

FACULTAD DE JURISPRUDENCIA, CIENCIAS SOCIALES Y HUMANIDADES

**TRABAJO DE TITULACIÓN PREVIO A LA OBTENCIÓN DEL
TÍTULO DE “ABOGADO DE LOS TRIBUNALES DEL ECUADOR”**

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**ANÁLISIS DEL RECURSO ESPECIAL DE DOBLE CONFORME Y LA
PROTECCIÓN DEL DERECHO AL DEBIDO PROCESO EN EL ECUADOR**

Resumen:**Palabras Clave:**

Recurso especial de doble conforme, debido proceso, derecho a recurrir, casación, doble instancia.

Abstract

The special appeal for double compliance is a legal input that has its origin in the right to a second instance, recognized in various international instruments such as the American Convention on Human Rights (CADH), in its Art. 8, numeral 2, literal h. This principle seeks to guarantee that every person convicted of a crime has “the right to appeal the ruling before a judge or higher court” (American Convention on Human Rights, 1969, pp.10), thus ensuring an effective review of the sentence.

In Ecuador, the formal recognition of the special double conformity resource has been a progressive process. The Constitution of the Republic of Ecuador of 2008, in its article 76, establishes the right to due process and the possibility of challenging judicial decisions. Over the years, various jurisprudential pronouncements by the judicial body have consolidated this resource as a special and fundamental procedural resource.

This research analyzes Sentence 987-15-EP/20, Sentence No. 1965-18-EP/21 and Resolution No. 04-2022, among others, which have been key in the evolution of this resource in the Ecuadorian context. , since they address initial and regulatory aspects for the application of double compliance, providing guidelines on its effective implementation in the Ecuadorian judicial system, as well as evidencing that its positioning as a new and effective tool, provides an additional guarantee to the protection of the right to due process.

Keywords:

Special appeal for double compliance, due process, right to appeal, cassation, double instance.