



Constitutional Review in the Face of Defective Notifications: Reasonableness and Limits of Amparo and Habeas Corpus Proceedings

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Abstract

This article examines the constitutional control of defective notifications and their impact on the limits of amparo and habeas corpus in Peru. It analyzes how procedural defects may violate the right to due process when they cause real and tangible harm, as well as the criteria established by the Constitutional Court to assess their constitutional significance. It argues that judicial intervention in these constitutional remedies must remain within reasonable limits, establishing clear restrictions for their filing to avoid overloading the Constitutional Court while ensuring effective procedural communication without compromising the efficiency of the judicial system.

Subject Areas

Law

Keywords

Defective Notification, Amparo, Habeas Corpus, Effective Judicial Protection, Due Process

1. Introduction

Due process and the right to a defense are essential pillars of the constitutional rule of law, guaranteeing that all jurisdictional actions are carried out in accordance with the law and the principles of justice. In the Peruvian context, constitutional processes serve a remedial function in the face of violations of fundamental

rights, but their intervention—through amparo and habeas corpus—must be kept within reasonable limits to avoid turning them into corrective mechanisms for minor procedural errors. When a defective notification prevents one of the parties from exercising their right to a defense or effectively accessing the proceedings, the harm ceases to be merely formal and acquires constitutional relevance, justifying judicial intervention. However, this intervention cannot be absolute: a real and concrete harm to fundamental rights must be demonstrated, as established by the Constitutional Court. Along the same lines, Durán Chávez and Henríquez Jiménez [1] argue that due process operates simultaneously as a right, a principle, and an institutional guarantee, requiring that judicial action be strictly governed by the law and not by the judge's personal opinions. Monroy [2] explains that the process should be conceived as a judicial activity of applying the law to the facts, the purpose of which is to apply the law in accordance with the statute; this implies that each procedural act—including notification—must be carried out respecting the guarantees of due process. This study analyzes how constitutional review of defective notifications focuses on amparo and habeas corpus within reasonable limits, to restore fundamental rights without distorting the function of these constitutional processes. It examines the doctrinal, jurisprudential, and normative foundations that support this delimitation, proposing criteria that strengthen effective judicial protection and prevent its indiscriminate use.

2. Methodology

This research adopts a theoretical and qualitative approach, focusing on the analysis of norms, doctrine, and jurisprudence related to the effectiveness of procedural acts and the constitutional review of defective notifications, particularly through amparo and habeas corpus. Hermeneutical methods will be used to interpret constitutional norms and principles; comparative methods to analyze how other legal systems address similar problems; and analytical-synthetic and inductive-deductive methods to formulate conclusions regarding normative shortcomings and potential solutions. As Villabella [3] points out, legal research requires methods that allow for addressing abstract and complex objects of study, such as norms, institutions, and legal constructs, using logical reasoning and systematic analysis. The primary sources will be specialized doctrine, national and international norms, and constitutional jurisprudence, enabling a thorough and well-founded study of the issue.

3. Development

Before you begin to format your paper, first write and save the content as a separate text file. Keep your text and graphic files separate until after the text has been formatted and styled. Do not use hard tabs, and limit use of hard returns to only one return at the end of a paragraph. Do not add any kind of pagination anywhere in the paper. Do not number text heads—the template will do that for you. Finally, complete content and organizational editing before formatting. Please take note

of the following items when proofreading spelling and grammar.

3.1. Theoretical or Doctrinal Framework

To understand the issues analyzed in this article, it is essential to begin with key concepts such as procedural acts, defective notification, due process, and effective judicial protection, which underpin the analysis. We will begin by defining procedural acts, which, according to De Silva [4], can be understood as any formal action within a judicial proceeding that seeks to generate concrete legal effects and guarantee the resolution of conflicts in accordance with the law. Defective notification, for its part, represents a critical obstacle in procedural communication; as Artavia & Picado [5] point out, it is notification received irregularly, containing substantive flaws or external defects in the act. Due process, as defined by Monroy [2], is the right that guarantees that all judicial actions are conducted in accordance with the rules and principles that ensure justice, protecting the rights of all persons involved. Finally, effective judicial protection guarantees that citizens can access justice and obtain a real and appropriate response to their claims, ensuring the effective protection of constitutional rights. Valera [6] even points out that this protection exists even before the process begins, safeguarding the parties from the moment prior to exercising their right to legal action. Taken together, these concepts demonstrate that a defective notification not only constitutes a formal flaw but can also acquire constitutional relevance when it impedes the exercise of the right to defense or due process, justifying intervention through amparo or habeas corpus, provided that a real and concrete harm is demonstrated.

It is also pertinent to incorporate the doctrinal origin of what is known as “real and concrete harm”, which arises not only from contemporary constitutional jurisprudence but also from a broader understanding of the legal concept of harm. As Salvi [7] explains, legally relevant harm is not established by the mere existence of a defect or irregularity, but by an effective negative alteration in the affected party’s legal situation, understood as the verifiable infringement of a protected right or interest. This distinction—between a harmless defect and a substantive harm—allows us to identify when an event acquires real legal relevance, since the legal system only activates protective mechanisms in the face of concrete harm. Applied to the constitutional sphere, this doctrinal basis maintains that a defective notification only justifies the intervention of amparo or habeas corpus when it generates a material impact on the exercise of the right to defense, preventing constitutional justice from becoming a mechanism for correcting mere formal defects without real impact.

3.2. Analysis of the Problem in Peru

In the Peruvian context, López Florez [8] identifies one of the most frequent forms of defective notification as occurring when judicial resolutions—such as judgments or orders—are sent to an address other than the one corresponding to the recipient. This prevents the affected party from gaining timely knowledge of the

procedural act, and consequently, the process continues without their participation. This situation violates the fundamental right to a defense and acquires constitutional relevance when the actions of the judicial body are improper or arbitrary, preventing the litigant from exercising their right to be heard and to defend their legitimate interests. It should be clarified, however, that constitutional processes—such as amparo and habeas corpus—do not constitute an extension of criminal, civil, or administrative proceedings, but rather originate independently in response to the violation of a fundamental right, even if this violation occurred within another process. In that context, when a defective notification prevents the exercise of the right of defense or effective jurisdictional protection in an ordinary process, the constitutional process does not seek to correct the procedural error itself, but to restore the violated constitutional right, provided that it is true.

3.3. What Do the Current Regulations Say?

It is important to review how Peruvian law allows constitutional processes to address irregularities in notifications that affect fundamental rights. The New Constitutional Procedural Code [9] establishes that these processes seek to protect the rights recognized in the Constitution, restoring the situation prior to the violation or threat to a fundamental right. Although the code does not expressly mention defective notification, it does authorize the filing of amparo and habeas corpus petitions when a procedural irregularity prevents the effective exercise of rights such as due process or the right to a defense. Along these lines, the Political Constitution of Peru [10] defines constitutional guarantee resources as:

- Habeas Corpus: This remedy is applicable to acts or omissions that violate or threaten personal liberty or related rights (Political Constitution of Peru, 1993, art. 200, para. 1). Its application in cases of defective notifications is exceptional and is only justified if the irregularity directly affects the liberty of the person involved in a legal process.
- Amparo: This legal remedy is used when constitutional rights other than personal liberty are threatened (Political Constitution of Peru, 1993, art. 200, para. 2). In the context of defective notifications, it is the appropriate remedy when the irregularity prevents the exercise of rights such as the right to a defense or due process, affecting the protection of constitutional guarantees other than liberty.

Thus, both the Constitution and the Constitutional Procedural Code establish that judicial action regarding defective notifications must be limited by criteria of proportionality and relevance, ensuring the effective protection of rights without generating unnecessary proceedings. However, it is important to note that the Constitutional Court [11], in its jurisprudence, has specified that: “Notification is a procedural act whose questioning or anomaly does not, per se, generate a violation of the right to due process or effective procedural protection; for this to occur, it is essential to verify or provide irrefutable proof by the party alleging the violation of due process that the lack of proper notification has actually and concretely

affected the right to defense or another constitutional right directly involved in the specific case.” (Exp. 4303-2004-AA/TC)

We align ourselves with this interpretation of the Constitutional Court, which focuses judicial protection on cases of genuine violations of procedural principles, preventing any formal irregularity from becoming grounds for indiscriminate challenges. We believe that, while it is necessary to demonstrate beyond doubt that the defective notification has caused concrete harm to the right to a defense or another constitutional right, this approach is appropriate and prudent, as it protects both the rights of litigants and the efficiency of the judicial system, preventing the courts from being overburdened with unfounded challenges.

3.4. Detailed Analysis of Judgment 4303-2004-Aa/Tc

In the EXP. In Case No. 4303-2004-AA/TC, the Constitutional Court examined a defective notification that occurred in the ordinary proceedings prior to the amparo action. It was initially noted that the plaintiff was not duly notified of the resolution setting the date for the hearing and the resolution itself. Despite this procedural irregularity, which was linked to the right to defense, the Civil Chamber subsequently remedied it by ordering new notifications and forwarding the corresponding charges. This prevented the anomaly from becoming an irreversible constitutional violation. For this reason, the Court reiterated that a defective notification does not, in itself, constitute a violation of due process or effective judicial protection. To demonstrate a constitutional violation, it is essential to show actual harm to the right to defense, the concrete impossibility of participating in the adversarial process, or a substantial alteration thereof. This did not occur in this case, as the plaintiff had the opportunity to challenge the notification defect and did not do so until the case file was returned to the Court of origin, which demonstrates a Negligent procedural conduct and undermines any claim of material protection; additionally, the Court states that the amparo is not an instance designed to review ordinary procedural nullities, since allowing it would open the door to delaying tactics and turn this avenue into an alternative mechanism for defeated litigants; likewise, the violation of *res judicata* is highlighted since the consent alleged by the plaintiff is not final, there was an appeal that questioned the nullity and the Chamber acted within its corrective powers. As a jurisprudential standard, it is specified that a defective notification only acquires constitutional relevance when it is decisive, generates a lack of effective defense, prevents the adversarial process, and has not been remedied in a timely manner. On the other hand, when the irregularity is corrected and the party has had the opportunity to defend itself, constitutional protection is not warranted. Therefore, since there was a manifest impact on the right to defense and no violation of effective procedural protection, in accordance with Article 4 of the New Constitutional Procedural Code, and given that the claim sought to reopen issues proper to ordinary justice, the Constitutional Court declared the claim inadmissible, setting as a precedent that not every procedural irregularity reaches constitutional

dimension, that the amparo (protection) cannot substitute for omitted defenses, and that constitutional guarantees protect fundamental rights, not systematic interests or only procedural nonconformities.

3.5. Detailed Analysis of Judgment 02110-2024-Phc/Tc

Just as we analyzed the previous ruling regarding an amparo proceeding, we now examine a decision of inadmissibility in a habeas corpus proceeding, in which the Constitutional Court again delimits the scope of constitutional review in the face of procedural irregularities. In Case No. 02110-2024-PHC/TC [12], the plaintiff argued that various judicial actions carried out in the criminal proceedings (especially certain notifications and rulings) had affected his right to defense and, indirectly, compromised his personal liberty; however, the Court notes that these actions did not generate a concrete, current, or imminent infringement of individual liberty, an indispensable requirement for habeas corpus to be admissible. The Court further clarifies that this avenue cannot become an instrument for challenging ordinary procedural nullities or for receiving arguments specific to the criminal proceedings, as allowing this would permit dissatisfied litigants to use the constitutional process as a “parallel instance” to review decisions that fall exclusively under the jurisdiction of the ordinary courts. The Court notes that, although the plaintiff alleged notification defects, he failed to demonstrate actual prejudice to his right to a defense, as he had access to the criminal case file, was able to exercise his legal representation, and there was no effective restriction or direct threat to his liberty, thus invalidating any allegation of constitutional relevance. Consistent with its established jurisprudence, the Court reiterates that a procedural irregularity only acquires constitutional dimension when it is decisive, causes actual harm to the right to a defense, and immediately affects personal liberty; otherwise, it must be corrected through ordinary legal channels via the appropriate procedural remedies. Furthermore, the Court emphasizes that habeas corpus cannot be used to review the legal basis or correctness of criminal decisions, nor to substitute for remedies that the plaintiff failed to file in a timely manner, as constitutional guarantees are not designed to protect mere grievances. Therefore, since no actual injury has been proven, the Constitutional Court declares this claim inadmissible, reaffirming that habeas corpus has a restricted scope and that not every alleged irregularity is relevant enough to file this appeal, especially when there is no real and verifiable impact.

3.6. Comparative Law Perspective

After examining the Peruvian criteria that define when a defective notification does not reach constitutional relevance, it is pertinent to contrast them with experiences in which this type of irregularity does generate substantive violations of due process. In this regard, case T-400 of 2025 from the Constitutional Court of Colombia [13] clearly illustrates how defective notifications can indeed affect the fundamental rights to due process and effective judicial protection in complex le-

gal proceedings. In this case, JPC was not properly notified in a repayment proceeding initiated by the National Penitentiary and Prison Institute (INPEC), despite the existence of known and accessible addresses for service of process. The INPEC misled the court by claiming it was unaware of other addresses, which led to notification by publication in a local newspaper, an inappropriate mechanism for his actual residence. Furthermore, the plaintiff's legal representation was deficient, given that the court-appointed attorney did not file any appeals or take any steps to guarantee his right to a defense. As a result, subsequent actions—the enforcement process and the coercive collection procedure—were affected by the initial irregularities in the notification.

The Court concluded that the defective notification, combined with the lack of effective defense and the court's failure to process a motion to set aside the proceedings, constituted a violation of fundamental rights, and therefore:

- 1) He overturned the ruling that had declared the protection action inadmissible.
- 2) It protected JPC's rights to due process and the administration of justice.
- 3) He ordered that all judicial proceedings be rendered null and void from the date of notification of the order admitting the lawsuit.
- 4) Redo all judicial proceedings in the repetition process.
- 5) Stop the coercive collection procedure initiated by Inpec.

This ruling reinforces a key constitutional principle: defective notification acquires constitutional relevance when it effectively impedes the defense and the exercise of the right to challenge; a mere formal error is insufficient. Thus, Colombia recognizes, as does Peruvian legal doctrine, that the validity of a procedural act depends on the actions taken allowing for the genuine exercise of fundamental rights.

Likewise, in Central America, the Constitutional Chamber of El Salvador [14] has developed particularly relevant criteria regarding how defective notifications can acquire constitutional significance when they affect the right to a defense or compromise personal liberty. Unlike Peruvian criteria—which typically require a specific and serious harm for the communication defect to reach constitutional relevance—Salvadoran jurisprudence has been more explicit in linking the proper execution of the notification process with the minimum guarantee of due process. A paradigmatic example is Habeas Corpus Judgment 198-2013, in which the court ordered that the conviction be personally served on the beneficiary, Rosa E. González, so that she could timely exercise the legal remedies provided by law; the Chamber emphasized that the lack of notification impeded the purpose of the communication and directly affected the rights to a defense and a hearing. In contrast, in Judgment HC 48-2010 [15], although the defendant was not personally notified of her conviction, the Court determined that no procedural unfairness occurred, since her lawyer filed an appeal; consequently, the habeas corpus petition was declared inadmissible with respect to the lack of notification, although jurisprudence reaffirmed that the act of communication constitutes a structural

component of due process. These cases show that, while not every irregularity in notifications automatically enables access to the constitutional remedy, defective notification becomes relevant when it prevents the timely exercise of the right to defense or exposes the person to judicial proceedings without effective knowledge, especially in contexts where personal liberty is at stake.

Furthermore, in Spain, the Constitutional Court addressed a paradigmatic case in Judgment 30/2014 [16]. In an eviction proceeding, the court made two unsuccessful attempts at notification and, without exhausting other inquiries or using the address stipulated in the contract, ordered service by publication, declared the defendant in default, and carried out the eviction. The appellant challenged the action by means of an appeal for constitutional protection; the Court held that the conduct of the jurisdictional body—the omission of minimal due diligence and the premature use of the publication by edict—caused material prejudice to the appellant’s right to a fair trial. Consequently, it rejected the interpretation that sought to justify the publication by edict based on the procedural reform and granted the appeal for constitutional protection, annulling the service by publication and ordering the proceedings to be restarted. Thus, Spain agrees with the criteria observed in Colombia and El Salvador: defective notification transcends constitutionally when the defect deprives the defendant of the real possibility of defense, and this imposes on the judge a reinforced duty of diligence in the search and verification of the address before resorting to supplementary measures.

The crucial importance of establishing reasonable limits for constitutional processes such as amparo and habeas corpus lies in the need to prevent procedural overload and ensure the functionality and effectiveness of the judicial system. As Sagüés & Cruz [17] point out, a significant historical example is the Argentine case of the financial “corralito”, where the avalanche of amparo lawsuits completely overwhelmed the courts for months, preventing their normal operation. Situations like this demonstrate the danger that, even with good intentions, excessive use of these resources can wear down and paralyze the system. Furthermore, when the balance is lost and amparo is used to resolve complex or controversial cases, it further hinders the work of judges, slowing down constitutional justice. Therefore, it is vital that these processes be handled with prudence, realism, and respect for the capacity of the judicial system. The legal community has a key role to play in maintaining these limits so that amparo retains its true value, without becoming a communist-like procedure with no real impact. Ultimately, only with proper management, which maintains the protection as a supplementary and proportionate tool, can saturation be avoided and the dignity and effectiveness of the constitutional process be preserved.

That is why we propose limiting the use of constitutional remedies to cases with concrete impacts. This is fundamental to preserving the efficiency of the judicial system and preventing the Constitutional Court from becoming overwhelmed. This restriction stems from the recognition that, while the proliferation of these actions may be justified, an excess can lead to judicial collapse. When amparo is

used to resolve controversial or complex matters proper to ordinary trials, it delays the work of the constitutional court. To avoid this and maintain amparo as a swift and effective process, its application should focus on acts or omissions that are clearly arbitrary or illegal. Finally, protecting efficiency requires that these processes be realistic and sensible, “proportionate to the actual capabilities of the judicial system”, preventing amparo from being diluted in an ordinary procedure without real significance.

Now, in the realm of habeas corpus, it is also essential to maintain reasonable limits to prevent this mechanism, conceived as an urgent guarantee against serious infringements of personal liberty and related rights, from being used to challenge mere formal irregularities or situations that do not genuinely compromise the protection of those rights. Legal scholars have emphasized that habeas corpus should not become a readily available recourse for reviewing ordinary procedural actions, but rather an exceptional instrument intended to correct real violations. Therefore, as with amparo (constitutional protection), only those procedural actions—including defective notifications—that substantially affect the right to defense in criminal proceedings or pose a risk to a person’s liberty will justify the intervention of a constitutional process to resolve the matter, as stated in the Constitutional Court ruling mentioned above. From a judicial management perspective, establishing clear limits prevents habeas corpus from losing its urgent nature and becoming a mechanism overwhelmed by cases that do not warrant it and that could be resolved through ordinary channels. This not only protects the efficiency of the system but also ensures that constitutional judges focus their attention on situations that truly compromise the right to individual liberty. Consequently, setting strict admissibility criteria acts as a selection filter that ensures habeas corpus fulfills its original purpose: to provide immediate and effective protection against serious violations, preventing the dilution of its impact and the overburdening of constitutional courts. Furthermore, this limitation contributes to predictability and legal certainty: judicial system operators, defenders, and the public know that habeas corpus will only be activated in scenarios of substantial harm, avoiding disproportionate expectations regarding the possibility of judicial intervention.

4. Proposals and Recommendations

Therefore, and in line with Tenorio Sánchez’s analysis [18], the intervention of the constitutional judge in cases of procedural defects must be restricted and specialized. This approach is imperative in Peru to prevent the amparo and habeas corpus proceedings from being distorted, becoming mere third instances to correct defective notifications or any other minor procedural error. To ensure that these mechanisms are activated only when there is real and concrete harm to fundamental rights, the following strategic measures are proposed:

- Restrictive Application of “Special Significance”: The Constitutional Court must apply the criterion of special constitutional significance more rigorously, limiting the admissibility of amparo petitions only to those cases of defective

notifications that generate actual defenselessness affecting the core of due process or effective judicial protection, and not merely the existence of a formal defect. The challenge lies in the fact that this standard requires building a stable and technically sound line of jurisprudence: without clear normative parameters, the determination of significance is subject to the interpretive discretion of each chamber or panel, which could violate the principle of equality in judicial protection and generate disparate decisions that affect the predictability of the constitutional system.

- **Creation of Specialized Constitutional Appeals Chambers:** It is suggested that specialized appeals chambers be established within the Superior Courts, focused exclusively on reviewing the procedural requirements and assessing constitutional harm in cases involving notifications. This would raise the technical standard and ensure a uniform interpretation of actual harm. However, this reform faces structural challenges: it requires legislative amendments that redefine jurisdictional powers, allocate public resources, and implement a merit-based selection system that guarantees judges with advanced constitutional training. Without these institutional adjustments, specialization could become a mere nominal change with no real impact on the quality of judicial review.
- **Requirement of Early Exhaustion of Remedies:** The appellant must be required to have rigorously invoked the defect of improper notification in the ordinary proceedings, seeking to rectify the error before resorting to constitutional remedies. The challenge is operational and evidentiary: ordinary judges do not always explicitly record the complaint raised, and the burden of proof falls on the litigant. This can lead to situations in which the petitioner is unjustly prevented from accessing constitutional remedies, straining the *pro actione* principle and demanding an improvement in the standards of judicial record-keeping and documentation.
- **Emphasis on Causality and Substantive Content:** Legal doctrine and jurisprudence must emphasize that defective notification only acquires constitutional relevance if it impedes the exercise of the right to defense, and not merely because it is a formal irregularity. The challenge lies in replacing a traditionally formalistic judicial culture with a logic of constitutional causality: demonstrating that the defect prevented the exercise of a procedural act requires reconstructing the factual chain between the defect and the harm, something that is not always evident and that demands higher standards of argumentation and evidence from litigants and judges.
- **Establishing a Doctrine on “Actual and Concrete Harm”:** The Constitutional Court must define, through binding doctrine, exactly what constitutes actual and concrete harm in the context of notifications, establishing clear limits to avoid subjectivity in the filing of appeals for protection on this ground. The challenge here is both doctrinal and practical: if the notion is formulated too broadly, the appeal for protection will remain a means to correct minor pro-

cedural errors; if it is formulated too restrictively, there is a risk of leaving genuinely vulnerable people without effective protection. This requires a balance that can only be achieved through binding doctrine built on a substantial foundation of precedents, comparative analysis, and hermeneutical coherence.

5. Conclusions

Now, having clarified the points raised throughout this work, and after analyzing the doctrinal, normative, jurisprudential, and comparative foundations that underpin constitutional review of defective notifications, it can be affirmed that this study allowed for an understanding of the constitutional dimension of the act of notification, its impact on the exercise of the right to defense, and the criteria that define the intervention of the constitutional judge. Based on this, the following conclusions are formulated, aimed at reaffirming the need to preserve the communicative effectiveness of procedural acts and to guarantee the reasonable use of constitutional protection mechanisms.

In light of the foregoing, it is concluded that notification, as an essential procedural act, represents a concrete manifestation of the right to due process and effective judicial protection. Its purpose transcends procedural formality, as it guarantees timely knowledge of judicial decisions, allowing for the proper exercise of the right to defense. A defective notification acquires constitutional significance only when it causes real and verifiable harm to these rights; otherwise, it constitutes an irregularity that can be remedied through ordinary legal channels. This approach reaffirms the principle of communicative effectiveness as the foundation for procedural validity within a constitutional state.

Furthermore, it is established that amparo and habeas corpus proceedings must be kept within strict limits of reasonableness to ensure their exceptional nature. Transforming them into means to remedy mere procedural errors undermines their protective purpose and leads to the misuse of constitutional justice. Therefore, their application must be restricted to situations where a substantive violation of fundamental rights is objectively demonstrated. This limitation guarantees proportionality in the protection afforded, preserves jurisdictional efficiency, and reinforces the legitimacy of the Constitutional Court as the final arbiter.

Jurisprudential and comparative analysis reveal that the intervention of the constitutional court is legitimate only when the procedural irregularity has not been corrected and results in a substantial deprivation of the right to a defense. Experiences such as Judgment T-400/2025 of the Constitutional Court of Colombia confirm that the lack of valid notification and the omission of corrective measures directly affect access to justice. Similarly, the Peruvian Constitutional Court has held that the constitutional relevance of defective notification depends on the demonstration of concrete harm, thus establishing a standard consistent with the principles of due process and effective judicial protection.

Finally, strengthening constitutional oversight requires the formulation of uniform criteria to determine when a defective notification acquires constitutional

relevance. The express incorporation of the principle of communicative effectiveness into the Constitutional Procedural Code would not only allow for a coherent interpretation of procedural acts, but also a more precise delimitation of the cases that warrant constitutional protection. Such regulation would contribute to reducing unnecessary litigation, optimizing the judicial response, and consolidating a justice model oriented toward preventing procedural errors rather than their belated correction. Consequently, constitutional justice would be projected as a more functional, efficient system, committed to the effective protection of fundamental rights.

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Conflicts of Interest

The authors declare no conflicts of interest.

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