

Corruption, Social Insecurity in Police Investigation in the Peruvian Constitutional System.

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Abstract: The main objective is to analyze the influence of systematic corruption in the National Police of Peru in relation to the effectiveness of preliminary investigations and its impact on public safety within the constitutional system. The methodology used is qualitative, employing document analysis and multiple case studies. The results reveal that approximately 60% of police corruption cases directly affect the effectiveness of investigations, with 50% of preliminary investigations compromised and a 30% increase in the perception of insecurity. The conclusions indicate that police corruption violates fundamental constitutional principles, erodes public trust, hinders the administration of justice, and compromises public safety. The need for comprehensive reforms addressing legal and institutional aspects is highlighted to restore the integrity of the justice system and public confidence in security institutions.

Keywords: *Police corruption, preliminary investigations, citizen security, constitutional system, administration of justice.*

I. Introduction

Police corruption is presented as a global phenomenon that erodes public trust and compromises the effectiveness of justice systems. According to Transparency International (2020), the police are considered one of the most corrupt institutions in many countries, which has a direct impact on citizen security. This problem not only distorts the perception of security, but also has significant consequences on the functioning of the criminal justice system globally.

Police corruption varies in form and intensity between different contexts, but, as Ivković (2015) points out, it consistently generates distrust among citizens and hinders effective law enforcement. This phenomenon creates a vicious circle: police ineffectiveness increases insecurity, which in turn overloads judicial systems, generating an environment conducive to impunity and violence. The World Justice Project's 2021 Rule of Law Index (2021) highlights that corruption in police forces is one of the most significant factors eroding the rule of law globally.

The case of Operation Golden Shield in Turkey, uncovered in 2013, illustrates the global scale of this problem. This investigation revealed a network of corruption involving senior police officials and politicians, resulting in the arrest of several police chiefs and evidencing the depth of institutional corruption (Yesil, 2016). In Europe, the murder of journalist Ján Kuciak in Slovakia in 2018 is a shocking example. Kuciak was investigating connections between the Italian mafia and Slovak politicians, and his death revealed an extensive corruption

network involving senior police officials. This case not only led to the resignation of the prime minister and the head of the national police, but also generated mass protests in defense of democracy and transparency (Reporters Without Borders, 2019).

The European Court of Human Rights has addressed the issue of police corruption in several judgments. In the case of *Oganezova v. Armenia* (Application no. 71367/12), the lack of an effective investigation into police corruption was found to be a violation of Article 3 of the European Convention on Human Rights. This decision underscores the obligation of States to ensure accountability within their police forces. At the international normative level, the United Nations Convention against Corruption (UNCAC), adopted in 2003, establishes in its Article 7 the obligation of States to implement systems for calling, hiring, retention, promotion and retirement of public employees, including police officers, based on principles of efficiency and transparency (UNODC, 2004).

Police corruption is a phenomenon that transcends borders and has direct implications for social security and the criminal justice system. The lack of trust in police institutions not only affects the perception of security, but also generates a series of consequences that hinder access to justice and exacerbate violence and organized crime. It is imperative that effective accountability mechanisms are put in place and that a culture of transparency is promoted to restore public confidence in law enforcement and ensure an equitable and functioning justice system. According to Seligson (2018), alarming levels of corruption in police forces have contributed to growing social insecurity, which, in turn, has overburdened judicial systems, which struggle to process the volume of cases stemming from this dynamic. The situation is so serious that, as Bergman (2018) points out, in several Latin American countries some police units operate more like criminal organizations than as law enforcement agencies, which greatly complicates the administration of justice.

The World Bank's *Crime and Violence in Latin America and the Caribbean* report (2021) highlights that police corruption is a key factor in the increase in violence in the region. This context is reflected in emblematic cases that show the magnitude of the problem. A clear example is the scandal of the Police of the Province of Buenos Aires, Argentina, where in 2018 a judicial investigation uncovered a network of corruption known as the "Gang of Commissioners". This group was involved in extortion, drug trafficking, and other crimes, which resulted in the arrest of several police chiefs and a structural reform of the institution (Clarín, 2018).

In Brazil, the Osasco Massacre in 2015 highlighted the participation of police officers in extrajudicial executions. The ruling of the São Paulo Court of Justice in 2021, which convicted seven police officers for these crimes, set an important precedent in the fight against police impunity (Folha de São Paulo, 2021). In addition, the Inter-American Court of Human Rights has addressed police corruption in various judgments, such as in the case "*Favela Nova Brasília v. Brazil*" (2017), where it was ruled that the Brazilian State violated human rights by failing to adequately investigate extrajudicial executions and acts of torture committed by police officers (Flores-Apaza et al., 2023).

At the normative level, the Inter-American Convention against Corruption, adopted by the Organization of American States in 1996, establishes in its Article III the obligation of States to create and maintain standards of conduct that guarantee the correct and honorable performance of public functions, including police functions (OAS, 1996). In Mexico, the 2008 constitutional reform on security and justice, which laid the groundwork for a new accusatory criminal justice system and the professionalization of police forces, has encountered significant obstacles. A 2021 report by the Washington Office on Latin America (WOLA) indicates that the implementation of these reforms has been uneven and that police corruption remains a crucial impediment to their success (WOLA, 2021).

Corruption in Peru is a systemic phenomenon that permeates various levels of institutions, from low-ranking agents to senior officials. This problem has generated a significant crisis of confidence in the police and has created a widespread perception of insecurity among the population. Mujica and Zevallos (2016) argue that this distrust is fueled by public disillusionment with the institutions in charge of security. According to Dammert (2019), corruption not only affects citizen security, but also weakens the effectiveness of the criminal justice

system, hindering investigations and judicial processes. Thus, the involvement of police officers in criminal activities fosters an environment of impunity that undermines trust in the judicial system.

The phenomenon of corruption is particularly evident in the judicial system and in police institutions. Emblematic cases, such as the Odebrecht scandal, have revealed the penetration of corrupt practices in the three branches of government, eroding public confidence in the administration of justice (La República, 2024). At the municipal level, there is a high incidence of bribery and favoritism that compromises the impartiality of police investigations. According to a report, only 17.6% of public entities have implemented adequate measures to combat these problems, creating an environment conducive to impunity and making it difficult for citizens to report criminal acts (Villacorta, 2024).

It is essential that corruption within the National Police is an alarming phenomenon, because this institution has the power to conduct preliminary investigations under the supervision of the Public Prosecutor's Office. However, this attribution has been the subject of criticism from the legal and human rights spheres. As established in Article 60 of the Code of Criminal Procedure, *"the Prosecutor of the Public Prosecutor's Office directs the preliminary investigation"*. This suggests that the PNP should collaborate and not exercise full authority over the investigative process. Confusion in functions can lead to abuses of power, reflecting the need to clarify authority in the supervision of investigations (Diario Correo, 2024). Also, the Congress News Center (2024). He reported that social insecurity has reached critical levels, especially in urban areas such as Juliaca, where a high percentage of the population has been reported as victims of crime. This perception of insecurity compromises the quality of life and generates distrust towards public security institutions.

For its part, the Ombudsman's Office (2021) reported that 1,620 complaints were registered against police officers for crimes including corruption and abuse of authority. The National Institute of Statistics and Informatics (INEI, 2021) indicates that 86.7% of the population perceives corruption in the PNP as high or very high, which generates an alarming level of distrust: only 18% of citizens trust the police institution. This perception is aggravated by emblematic cases such as the *"Los Cuellos Blancos del Puerto Case"* (2018), where high-ranking police officers were implicated in corruption networks (Vera, 2024), another relevant criminal news is the *"La Botica Case"* (2019), where a network of police officers who charged quotas to informal merchants was exposed, this scandal culminated in the arrest of 14 police officers and brought to light the existence of a criminal structure within the the institution.

On the other hand, a study by Proética (2021) reveals that Lima has high rates of perception of police corruption, which correlate with an increase in insecurity, additionally, the Lima Cómo Vamos 2020 Survey (2021) indicates that 77.3% of Lima residents identify corruption as the main obstacle to the development of the city; therefore, there is sufficient information to corroborate that the phenomenon of corruption is closely related to the police institution, therefore, granting it powers to effectively manage preliminary investigations highlights the urgent need to reform the power structures in the country, since it is crucial to seek a balance that respects the autonomy of the Public Prosecutor's Office and the right of citizens to an effective and free justice system of corruption.

The formulation of the problem focuses on the systematic corruption in the National Police of Peru in relation to the effectiveness of preliminary investigations and their impact on citizen security in the constitutional system.

From the FINER method, theoretically The study addresses fundamental concepts in criminology and sociology, allowing a deeper understanding of the relationship between corruption, citizen security and justice. This approach contributes to the development of conceptual frameworks that explain how police corruption impacts public trust and the functioning of the judicial system. The epistemo-methodological feasibility **from the design of thematic analysis** allowed exploring the experiences and perceptions of the informants, highlighting the complexity of the phenomenon of corruption and its effects on society, facilitating the collection of rich and contextual data. The findings of interest of the research offer concrete recommendations for the formulation of public policies that seek to mitigate police corruption. The novelty perceptible ontologically states

that police corruption directly affects the quality of life of citizens, generating distrust in institutions and limiting collaboration between the population and the authorities. This study is relevant to promoting public trust and strengthening the rule of law, thus contributing to a fairer and safer society.

II. Methodology

This research adopts a qualitative approach, according to Creswell (2018), this approach allows us to *"explore and understand the meaning that individuals or groups attribute to a social or human problem"* (p. 4). In our case, we seek to understand how systematic corruption in the Peruvian National Police affects the effectiveness of preliminary investigations and, by extension, the security of citizens, within the constitutional framework of law.

A thematic analysis study design with multiple case studies was used, following the line of Yin (2018), who argues that this design is ideal for *"investigating a contemporary phenomenon in depth and within its real context"* (p. 15). This approach allows us to examine several cases of police corruption in different regions of Peru, providing a holistic view of the problem (Cojal-Mena, 2024).

In relation to the data collection method, documentary analysis was used, Bowen (2009), documentary analysis offers *"a systematic means to review or evaluate documents"* (p. 27), which allows us to examine official reports, press articles, and legal documents related to cases of police corruption (Izcara-Palacios, 2022).

Likewise, we selected cases of police corruption that have had a significant impact on citizen security and the effectiveness of the administration of justice, for which we collected bibliographic sources published during the years 2020 to 2024.

We adopt thematic analysis, following the approach of Braun and Clarke (2006), who describe it as *"a method for identifying, analyzing, and reporting patterns (themes) within data"* (p. 79). This method allows us to identify recurring themes in police corruption cases, providing an in-depth understanding of the phenomenon.

III. Results

The findings of the investigation reveal a troubling pattern of systematic corruption in the National Police that significantly affects the effectiveness of preliminary investigations and citizen security. According to the studies analyzed, approximately 60% of corruption cases in the PNP directly affect the effectiveness of investigations (Villacorta, 2024; Vera, 2024; Buleje, 2023), then, it is noted that there is a clear act of obstruction to the proper development of the administration of justice, being the duty of police officers to comply with Article 166 of the State Constitution, where they are the ones in charge of protecting citizens become actors who hinder the judicial process (Barreneche, 2018; Bergman, 2018).

On the other hand, police corruption has led to a 30% increase in the perception of insecurity among the population (Yam & Clairgue, 2020; Huayta, 2023; Ombudsman's Office, 2021). This situation erodes public trust in security institutions, which can lead to an increase in crime and citizen insecurity (Inter-American Court of Human Rights, 2017; Poma, 2019). Likewise, we must warn that this phenomenon violates Article 44 of the Constitution, which indicates the following as duties of the State:

The primary duties of the State are: to defend national sovereignty; guarantee the full observance of human rights; protect the population from threats to their security; and to promote the general welfare that is based on justice and on the integral and balanced development of the Nation.

Likewise, it has been found that 50% of preliminary investigations are compromised by corruption, with a 30% reduction in the rate of resolution of cases (Velásquez, 2024; Vera Criollo, 2024; Buleje, 2023); therefore, there is a serious implication on the part of these officials that affect the proper functioning of the administration of justice, contravening constitutional principles and international treaties on human rights (Bergman, 2018; Inter-American Court of Human Rights, 2017). This situation violates Article 139, paragraph 3 of the Political Constitution, which guarantees *"The observance of due process and jurisdictional protection."*

Table 1.
Impact of Police Corruption on the Criminal Justice System

Aspect	Percentage	Fountain
Cases affected by corruption	60%	Villacorta (2024), Vera (2024)
Increase in the perception of insecurity	30%	Yam and Clairgue (2020), Huayta (2023)
Preliminary investigations compromised	50%	Velásquez (2024), Vera Criollo (2024)
Reduction in case resolution rate	30%	Buleje (2023), Bergman (2018)

The triangulation of data from different sources reinforces the validity of the findings presented:

- Violation of Fundamental Rights, the systematic corruption generated by police officers not only affects citizen security, but also violates fundamental rights guaranteed by the Constitution and international treaties. Villacorta (2024) and Vera (2024) point out that this situation contravenes Article 2, dedicated to the protection of fundamental rights, and Article 139.3 related to due process of the Fundamental Law. Additionally, Buleje (2023) argues that police corruption erodes public trust in security institutions, which in turn undermines the rule of law and the effective protection of human rights. Huayta (2023) adds that this situation creates a vicious circle where impunity fuels more corruption, perpetuating the violation of fundamental rights.

In the American human rights system, the American Convention on Human Rights establishes in its Article 8.1: Every person has the right to be heard, with due guarantees and within a reasonable time, by a competent, independent and impartial judge or tribunal, previously established by law, in the substantiation of any criminal accusation made against him, or for the determination of his rights and obligations of a civil, labor, fiscal or any other nature.

In consideration of the previously indicated norm, Landa (2017) argues that due process is a fundamental right that guarantees the protection of other constitutional rights, therefore, police corruption, by interfering with investigations and the judicial process, directly violates this fundamental principle.

In the universal system of Human Rights, the Universal Declaration of Human Rights establishes in its Article 3: *"Everyone has the right to life, liberty and security of person."*

Analyzing this provision, Salmón (2019) argues that personal security not only implies protection against physical violence, but also against abuses of power by authorities, including police corruption.

- Institutional distrust and deterioration of the regulatory system, in the different studies addressed, the existence of police corruption has been evidenced as a problem that generates a deep distrust of public institutions. Bergman (2018) indicates that 70% of the population considers that corruption hinders justice; the Ombudsman's Office (2021) corroborates these findings, noting that the perception of police corruption undermines the legitimacy of the entire justice system. For their part, Yam and Clairgue (2020) argue that this institutional distrust has a domino effect, affecting not only the police but all state institutions involved in the administration of justice. Barreneche (2018) adds that police corruption creates an environment of impunity that erodes the social fabric and trust in the rule of law (Flores-Apaza et al., 2023).

In the penal system, this situation is typified in article 376 of the Criminal Code, which states:

"A public official who, abusing his or her powers, commits or orders an arbitrary act that causes harm to someone shall be punished with imprisonment for a term not exceeding three years. (...)"

In consideration of the above, Rojas Vargas (2016) argues that the criminalization of abuse of authority seeks to protect the proper functioning of the public administration and the trust of citizens in their institutions. However, Prado (2017) notes that the relatively low penalty for this crime may not be sufficient to effectively deter systematic police corruption.

- Affecting the proper conduct of preliminary investigations, the evidence suggests the existence of significant interference by police officers in criminal investigations because of the corruption that exists in the institution. This seriously affects due process and the proper administration of justice.

In the Code of Criminal Procedure, Article 67, the National Police has the duty to:

(...) to take cognizance of the crimes and report immediately to the prosecutor, without prejudice to carrying out the urgent and essential steps to prevent their consequences, to identify their perpetrators and participants, to gather and secure the elements of evidence that may be useful for the application of the criminal law.

However, police corruption undermines this legal mandate, according to Buleje (2023) argues that this interference in preliminary investigations has a domino effect on the entire judicial process, compromising the integrity of the justice system as a whole. This goes against the principle of objectivity in the police function, established in Article 7 of Legislative Decree No. 1267, Law of the National Police of Peru, which stipulates that the police function must be exercised *"without any discrimination and without taking into account the socioeconomic, political, ethnic, nationality, sex, religious confession, public opinion or of any other kind."*

The corrupt conduct of police officers who interfere in preliminary investigations could fit into the crime of prevarication, typified in article 404 of the Penal Code:

A judge, prosecutor, solicitor, arbitrator or any other person acting in an administrative or judicial proceeding who knowingly issues a decision or an opinion contrary to the express and clear text of the law or cites non-existent evidence or false facts, or relies on alleged or repealed laws, shall be punished by imprisonment for not less than three years and not more than five years.

Although this article does not explicitly mention police officers, it could be argued that they fall into the category of *"any other who acts in an administrative or judicial proceeding"*, given their role in preliminary investigations; additionally, Law No. 27815, Law on the Code of Ethics of the Public Function, in its Article 6 establishes principles such as probity, the truthfulness and justice and equity that must govern the actions of all public officials, including the police. The violation of these principles through acts of corruption in preliminary investigations constitutes a serious ethical and legal misconduct.

It is important to note that recently, in September 2024, the Peruvian Congress approved a ruling that strengthens the National Police's crime investigation function (Congressional News Center, 2024). This measure, while seeking to improve police effectiveness, could potentially exacerbate corruption problems if adequate control mechanisms are not put in place.

- Impact on citizen security, the triangulation of data reveals a consensus on the negative impact of police corruption on citizen security. Yam and Clairgue (2020) point to a 30% increase in the perception of insecurity. Huayta (2023) corroborates these findings, adding that police corruption not only increases the perception of insecurity, but can also lead to a real increase in crime rates.

Bergman (2018) argues that police corruption creates a vicious cycle where a lack of trust in the police leads to lower crime reporting, which in turn hinders the effective prevention and prosecution of crime. The Ombudsman's Office (2021) adds that this phenomenon disproportionately affects the most vulnerable populations, exacerbating existing inequalities in access to justice and security.

In the American human rights system, the American Convention on Human Rights establishes in its Article 7.1: *"Everyone has the right to liberty and security of person."* Analyzing this provision, Steiner and Uribe (2014) argue that personal security not only implies protection against physical violence, but also the guarantee that the authorities will act with integrity and in accordance with the law in the protection of citizens.

In the universal system of Human Rights, the International Covenant on Civil and Political Rights establishes in its Article 9.1:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one may be deprived of his liberty except for the reasons established by law and in accordance with the procedure established by law.

Interpreting this article, Nowak (2005) argues that personal security implies not only protection against physical violence, but also against abuses of power by authorities, including police corruption. Melish (2018) adds that this right imposes positive obligations on the State to prevent and punish corruption in its security forces.

IV. Discussion

In relation to the main objective, systematic corruption in the National Police has a profound and multifaceted impact on the effectiveness of preliminary investigations and on citizen security, contravening fundamental principles of the Peruvian constitutional system, this phenomenon not only undermines the integrity of the institutions in charge of public security, but also erodes citizen confidence in the rule of law.

In consideration of the provisions of the Constitution on the police function in Peru, it is taken into account that Article 166 of the Constitution establishes that the fundamental purpose of the police is to guarantee, maintain and restore internal order. It provides protection and help to individuals and the community. It guarantees

compliance with the laws and the security of public and private assets. Prevents, investigates and fights crime. However, the reality is far from this constitutional ideal. Villacorta (2024) and Vera (2024) point out that approximately 60% of corruption cases in the PNP directly affect the effectiveness of investigations, this situation poses a fundamental paradox in the national security and justice system, since the same agents in charge of protecting citizens and enforcing the law become obstacles to the administration of justice; being a phenomenon that violates the principle of legality and also undermines the legitimacy of the State as a guarantor of security and public order.

Comparison with other legal systems sheds light on possible solutions. In Spain, Article 547 of Organic Law 6/1985 on the Judiciary establishes that the function of the Judicial Police includes *"assisting the courts and tribunals and the Public Prosecutor's Office in the investigation of crimes and in the discovery and arrest of offenders"*. This clear delimitation of functions as an auxiliary of justice, according to Vera (2024), contributes to a lower incidence of systematic corruption. In Germany, the Strafprozeßordnung (StPO), in its § 161, states that the police act under the direction of the prosecutor's office in criminal investigations. Huayta (2023) argues that this model of functional subordination to the prosecutor's office reduces the opportunities for police corruption in investigations.

The experience of these countries suggests that a clear delineation of functions and a more robust control structure could be key elements in combating police corruption; it is essential to consider that the influence of these models strengthens the integrity of preliminary investigations. However, the corruption existing in this institution is not only evident by the number of judicial files and academic investigations, but also by the impact on the proceedings held within its competence, since the investigations carried out within the time frame of the preliminary investigation require the active participation of these officials, as evidenced in Article 67 of the 2004 Code of Criminal Procedure, which establishes that the PNP must *"take cognizance of the crimes and report immediately to the prosecutor"*; and, taking into account that the studies by Buleje (2023) and Velásquez (2024) argue that 50% of preliminary investigations are compromised by corruption, then, it is conceived that this normative provision not only enables the police power to intervene, but also generates an ideal space for the crime to manifest itself that transgresses the principle of objectivity in the police function and also contravenes the guarantee of the observance of the due process and effective judicial protection in accordance with Article 139.3 of the Constitution.

It is essential to consider that police corruption within the first stage of the criminal investigation has a domino effect for the entire development of the criminal process, since, if the basis of the investigation is compromised, the entire subsequent judicial process is called into question, therefore, it is relevant to take into account the provisions of Article 200 of the Colombian Code of Criminal Procedure (Law 906 of 2004) which establishes that *"the Office of the Attorney General of the Nation, in order to fulfill its constitutional and legal functions, has the power to require the Judicial Police to carry out activities inherent to it."* This model, according to Villacorta (2024), provides greater control over police actions in preliminary investigations.

On the other hand, the impact of this phenomenon on citizen security is equally alarming, with studies by Yam and Clairgue (2020) and Huayta (2023) pointing to a 30% increase in the perception of insecurity among the population due to police corruption; this situation directly violates Article 44 of the Constitution, which establishes as the primary duty of the State *"to protect the population from threats to its security."* Therefore, the perception of insecurity generated by police corruption creates a vicious circle, for this reason, models that balance police autonomy with effective supervision could be key to restoring public trust and improving citizen security.

From a human rights perspective, the situation is equally serious, since Article 8.1 of the American Convention on Human Rights establishes the right to a fair trial, which is compromised when police officers interfere corruptly in investigations. As Landa (2017) points out, due process is a fundamental right that guarantees the protection of other constitutional rights; therefore, this phenomenon not only affects the effectiveness of the justice system, but also violates Peru's international human rights commitments.

Consequently, systematic corruption in the PNP has a devastating impact on the effectiveness of preliminary investigations and on citizen security, violating fundamental constitutional principles and international human

rights commitments. In addition, the different Latin American and European legal systems suggest the adoption of models that strengthen fiscal oversight over the exercise of police functions, establishing clear control mechanisms to discourage the involvement of investigations and restore public confidence to guarantee a justice and security system that truly serves the interests of citizens.

Among others, it is essential to maintain that police corruption has a profound and multifaceted impact on citizen security and the administration of criminal justice, generating negative social effects that undermine trust in institutions and the rule of law. This phenomenon not only compromises the effectiveness of the justice system, but also erodes the little social trust that exists in the institution, severely affecting the feeling of justice and security in society.

On the other hand, corruption in the exercise of police functions directly affects citizen security, creating an environment of impunity and mistrust. Yam and Clairgue (2020) and Huayta (2023) point out a 30% increase in the perception of insecurity among the population due to this phenomenon, being a relevant and alarming fact, because it is argued that the institution in charge of protecting citizens is perceived as part of the problem of insecurity.

In consideration of the national regulatory framework, it is essential to indicate that this situation directly violates Article 44 of the Constitution, which establishes as the primary duty of the State "*to protect the population from threats to its security*". Additionally, the XI National Survey on the Perception of Corruption in Peru 2021 by Proética corroborates these findings, showing low trust in the police (Ombudsman's Office, 2021). Therefore, the perception of insecurity generated by corruption creates a vicious circle where distrust in security institutions leads to fewer reports of crimes, making it even more difficult to prevent and effectively prosecute crime. This underscores the urgent need to address corruption not only as an institutional problem, but as a direct threat to public security.

On the other hand, the impact that this problem has on the administration of justice turns out to be unquantifiable and invaluable, because it affects the integrity of investigations and the development of due process, generating social gaps for the administration of justice. In the studies by Buleje (2023) and Velásquez (2024) they reveal that 50% of preliminary investigations are compromised by corruption; this interference not only violates the principle of objectivity in the police function, but also contravenes Article 139.3 of the Constitution, which guarantees the observance of due process and judicial protection, which is consistent with Article 8.1 of the American Convention on Human Rights, which establishes the right to a fair trial. Consequently, this phenomenon significantly compromises the proper development of the process, but transcends its content, which may contain false or omitted information, these documents being relevant to maintain an adequate investigation of the crime, being a clear affectation for the rights of the procedural subjects (Carrizo-González Castell, 2017).

For this reason, it is necessary to take into account Article 547 of Organic Law 6/1985 of the Judiciary of Spain, which states that the judicial police are to assist the courts and tribunals and the Public Prosecutor's Office in the investigation of crimes and in the discovery and arrest of criminals. This being a clear delimitation of its functions as an auxiliary, but not as the entity in charge of assuming ownership of these activities, according to Vera (2024), this subordinate delegation of roles generates a lower incidence of systematic corruption and a more effective administration of justice. Therefore, it can be argued that corruption affects the officials who have the greatest power to order the development of the proceedings.

The social effects of police corruption are profound and far-reaching. Bergman (2018) and Barreneche (2018) argue that this phenomenon creates an environment of impunity that transgresses social values and trust in the public institutions of the State, generating a series of negative consequences for society:

- a) Institutional distrust: The Ombudsman's Office (2021) points out that police corruption generates a deep distrust of public institutions. This not only affects the police, but extends to the entire justice system and the government in general.
- b) Increased inequality: Huayta (2023) argues that police corruption disproportionately affects the most vulnerable populations, exacerbating existing inequalities in access to justice and security.

- c) Culture of illegality: Yam and Clairgue (2020) suggest that widespread police corruption can foster a culture of illegality, where citizens perceive compliance with the law to be optional or negotiable.
- d) Deterioration of social cohesion: Barreneche (2018) points out that police corruption weakens the bonds of trust between citizens and between them and the State, negatively affecting social cohesion.

Although it is true that there is a Brazilian model in which the civil police have the duty to carry out criminal investigations carried out by citizens under the direction of career delegates, it is an approach aimed at seeking the professionalization of the police function to reduce corruption, its objective being to mitigate some of the negative social effects observed in other contexts (Barreneche, 2018). The truth is that the social effects generated by corruption within this institution go beyond mere institutional inefficiency, due to the fact that the loss of democratic values and the social contract between the State and citizens was generated; therefore, institutional reforms are not enough to reintegrate trust and/or a sense of security.

Consequently, this phenomenon has a devastating impact on citizen security and the administration of criminal justice, with social effects that undermine the very foundations of democratic society. Experience compared with other countries suggests that the adoption of models that strengthen oversight, professionalize policing, and establish clear control mechanisms could be key to addressing this problem. However, these reforms must be accompanied by a profound cultural change and sustained efforts to rebuild public trust in security and justice institutions.

Among others, police corruption also significantly interferes with the effectiveness of the criminal justice system, especially in preliminary investigations and their resolution. According to Velásquez (2024) and Vera (2024), 50% of preliminary investigations are compromised by corruption, resulting in a 30% reduction in the case resolution rate. This directly violates Article 139.3 of the Constitution, which guarantees due process, as well as Article 67 of the Code of Criminal Procedure, which establishes the functions of the National Police in the investigation of crime.

In the context of comparative law, it is observed that while in Peru the police act as an auxiliary in the investigation under the direction of the prosecutor (Article 67 of the Code of Criminal Procedure), in countries such as Spain (Organic Law 6/1985), Germany (StPO §161), and France (Code of Criminal Procedure, Art. 12), the judicial police also operate under the direction of the Public Prosecutor's Office or investigating judges. However, in Brazil, the judicial police have more autonomy in conducting investigations, although under the supervision of the Public Prosecutor's Office (Art. 144 of the Federal Constitution). This comparison highlights that, regardless of the degree of police autonomy, corruption in this body can seriously compromise the integrity of investigations in any system (Buleje-Buleje, 2023).

Buleje (2023) argues that this interference in preliminary investigations has a domino effect on the entire judicial process, compromising the integrity of the justice system as a whole. This is manifested in the manipulation of evidence, biased investigations, and undue delays in processes, as pointed out by Bergman (2018) and the Inter-American Court of Human Rights (2017). The situation violates not only national regulations, but also international treaties such as Article 14 of the International Covenant on Civil and Political Rights, which guarantees the right to a fair trial. Huayta (2023) adds that this corruption creates a vicious circle where impunity fuels more corruption, perpetuating the violation of fundamental rights. This is reflected in the impact on public trust in security institutions, as shown by studies by Yam and Clairgue (2020) and the Ombudsman's Office (2021), who report a 30% increase in the perception of insecurity.

Barreneche (2018) argues that this situation contravenes the principle of objectivity in the police function, established in Article 7 of Legislative Decree No. 1267, Law of the National Police of Peru. In addition, as Poma (2019) points out, these corrupt practices could fit into the crime of prevarication (Article 404 of the Penal Code), although it does not explicitly mention police officers (Piedrabuena 2016).

Consequently, police corruption in the conduct of preliminary investigations not only hinders justice in individual cases, but also undermines the integrity of the judicial system as a whole; being a significant challenge for the Peruvian State in terms of guaranteeing due process and citizen security, requiring a comprehensive reform that addresses both the legal and institutional aspects of the problem (Albán-Sáenz & Poma-Vargas, 2019).

V. Conclusions

First, it was concluded that systematic corruption in the Peruvian National Police has a profoundly negative influence on the effectiveness of preliminary investigations and on citizen security, undermining the fundamental principles of the national constitutional system. This situation directly violates Article 166 of the Constitution, which establishes the fundamental purpose of the National Police to guarantee, maintain and restore internal order, as well as to provide protection and assistance to individuals and the community; in addition, it contravenes Article 44 of the Basic Law, which states that the primary duties of the State are the protection of the population against threats to its security and the promotion of the general welfare based on justice. Police corruption not only compromises the integrity of investigations, but also affects public trust in security institutions, creating a vicious cycle that perpetuates insecurity and injustice, in clear contradiction to the constitutional principles of security and justice.

Second. – It was concluded that this criminal phenomenon in the police institution has a devastating impact on citizen security and on the proper administration of criminal justice, generating profound and lasting social effects. This situation violates Article 139, paragraph 3 of the Constitution, which guarantees the observance of due process and judicial protection, and contravenes Article 8.1 of the American Convention on Human Rights, which establishes the right of every person to be heard with due guarantees by a competent, independent, and impartial tribunal. The social effects are manifested in a growing distrust of security and justice institutions, which in turn leads to an increase in the perception of insecurity and a lower willingness of citizens to collaborate with the authorities. This situation creates an environment of impunity that undermines social values and confidence in the rule of law, contravening the fundamental principles established in Article 3 of the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of the person.

Third. – It was concluded that police corruption significantly interferes with the effectiveness of the criminal justice system, particularly in the conduct of preliminary investigations and their resolution, compromising the integrity of the judicial process from its initial stages. This interference violates Article 67 of the Code of Criminal Procedure, which establishes the duty of the police to carry out essential steps to prevent the consequences of the crime, to identify its perpetrators and participants, and to gather and secure evidence; in addition, it contravenes Article 7 of Legislative Decree No. 1267, which establishes the principle of objectivity in the police function. The manipulation of evidence, biased investigations, and undue delays in processes resulting from this corruption violate Article 139, paragraph 3 of the Constitution, which guarantees due process, as well as Article 14 of the International Covenant on Civil and Political Rights, which ensures the right to a fair trial.

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NORMATIVE COMPARISON OF THE ROLE OF THE POLICE OFFICER

COUNTRY	ROLE OF THE POLICE	ARE YOU LEADING THE RESEARCH?	LEGAL DEVICE
Code of Criminal Procedure of 2004:			
Peru	Research Assistant	No	Article 67: The National Police, in the performance of its functions, must, including on its own initiative, take cognizance of the crimes and report immediately to the prosecutor, without prejudice to carrying out the urgent and essential steps to prevent their consequences, to identify their perpetrators and participants, to collect and secure the elements of evidence that may be useful for the application of the criminal law.
Organic Law 6/1985 on the Judiciary:			
Spain	Auxiliary to judges and courts and the Public Prosecutor's Office	No	Article 547: The function of the Judicial Police includes assisting the courts and tribunals and the Public Prosecutor's Office in the investigation of crimes and in the discovery and arrest of criminals. This function will be the responsibility, when required to provide it, to all members of the Security Forces and Corps, whether they depend on the central Government or the Autonomous Communities or local entities, within the scope of their respective competences."
Code of Criminal Procedure (StPO) Code of Criminal Procedure			
Section 161 General investigative power of the public prosecutor's office § 161 General investigative power of the prosecutor's office			
Germany	Assistant to the Public Prosecutor's Office	No	(1) For the purpose specified in Section 160 (1) to (3), the public prosecutor's office shall be entitled to demand information from all authorities and to carry out investigations of any kind either itself or to have them carried out by the authorities and officers of the police service, unless other statutory provisions specifically regulate its powers. The authorities and officers of the police service are obliged to comply with the request or order of the public prosecutor's office (1) For the purpose designated in § 160, paragraphs 1 to 3, the prosecutor's office is empowered to request information from all authorities and to conduct investigations of any kind, either by itself or through the authorities and officials of the police service, provided that other legal provisions do not specifically regulate its powers. The authorities and officials of the police service are obliged to comply with the request or order of the prosecutor's office and, in

and, in this case, are entitled to demand information from all authorities.

(2) To the extent that the deletion of personal data is expressly ordered in this Act, Section 58 (3) of the Federal Data Protection Act shall not apply.

(3) If a measure under this Act is permissible only in the case of suspicion of certain criminal offences, the personal data obtained on the basis of a corresponding measure under other laws may be used for evidentiary purposes in criminal proceedings without the consent of the persons affected by the measure only for the purpose of investigating such criminal offences for the investigation of which such a measure could have been ordered under this Act. Section 100e (6) number 3 shall remain unaffected.

(4) Personal data obtained in or from a dwelling from the use of technical means for self-protection in the course of restricted investigations on the basis of police law may only be used for evidentiary purposes in compliance with the principle of proportionality (Article 13.5 of the Basic Law) if the Local Court (§ 162.1) in whose district the issuing authority is located, has established the lawfulness of the measure; in the event of imminent danger, the judicial decision must be made up without delay.

this case, also empowered to request information from all authorities.

(2) Insofar as this law expressly mandates the deletion of personal data, § 58 para. 3 of the Federal Data Protection Act does not apply.

(3) If a measure under this Act is permissible only in the event of suspicion of certain offences, personal data obtained by means of a similar measure under other laws may not be used for evidentiary purposes in criminal proceedings without the consent of the person affected by the measure, unless it is for the clarification of those offences the investigation of which would permit the order of such a measure under this Act. § 100e, paragraph 6, number 3, is not affected.

(4) Personal data obtained in or from a dwelling through the use of technical means for self-protection in the context of non-open investigations, based on police law, may only be used for evidentiary purposes in compliance with the principle of proportionality (Article 13(5) of the Basic Law), if the court of first instance (§ 162, paragraph 1), in whose jurisdiction the authority that ordered the measure is located, has determined the legality of the measure; In cases of urgency, a judicial decision must be obtained without delay.

France	Judicial Police under the direction of the Public Prosecutor	No	Code of Criminal Procedure Article 12: The judicial police shall be exercised, under the direction of the Public Prosecutor, by the officers, civil servants and agents designated in this Title. Code of Criminal Procedure (Law 906 of 2004):	Code of Criminal Procedure Article 12: The judicial police is exercised, under the direction of the Prosecutor of the Republic, by the officers, officials and agents designated in this title.
Colombia	Technical Investigation Corps under the direction of the Prosecutor	No	Article 200: It is the responsibility of the Office of the Attorney General of the Nation to investigate and investigate the facts that have characteristics of a crime that come to its knowledge by means of a complaint, complaint, special petition or by any other suitable means. [...] The Office of the Attorney-General of the Nation, in order to carry out its constitutional and legal functions, has the power to require the Judicial Police to carry out activities inherent to it, as well as any other body exercising police functions at the national, departmental and municipal levels. Code of Criminal Procedure	
Chile	Assistant to the Public Prosecutor's Office	No	Article 79: Officials of the Carabineros de Chile and the Investigative Police of Chile shall comply with the orders given to them by the prosecutors and judges for the purposes of the investigation, without prejudice to the dependence of the corresponding authorities.	
Argentina	Auxiliary of Justice	No	Code of Criminal Procedure of the Nation Article 183: The police or security forces shall investigate, on their own initiative, by virtue of a complaint or by order of a competent authority, crimes of public action, prevent the acts committed from being carried out to further consequences, identify the culprits and collect the evidence to support the accusation. Constitution	
Mexico	Assistant to the Public Prosecutor's Office	No	Article 21: The investigation of crimes is the responsibility of the Public Prosecutor's Office and the police, which shall act under the direction and command of the Public Prosecutor's Office in the exercise of this function. (...) National Code of Criminal Procedure	
			Article 132: The Police shall act under the direction and command of the Public Prosecutor's Office in the investigation of crimes in strict adherence to the principles of legality, objectivity, efficiency, professionalism, honesty and respect for the human rights recognized in the Constitution. (...)	

Federal Constitution		
Brazil	Judicial Police under the supervision of the Public Prosecutor's Office	Yes, with supervision
Article 129. The institutional functions of the Public Prosecutor's Office are: (EC No. 45/2004) I – to promote, privately, public criminal action, in accordance with the law; (...) VI – to issue notifications in the administrative proceedings under its competence, requesting information and documents to instruct them, in accordance with the respective complementary law; VII – to exercise external control of police activity, in accordance with the complementary law mentioned in the previous article; (...) Article 144: Paragraph 4 - The civil police, headed by career police officers, are responsible, except for the competence of the Union, with the functions of judicial police and the investigation of criminal offenses, except for military ones. Code of Criminal Procedure, Decree Law No. 3.689/1941 Article 4: The judicial police shall be exercised by the police authorities in the territory of their respective districts and shall have as its purpose the investigation of criminal offenses and their authorship.		
Federal Constitution		
Art. 129. The functions of the Public Prosecutor's Office are: I – To promote, exclusively, public criminal action, in the form of the law; (...) VI To issue notifications in the administrative procedures within its competence, requesting reports and documents to instruct them, in the form of the respective complementary law; VII – To exercise external control of police activity, in the form of the complementary law mentioned in the preceding article; (...) Article 144: § 4º The civil police forces, headed by career police commissioners, are responsible, except for the competence of the Union, with the functions of judicial police and the investigation of criminal offences, except military ones. Code of Criminal Procedure Article 4: The judicial police shall be exercised by the police authorities in the territory of their respective districts and shall have as its purpose the investigation of criminal offenses and their authorship.		

Document analysis

OBJECTIVE	AUTHORS	RIGHTS ANALYZED	IMPACT ON RIGHTS	RESULTS	CONCLUSION
General Objective: To analyze the influence of systematic corruption in the National Police of Peru in relation to the effectiveness of preliminary investigations and its impact on citizen security in the constitutional system.	Villacorta (2024); Vera (2024); Yan and Clairgue (2020); Velásquez (2024); Huayta (2023); Barreneche (2018); Buleje (2023); Inter-American Court of Human Rights (2017); Ombudsman's Office (2021); Bergman (2018); Vera (2024); Villacorta (2024); Yam and Clairgue (2020); Buleje (2023); Huayta (2023); Barreneche (2018); Inter-American Court of Human Rights (2017); Ombudsman's Office (2021); Bergman (2018); Poma (2019)	- Right to security -Due process - Equality before the law	- Increase in citizen insecurity - Obstruction of investigations - Unequal treatment	Studies indicate that around 60% of cases of corruption in the Police affect the effectiveness of investigations, which translates into a 30% increase in the perception of insecurity. Corruption is also related to distrust of public institutions, where officials, instead of protecting citizens, become actors who obstruct justice.	Systematic corruption in the PNP has a profound impact on the effectiveness of investigations and citizen security. This translates into a violation of fundamental rights, guaranteed by Art. 2 (Fundamental Rights) and Art. 139.3 (Due Process) of the Constitution, as well as Art. 3 (Right to life) and Art. 8 (Due process) of the Universal Declaration of Human Rights, which establish the right to personal security and protection by the State.
Specific Objective 1: Analyze how police corruption impacts security and the proper administration of criminal justice and what its social effects are.		- Access to justice - Right to a fair trial	- Denial of justice -Impunity - Discrimination in access to justice	Police corruption has led to 40% of criminal cases being affected, and 70% of the population considers corruption to be an obstacle to justice. This results in widespread distrust of justice officials, who are supposed to ensure access to a fair trial and the protection of human rights, but are often perceived as part of the problem.	This vicious cycle of corruption and mistrust erodes the legitimacy of the legal system. The lack of effective action on the part of the operators of the justice system generates a sense of impunity, which is contrary to the provisions of Article 139.3 (Due process) and Article 2.2 (Right to equality) of the Constitution. At the international level, Article 7 (Equality before the law) of the International Covenant on Civil and Political Rights reinforces the need for equal treatment in the judicial system.

Specific Objective 2:	Velásquez (2024); Vera Criollo (2024); Villacorta (2024); Barreneche (2018); Huayta (2023); Buleje (2023); Bergman (2018); Inter-American Court of Human Rights (2017); Ombudsman's Office (2021); Poma (2019) Yam and Clairgue (2020); Villacorta (2024); Vera (2024); Huayta (2023); Bergman (2018); Inter-American Court of Human Rights (2017); Poma (2019); Barreneche (2018); Buleje (2023)	- Right to a fair trial - Presumption of innocence - Due process	- Manipulation of evidence Biased investigations - Undue delay of processes	It has been found that 50% of preliminary investigations are compromised for corruption, and there is a 30% reduction in the rate of resolution of cases. This implies that officials who should act as guarantors of justice end up harming his administration, which translates into an increase in impunity.	The interference of police corruption in preliminary investigations deteriorates the integrity of the criminal justice system. This is contrary to Art. 139.3 (Due process) and Art. 2.23 (Right to defense) of the Constitution, as well as Art. 14 (Right to a fair trial) of the International Covenant on Civil and Political Rights, which guarantee a fair and equitable trial.
Assess how police corruption interferes with the effectiveness of the criminal justice system, particularly in conducting preliminary investigations and resolving them.					
Specific Objective 3:					
To analyze the impact of police infiltration and its relationship with corruption in the Spanish and Peruvian context.		- Right to security - Equality before the law - Due process	- Erosion of trust in institutions - Internal corruption - Violation of fundamental rights	Police infiltration is considered a crucial factor in the fight against corruption. However, the lack of control over these officials can lead to abuses. This translates into an erosion of public trust in security institutions, which can lead to an increase in crime and citizen insecurity.	Corruption in the police forces not only affects citizen security, but also violates fundamental rights, guaranteed by Article 2 (Fundamental Rights) and Article 139.3 (Due Process) of the Constitution. At the international level, Article 3 (Right to life) and Article 10 (Right to liberty and security) of the American Convention on Human Rights underscore the need to guarantee the security and protection of citizens.