

# ***Gestión de riesgos penales en Ecuador (2020-2025). Sugerencias educativas para el Sistema Institucional Judicial Criminal risk management (2020-2025). Educational suggestions for the Judicial Institutional System***

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**RESUMEN:** Varias son las prácticas que afectan al Sistema Judicial Institucional Ecuatoriano: no judicialización, la prescripción de procesos, la falta de sanción efectiva, debilidad en el control interno, formación ética deficiente, baja autonomía en los procesos de designación, limitada participación ciudadana y gestión de riesgos, lo cual afecta la legitimidad institucional. Se proponen sugerencias educativas para el sistema institucional judicial ecuatoriano orientadas a contrarrestar los riesgos penales desde un enfoque crítico y multidimensional, con vistas a eliminar brechas con carácter preventivo, derivado de la aplicación de métodos como el histórico-lógico, análisis-síntesis, inducción-deducción, entrevistas y revisión de documentos, además de técnicas estadísticas.

**Palabras clave:** Corrupción judicial; Gestión de riesgos; Sistema institucional judicial; Ética judicial

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**ABSTRACT:** There are several practices that affect the Ecuadorian Institutional Judicial System: non-prosecution of cases, prescription of proceedings, lack of effective sanctions, weakness in internal control, deficient ethical training, and low autonomy in designation processes, limited citizen participation, and risk management. All of these undermine institutional legitimacy. Educational suggestions are proposed for the Ecuadorian institutional judicial system, aimed at counteracting criminal risks from a critical and multidimensional approach, with the aim of eliminating gaps through preventive measures. These suggestions derive from the application of methods such as the historical-logical method, analysis-synthesis, induction-deduction, interviews, and document review, in addition to statistical techniques.

**Keywords:** Judicial corruption; Risk management; Institutional judicial system; Judicial ethics

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## **Introduction**

Judicial corruption represents one of the most complex practices of institutional deterioration within a Rule of Law. It undermines the impartiality, legality, and credibility of judicial decisions. In the case of Ecuador, this problem has become a structural component of its judicial apparatus, directly affecting the guarantee of equitable access to justice, effective criminal prosecution, and the full validity of fundamental rights (Pazmiño & Romero, 2023).

Studies reveal that corrupt mechanisms do not operate in isolation but are embedded in parallel networks and power structures that transcend both courts and prosecutors' offices. These networks are consolidated through perverse incentives, the weakening of control bodies, the manipulation of procedural tools such as habeas corpus, and the co-optation of key officials within the judicial system (United Nations Office on Drugs and Crime – UNODC, 2021). In this context, corruption not only prevents the effective punishment of crime but also acts as an accelerator of impunity and the fragmentation of the criminal justice system.

In this historical context, the concept of **criminal risk management** emerges as a key strategy to prevent, detect, and mitigate institutional vulnerabilities that facilitate judicial corruption. This approach seeks to implement risk analysis mechanisms, internal controls, ethical training, and judicial performance evaluation, following the principles of criminal compliance and international anti-corruption frameworks (Moreno & Jarrín, 2024).

From the perspective of administering justice, a systemic deficit is evident in the State's capacity to prevent criminal risks and safeguard the integrity of the justice system. In response, the implementation of **criminal risk management** models stands out. This approach aims to proactively identify vulnerable points in the criminal process where the highest probabilities of ethical deviation, external interference, or institutional collusion occur (Moreno & Jarrín, 2024). It draws inspiration from corporate criminal compliance principles, organizational risk management, and justice based on standards of public integrity.

Amesquita (2025), in comparing **criminal risk management** models across Latin American countries, highlights the adoption of judicial performance evaluation systems, institutional integrity controls, and continuous training in judicial ethics, supported by multilateral organizations such as the United Nations Office on Drugs and Crime.

It is worth noting that in Ecuador, serious difficulties persist due to a lack of political continuity, the weakening of the Judicial Council, and structural resistance within judicial and prosecutorial elites to implement mechanisms that limit their margin of discretion (Judicial Council of Ecuador, 2023). Consequently, initiatives such as **The National Public Integrity and Anti-Corruption Plan 2022–2025** and **The Judicial Risk Management Model of the Judicial Council** have been adopted, showing significant normative progress with the intention of strengthening public policies focused on risk mapping, judicial auditing, and training in professional ethics.

Nevertheless, authors (Moreno & Jarrín, 2024) emphasize the practical limitations in terms of impact. The lack of technical evaluation with effectiveness indicators, poor articulation between actors in the criminal justice system, and the weakness of accountability mechanisms restrict their transformative capacity (Judicial Council of Ecuador, 2023).

In line with this idea, other shortcomings stand out, such as the lack of skills and knowledge to resolve conflicts, apply the law, and guarantee the rights of all. Therefore, addressing judicial corruption requires more than punitive reforms or isolated initiatives. It demands an institutional proposal aimed at eliminating gaps, preventing risks from the perspective of public ethical values, proper data management, and triangulated control with the presence and participation of civil society.

The objective of this study is to propose educational suggestions for the Ecuadorian Institutional Judicial System aimed at counteracting criminal risks in a preventive manner, from a qualitative approach and an interpretive paradigm.

In the present study, research methods such as the historical-logical method, analysis-synthesis, induction-deduction, interviews, and document review were used, along with statistical techniques. The aim was not only to systematize content but also to analyze the concrete trajectory of the object of study, its historical conditioning, and to highlight the internal logic of theoretical development while investigating the knowledge of its essence. These methods were also applied in the construction of the theoretical framework and in the interpretation of information collected through empirical methods.

An exhaustive search of primary and secondary sources was conducted in international academic databases (Scopus, Web of Science, Redalyc, Google Scholar), as well as in official repositories of the Ecuadorian State and multilateral organizations.

Among the main sites consulted are:

- [Repositorio.iaen.edu.ec](http://Repositorio.iaen.edu.ec)
- [Funcionjudicial.gob.ec](http://Funcionjudicial.gob.ec)
- [Biblio.flacsoandes.edu.ec](http://Biblio.flacsoandes.edu.ec)
- [Ftcs.gob.ec](http://Ftcs.gob.ec)
- [Revistasapientia.organojudicial.gob.pa](http://Revistasapientia.organojudicial.gob.pa)

- [Horizonnexusjournal.editorialdos.com](http://Horizonnexusjournal.editorialdos.com)

Inclusion and exclusion criteria included temporality: only documents published between January 2020 and June 2025 were included, in order to analyze the most recent panorama on integrity policies and criminal control. Texts focused on the axes of criminal risk management, judicial compliance, structural corruption, public ethics, and judicial impunity in Ecuador were also prioritized.

Regarding document typology, peer-reviewed scientific articles, institutional management models, national integrity plans, technical evaluation reports, good practice guidelines, and judicial governance frameworks were given priority.

Key sources analyzed include the Judicial Compliance Management Model (Moreno & Jarrín, 2024), a strategic document that establishes operational tools to prevent criminal risk in courts and prosecutors' offices, including risk matrices, control flowcharts, and ethical intervention parameters. The National Public Integrity and Anti-Corruption Plan 2022–2025 was also consulted; it includes axes on mapping critical judicial processes, internal audits, digital monitoring platforms, and inter-institutional coordination.

## Development

The comparative study of judicial corruption in Latin America (Basabe-Serrano, 2023) provides a conceptual framework and diagnosis of corrupt networks within judicial systems, especially in Ecuador, and offers guidelines for the application of justice based on integrity standards.

The analysis procedure was developed in three phases: **critical reading and qualitative** coding through structured hermeneutic analysis, extracting key categories such as institutional objectives, intervention strategies, internal control mechanisms, ethical performance indicators, and operational gaps. Coding was carried out using comparative thematic matrices.

The second phase was **analytical categorization**, consisting of five dimensions:

1. Risk identification: critical points where ethical deviation and external interference are concentrated.
2. Prevention and mitigation: anticipatory measures and internal protocols to block risks.
3. Monitoring and evaluation: traceability tools, follow-up, and disciplinary control.

4. Ethical training: training and judicial professionalization strategies.
5. Inter-institutional articulation: levels of cooperation between the Judiciary, Prosecutor's Office, Citizen Participation Council, and civil society.

The third phase is **theoretical structuring**. A hybrid framework was used combining criminal compliance theory, judicial governance approach, and the concept of structural impunity as a reproductive phenomenon within the judicial apparatus. This framework allowed the interpretation of data not only as normative accumulation but as manifestations of deep institutional conflicts.

This review revealed limitations such as normative predominance: a significant proportion of the reviewed documents correspond to legal frameworks and action plans rather than empirical studies or impact evaluations.

Lack of objective indicators: several risk management strategies lack standardized metrics to measure their effectiveness in the real reduction of corruption or impunity.

Scarcity of independent evaluations: there is low production of critical academic studies that audit judicial management models in Ecuador from a technical and citizen perspective.

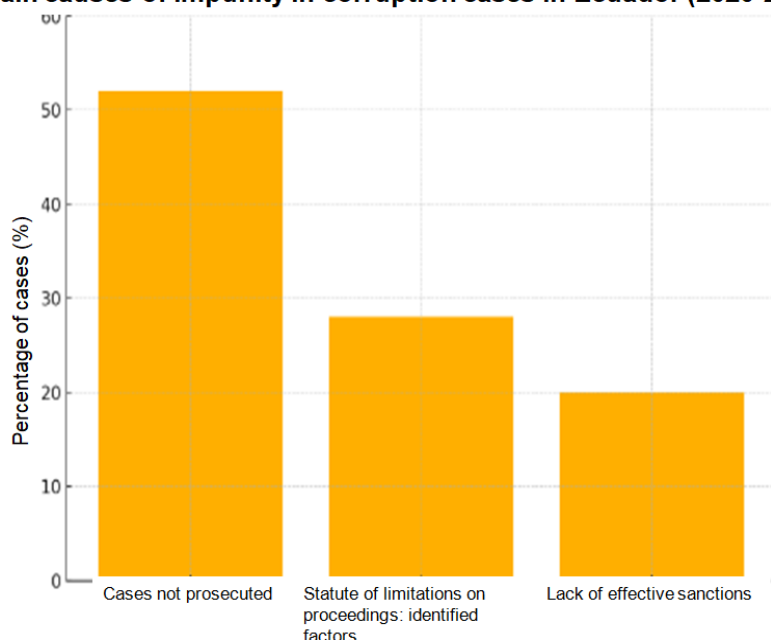
The analysis of the institutional judicial system and its criminal risk management in the face of corruption in Ecuador between 2020 and 2025 reveals an insufficient institutional configuration, where judicial mechanisms show structural weaknesses that favor impunity. Based on official data, interviews with justice operators, and document review, three predominant causes were identified:

1. **Non-prosecution of cases:** 52% of corruption complaints did not advance to the indictment stage. Causes include political interference, lack of guarantees for prosecutors, and deficiencies in criminal investigation (Office of the Attorney General, 2023).
2. **Prescription of proceedings:** Approximately 28% of corruption cases opened between 2020 and 2023 expired before reaching a verdict, due to procedural delays, strategic appeals, and excessive workload in the courts (UNODC, 2021; UNDP, 2021).
3. **Lack of effective sanctions:** Only 20% of cases with final verdicts resulted in effective enforcement of the penalty or asset recovery. In many cases, sanctions are appealed and custodial measures are deferred or interrupted (Transparency International, 2023). See Figure 1.

**Figure 1.**

## *Factors of criminal impunity in corruption cases (2020–2025)*

**Main causes of impunity in corruption cases in Ecuador (2020-2025)**



**Source:** Compiled by the author

The management of criminal risks in the face of corruption in Ecuador (2020–2025) is insufficient to administer justice in a reliable and objective manner, failing to significantly reduce levels of impunity. In addition to the factors already mentioned (non-prosecution, prescription of proceedings, and lack of effective sanctions), four other critical dimensions were identified:

### **1. Weakness of Internal Judicial Control**

Internal audit reports from the Judicial Council showed that 65% of judicial units do not have updated protocols for the prevention of conflicts of interest or effective mechanisms to report acts of corruption within the system (Judicial Council, 2022). See Figure 2.

### **2. Insufficient Ethical Training**

Only 38% of judicial officials participated in judicial ethics programs between 2020 and 2023, which evidences a limited institutional priority toward integrity as a management axis (Pazmiño & Romero, 2023).

### **3. Low Institutional Autonomy**

The processes for the appointment of judges and prosecutors have been questioned by international organizations due to political pressures and lack of merit. The Fundación Ciudadanía y Desarrollo

(2022) indicates that 43% of judicial appointments between 2020 and 2022 did not meet transparent criteria.

#### 4. Scarce Citizen Participation in Judicial Oversight

The system lacks effective mechanisms for citizen oversight and safe reporting. Only 1 out of every 10 people surveyed believes that the judicial system responds effectively to corruption complaints (FCD, 2022).

**Figure 2.**

*Shows the annual participation of judicial officials in ethical training programs, evidencing low coverage and no sustained upward trend.*

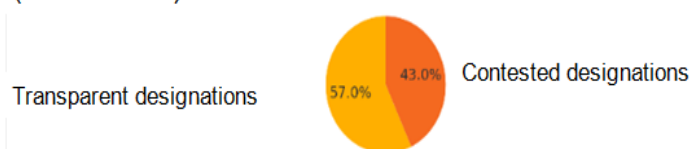


**Source: Compiled by the author**

**Figure 3.**

*This evidences that 43% of judicial appointments in Ecuador between 2020 and 2022 were questioned due to a lack of transparency or possible political interference, which compromises judicial independence — a central element of risk management in the fight against corruption.*

### Degree of Autonomy in Judicial Appointment Processes (2020–2022)



**Source:** Compiled by the author

The information presented so far reveals a fragmented institutional framework, lacking traceability mechanisms and showing weak monitoring and evaluation of ethical performance. The implementation of strategies and policies within the criminal justice system for criminal risk management in Ecuador during the period 2020–2025 has proven insufficient to reverse the high levels of impunity associated with judicial corruption. Despite normative advances, such as the National Public Integrity Plan and the Judicial Risk Management Model, a significant gap remains between the formal design of public policies and their operational impact on the judicial system. See Figure 3.

The three predominant forms of impunity — non-prosecution, procedural prescription, and lack of effective sanctions — reflect not only technical limitations but also shortcomings in ethical values, social justice, and institutional legitimacy. These deficiencies are linked to a weak culture of integrity, evident in the low coverage of judicial ethics training programs and the limited citizen participation in judicial oversight. Furthermore, 65% of judicial units lack updated protocols for risk management, which compromises the system’s preventive capacity.

From a theoretical standpoint, the results support the theory of criminal compliance and risk governance by demonstrating that, without strengthened internal control mechanisms, mandatory ethical training, and guaranteed institutional autonomy, normative frameworks lose real effectiveness. The figures showing 43% of judicial appointments questioned for lack of transparency and an effective penalty enforcement rate of only 20% are consistent with previous diagnoses regarding structural weakness (Fundación Ciudadanía y Desarrollo, 2022).

**Based on the foregoing, educational recommendations are proposed for implementation within Ecuador’s Judicial Institutional System as a preventive measure**

Provide mandatory training courses or postgraduate programs on a semi-annual basis for all judges and prosecutors in the institutional system on judicial ethics and professional performance, strictly adhering to the law and the principles of transparency, discipline, and legality as essential premises.

Another suggestion is to generate greater citizen participation in the control and preservation of legality through popular mechanisms. This would allow citizens to exercise their right to relate, exchange views, and express their interests and demands through legal channels. It implies a real and active involvement in the formulation and decision-making processes of the judiciary. Participation also means being recognized and accepted for who one is, thereby contributing to improving public judicial management and the quality of life of Ecuadorian citizens.

It is also advisable to establish appropriate services for the population through personalized and systematic attention. This facilitates the development of people's ability to exchange and manage their personal resources, guiding those who turn to the justice system toward an active, preventive, and creative stance. It promotes freedom and trust that allows modification of their behavior. This also implies the necessary accompaniment and support for decision-making with professional, personal, and social performance. All of this is expressed through assertive communication, relationships, and socio-educational preventive support in social spaces.

Likewise, it is beneficial to expand access to justice for all through specific innovations or changes in elements where formative curricular aspects gain prominence. These should be oriented toward institutional and personal growth by introducing modifications in processes. This means adapting known solutions to concrete situations within judicial institutions. Reference is made to the establishment of schools within penitentiary institutions for social reintegration and resocialization of citizens.

In the same vein, it is useful to develop high-quality judicial processes and procedures, conducted with commitment and care. This requires strong communication and psychological skills to establish appropriate interpersonal relationships, along with an ethical and empathetic attitude that fosters acceptance and trust. In addition, judicial proceedings should be conducted with diligence, agility, and necessary discretion. The responses provided must be presented in a simple, transparent, respectful, objective, and fully responsible manner, in strict adherence to laws, regulations, and legal instruments.

As a result, it is also favorable to propose training in moral and ethical values that enables the administration of justice to act correctly and impartially, with judicial autonomy and comprehensive risk management in accordance with societal demands, serving as examples of discipline in every activity undertaken. This leads to the reduction of judicial, social, or external gaps and vulnerabilities, thereby increasing citizens' trust in the justice system.

Within the framework of the previous observations, it is also advantageous to establish a culture of internal control materialized in a Risk Prevention Plan as standard practice. This plan should be an integrated process across all judicial operations, encompassing all activities inherent to management. It involves the functions of members of the Judiciary and the Public Prosecutor's Office, reduces internal and external risks, provides reasonable assurance of achieving objectives, adopts a continuous improvement approach, and ensures proper accountability from leaders. This will guarantee the preventive capacity of the system.

This plan will establish the foundations for the identification and analysis of risks faced by judicial institutions in achieving their objectives. Once risks are classified as internal or external, by processes (strategic, core, support), activities, and operations, and after evaluating the main vulnerabilities, control objectives can be determined. It is important to highlight that internal control management includes the study of staffing so that the activity to be developed by each professional is coordinated, along with performance evaluation. This requires providing legal training to managers and specialists on various legal subjects through constant updating and knowledge acquisition.

## **Conclusions**

It is concluded that criminal risk management in Ecuador, in the study period from 2020 to 2025, achieved low levels of consolidation as an effective strategy capable of mitigating corruption and reducing structural levels of judicial impunity. Although the promoted reforms are relevant at the normative level, they generate insufficient significant transformations in the daily operation of the judicial system due to institutional limitations, the absence of technical indicators, and a lack of political will.

Empirical evidence shows that the critical factors of impunity — non-prosecution, prescription of proceedings, and lack of effective sanctions — will persist due to the combination of weak internal control, deficient ethical training, low autonomy in appointment processes, and limited citizen

participation. These elements constitute a limitation to strengthening the rule of law and institutional legitimacy.

Therefore, it will be essential to promote a structural reform of the Ecuadorian Judiciary based on principles of transparency, accountability, judicial autonomy, and comprehensive risk management. The adoption of compliance indicators, external audits, digital traceability platforms, and continuous ethical training must become cross-cutting axes of a public policy aimed at eradicating judicial impunity and restoring citizens' trust in the administration of justice.

The study corroborates that the proposed educational suggestions successfully counteract criminal risks and existing gaps in the Ecuadorian institutional judicial system, thereby strengthening its preventive capacity from a critical and multidimensional approach.

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