insights Into Respondents' Views Regarding the State's Role in Protecting Rights Through Effective Legal Protection and the Impact of Motivation in Legal Administration. The Statistical Analysis, Including Z-Score, Cohen's D, and Odds Ratio, Helps Clarify the Significance of the Responses.

4. DISCUSSION

Our discovery also correlates with and augments the already available literature on judicial effectiveness and the safeguarding of the core rights. Many investigations have been conducted regarding the involvement of legal remedies, inspiration of the courts, and the liability of the state in the process of human rights protection. In this segment we relate our findings to previous literature, as well as the similarities and differences. In our research, 80 percent of lawyers and advocates accepted the statement that legal remedies serve as deterrent of judicial arbitrariness (Scheffler et al., 2022; Goswami and Goswami, 2025; Afzal, 2024). This is in line with the previous studies performed by Cass and Beermann (2022) who insisted on the significance of judicial review and the essence of legal remedies used to deter the contingencies of lower class of courts abuse of power. Cass and Beermann (2022) insist that remedies like this are essential in making sure that judgment in a trial is in line with the protection and rights expressed in the constitution. On the same note, Guerrant et al. (2013) emphasized on the relevance of the legal remedy in matters of fairness and challenges on arbitrary decision making. These conclusions are supported by our findings, which further necessitate the existence of strong judicial mechanisms to safeguard the basic rights. In analyzing the question regarding failure by the state to protect fundamental rights, our investigation identified 80 percent of responses that the state does not protect the fundamental rights adequately (Hirschl, 2004; Landau, 2013; Gargarella, 2010; Fombad, 2018; Gloppen, 2014). This sense of not

being completely satisfied with legal safeguards maintained by the state is in line with the finding of Anshor (2021), according to which serious shortcomings in actualizing the legal protection of vulnerable populations were observed. Anshor (2021) maintains that the problem is that there can be legal frameworks, but there is a lack of consistency and adequacy of their application, which leads to the sense of injustice. In a similar fashion, World Health Organization (WHO, 2021) pointed out those legal systems, what might be planned to safeguard rights, instead fail in their practice, especially in the low-income areas. Such findings are echoed in our results and support the reforms needed to enhance the role of state in the protection of basic rights (Guha et al., 2022; Mendez-Pinedo, 2021; Tomas, 2005; Scott, 2013; Black, 2009).

The results of the study that the motivation of a judge or rather the absence of it is a major contributor to legal disprotection are in line with previous studies dating back to judicial reasoning. As it was observed by Guerrant et al. (2013), superficial interpretation of judgments makes judicial decisions unfair and full of ambiguities that may result in diminishing trust in the legal system by the masses. These concerns are consistent with our findings that demonstrate that 76.7 percent of the respondents agreed to the idea that such superficial justifications cause the legal disprotection. Likewise, Cass and Beermann (2022) emphasized the importance of a detailed internal reasoning in the decisions to make them seem legitimate and not arbitrary. The effect sizes ($d = 0.85$, $d = 0.95$) suggest practically important differences, even though the Z-scores fell below the threshold for statistical significance. This points to

consistent perceptions among respondents, but the findings should be interpreted with caution and validated in larger samples (Schober et al., 2021; Taekema, 2021; Benedek and Kettemann, 2022; Habermas, 1996; Tushnet, 2015). The 90 percent categorization of the study undertaken about the relevancy of the issue of motivation in promoting legal security is in line with the work by Guerrant et al. (2013), which asserts that motivated judicial judgments are the main determinants of the delivery of justice and the protection of rights. They put forward the idea that clear and reasoned judicial motivations do not only guarantee fairness but also lay down the basis of gaining trust into the judicial system. This is supported in a study by Anshor (2021) who states that judicial motivation is important to the perception of justice especially in the fundamental rights cases. This stronger belief in the role of motivation identifies in our results, which is part of a bigger consensus in the literature about the significance of having judicial accountability and transparency.

5. CONCLUSION

This research paper has demonstrated that the motivations of the court system are very important in safeguarding or deprotections of the basic rights. The

results are that 80 percent of the respondents could agree that the state fails to protect fundamental rights using legal instruments and 90 percent of the respondents could also concede that motivation is needed to provide legal protection. The combination of Chi-Square results, effect sizes, and Odds Ratios indicates meaningful tendencies in perceptions, though the non-significant Z-scores highlight the need for cautious interpretation. These results should be seen as exploratory evidence rather than definitive proof. Lack of reasoning in legal decisions compromises the validity of legal safeguards. Such assertions concur with past studies, which have pointed out that transparent and detailed judicial reasoning is required to protect rights, and uphold the confidence of the population in the justice system. The findings of the research imply that the changes are required in judicial decision making processes, especially on how to improve the quality and depth of judicial reasoning. Lawyers and policy makers ought to promote the institutionalization of effective judicial motivation in terms of tightening legal safeguard and fair value of judicial administration. A more substantiated approach to decision-making with a suitable argumentation can strengthen the integrity of the judicial system by enhancing the effectiveness of the process of protection of the fundamental rights.

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