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Critical analysis of roots as an objective factor in determining pretrial detention

Análisis crítico del arraigo como elemento objetivo en la determinación de la prisión preventiva

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Jordy Yampier Marchena Cabanillas
https://orcid.org/0009-0000-2777-3861
JMARCHENAC539@ucvvirtual.edu.pe
Universidad César Vallejo. Lima, Peru

Abstract

The purpose of the article was to critically and thoroughly examine how roots is analyzed as an objective element for imposing a burdensome measure, as well as to understand how its interpretation affects judicial discretion. To achieve this goal, a qualitative approach and descriptive-interpretive design were adopted. The study included a review of doctrine and regulations, an analysis of case law, and semi-structured interviews with legal professionals, thus enriching the understanding of the phenomenon from a legal practice perspective. The findings reveal marked variability in the judicial criteria used to assess roots, which results in contradictory decisions and rulings with insufficient grounds. This reveals the absence of uniform parameters to consistently guide the exercise of jurisdiction. It is concluded that it is necessary to consolidate standardized normative and jurisprudential criteria to strengthen the legitimacy of the criminal procedural system, which in turn will guarantee the effective and real protection of the rights of the person under investigation, in accordance with the principles of the rule of law.

Keywords: criminal law, justice, human rights

Resumen

El artículo tuvo como finalidad examinar de forma crítica y detallada la manera en que el arraigo es analizado como un elemento objetivo para imponer una medida gravosa, así como comprender cómo su interpretación incide en el margen de discrecionalidad judicial. Para alcanzar este fin, se adoptó un enfoque cualitativo y diseño descriptivo-interpretativo. El desarrollo del estudio integró la revisión dogmática, normativa, el análisis jurisprudencial, así como entrevistas semiestructuradas a profesionales del derecho, enriqueciéndose así la comprensión del fenómeno desde la práctica jurídica. Los hallazgos evidencian una marcada variabilidad en los criterios judiciales empleados para valorar el arraigo, lo que se traduce en decisiones contradictorias y en resoluciones con fundamentos insuficientes. Ello revela la ausencia de parámetros uniformes que orienten consistentemente el ejercicio jurisdiccional. Se concluye que es necesario consolidar los criterios normativos y jurisprudenciales estandarizados que permitan fortalecer la legitimidad del sistema procesal penal, lo que a su vez garantizará la tutela efectiva y real de los derechos del investigado, en coherencia con los principios del Estado de Derecho.

Palabras clave: derecho penal, justicia, derechos humanos

Introduction

The central problem arises from the lack of stable and verifiable criteria for examining roots, resulting in inconsistent judicial rulings that in some cases lack sufficient logical grounding. The importance of this study lies in its direct connection to the protection of essential rights and the overall legitimacy of criminal proceedings. From a guarantist perspective (Ferrajoli, 2006), restrictions on liberty, in any form, may only be imposed when absolutely necessary. Therefore, the value of roots demands a measured analysis considering family, employment, residential, and ethical dimensions, leaving aside subjective assessments or the judge's intuitive perceptions (Silva Sánchez, 2011).

Previous research conducted in various contexts has served as a warning against the excessive use of pretrial detention, demonstrating that it not only affects the liberty of those under investigation but also significantly impacts their economic stability and social cohesion (Aebi et al., 2019). Within the Inter-American system, the

Inter-American Court has held that when adequate reasoning is lacking, such measures become a form of arbitrary detention that contravenes international standards designed to safeguard basic guarantees (Carneri Tamaryn, 2020).

In the Peruvian context, recent studies demonstrate that the inequitable application of roots criteria and the absence of uniform parameters for analysis compromise the coherence of judicial decision-making and undermine public confidence in the administration of justice (Fernández Inga, 2021). Roots, conceived as a key indicator of the accused's connection to their family, work, and community environment, present a clear paradox: the very element used to demonstrate a willingness to face proceedings is, in some instances, deployed to justify pretrial incarceration (Encina Ibarra, 2021).

The essential problem originates from the absence of unified and verifiable guidelines for adequately assessing roots, leading to inconsistent judicial rulings that, in some cases, lack sufficient logical reasoning.

The relevance of this assessment centers on its direct link to the protection of fundamental rights and the legitimacy of the criminal process itself. From a guarantist position (Ferrajoli, 2006), any restriction on personal liberty is only admissible when it is shown to be absolutely indispensable. For this reason, analyzing roots requires an objective review, considering family, employment, residential, and ethical components, while setting aside emotional evaluations or the judge's intuitive perception (Alexy, 2012).

This discretionary application undermines the principle of proportionality and reveals a structural bias that violates the presumption of innocence. Given this situation, the general purpose of this research was to examine how the objective determination of roots influences judicial discretion when ordering pretrial detention, with the aim of identifying standards that enable proportional, well-reasoned, and human-rights-respecting decisions. Ultimately, the study aspires to contribute to the consolidation of a more balanced, coherent penal system consistent with the values of the constitutional state.

Methodology

The inquiry was conducted from a qualitative perspective, aimed at analytically and reflectively examining the role of roots as an objective element in decision-making regarding the imposition of pretrial detention. This approach enabled a broader understanding of the use of judicial discretion and how that authority influences the determination of the most burdensome restriction on personal liberty.

A descriptive-interpretive design was adopted, oriented toward analyzing the meaning and legal valuation of roots in the decision to impose pretrial detention. This design allowed the phenomenon to be examined from a comprehensive perspective, considering normative, doctrinal, and jurisprudential content. Additionally, semi-structured interviews were conducted with seven criminal law specialists; the sample consisted of five representatives from the Public Prosecutor's Office and two defense attorneys, selected through purposive sampling. The selection responded to their extensive direct experience in the application and supervision of restrictive measures.

The interview structure was organized around previously defined analytical categories, including impartiality in reviewing roots, proportionality of pretrial detention, and the limits of judicial discretion. This allowed for open exchange and the collection of opinions based on daily professional practice.

Regarding ethical aspects, communication with each interviewee was intended to contribute to the research, and participants gave their free and informed consent, guaranteeing the protection of the information provided and the safeguarding of their identity. Similarly, inclusion criteria were established related to the experience and training of the interviewees in their areas of specialization, as well as exclusion criteria designed to prevent biased interpretations or inferences that might alter the objectivity of the analysis.

Results and discussion

Doctrinal and normative review of roots as an objective parameter

Pretrial detention, according to its legal nature, is conceived as an exceptional and precautionary measure, intended to ensure the proper conduct of criminal proceedings and prevent their frustration, without being considered a form of anticipated punishment (Mejía Milian, 2023). Its use is only valid prior to the issuance of a conviction, and it serves essential purposes: guaranteeing the accused's appearance, preventing any interference with the investigative process, and providing protection to both the victim and the community against potential procedural risks or possible recidivist conduct.

According to the jurisprudence of Supreme Court Appeal No. 50-2020/Tacna, roots are conceived as the nexus or relationship that an individual maintains with a given place, grounded in personal ties or material elements. The absence of roots, while not in itself conclusive proof of flight risk, may be understood as an indication of procedural danger when combined with the seriousness of the charges or other relevant factors (CSJ, 2020).

Along these lines, roots represent an essential component for assessing the possibility of evasion and must be established within the criminal proceedings, unless they can be replaced by less restrictive mechanisms, such as bail or travel restrictions (Reynaldi Román, 2019).

Proving roots requires an impartial, qualitative review, based on verified information, including effective residential permanence, employment stability, family cohabitation, and active community participation (González Concha, 2023).

Doctrine and jurisprudence highlight three main types of roots: first, residential roots, which demonstrate habitual and stable residence; second, employment roots, which reflect consistent professional activity; and third, family roots, manifested through caregiving ties, dependency, or financial responsibility. The lack of any of these components may heighten the assessment of flight risk. Along these same lines, the Constitutional Court, in Case File No. 00864-2021-PHC/TC, specified that cohabiting in a family-owned property is insufficient to establish roots if actual and continuous presence or some type of legal relationship to the property is not demonstrated.

Likewise, Supreme Court Appeal No. 531-2015 expanded the understanding of roots to include family or economic connections abroad that might facilitate evasion from criminal proceedings. For this reason, the judicial evaluation of roots must incorporate both internal elements and external circumstances that may influence the accused's conduct.

Beyond traditional categories, doctrine proposes considering other manifestations of roots, such as social, religious, academic, business, or community involvement, which reflect the individual's level of social integration and commitment to their environment. These dimensions allow for a more comprehensive understanding of roots as an indicator of personal stability and social integration.

Roots are understood as a multidimensional limit, and their application is adapted to ensure compliance with the principles of proportionality, presumption of innocence, and reasonableness in judicial decision-making. Proper evaluation of this parameter can help maintain pretrial detention within its strictly precautionary and exceptional nature, thereby strengthening a more just, clearer justice system committed to effectively protecting fundamental rights.

Legal and theoretical foundations of roots

From a philosophical and legal perspective, roots are conceived as the primary bond connecting a person to their community. Weil (1949) noted that this conception goes beyond territorial location, acquiring an ethical and spiritual connotation, whereby active participation in the collective grants identity and a sense of belonging. Herrando Cugota (2022) focused on how interruption or weakening of this bond leads to rootlessness and social fragmentation, resulting in harm both to personal dignity and to community cohesion.

In the normative sphere, roots represent the degree of the accused's inclusion in their community and acquire concrete legal significance. They are not a merely formal element but are expressed through the right to recognition and social identity of each individual (Ferrajoli, 2006). The Peruvian Criminal Procedure Code incorporates this principle with specific parameters, including residence, family or employment ties, and flight risk, aiming to limit judicial discretion and support decisions grounded in verifiable elements (Sáenz de la Cruz, 2023).

Along these lines, roots are configured as a point of equilibrium between the effectiveness of criminal proceedings and the guarantee of fundamental rights. Any restriction on personal liberty must be subject to the principle of proportionality and applied only when strictly justified necessity exists. Under this logic, roots serve as a guarantist limit that modulates the scope of the state's punitive power (Alexy, 2012).

From a guarantist perspective, deprivation of liberty before sentencing is only valid when it serves exclusively procedural purposes rather than punitive ones, making roots a key element in opting for alternative measures (Zaffaroni, 2006). Likewise, the judge, in evaluating this element, not only applies the law (Niño, 1989) but also reaffirms the dignity and autonomy of the accused within the public sphere (Habermas, 1998).

Thus, roots constitute a principle of judicial rationality that harmonizes procedural security with respect for fundamental liberties. Their objective analysis contributes to preserving the exceptional nature of pretrial detention and strengthens a more humane, proportional penal system that respects human dignity.

Judicial interpretation of roots in Peruvian jurisprudential development

Analysis of the most recent rulings reveals a significant shift in how roots are understood: what was initially approached through heterogeneous and loosely articulated criteria has gradually moved toward a more qualitative, consistent examination centered on the protection of fundamental guarantees.

In Supreme Court Appeal No. 1445-2018, the Supreme Court established that pretrial detention is only appropriate when there is an absence of roots of "maximum intensity," an expression encompassing the total absence of family ties, economic activities, or assets linking the accused to their social environment. Nevertheless, this interpretation was subsequently subject to significant adjustments (CSJ, 2019).

In Supreme Court Appeal No. 50-2020/Tacna, the Court specified that the lack of roots does not automatically imply the existence of flight risk, but must be analyzed alongside other elements such as the seriousness of the charges, the likely penalty, and the accused's procedural conduct (CSJ, 2020). This approach expanded the understanding of roots, situating it within the framework of the principle of proportionality that guides any measure restricting personal liberty.

Subsequently, Supreme Court Appeal No. 47-2024/Puno broadened the debate by introducing the idea of "quality roots," understood as a set of authentic, effective, and verifiable ties whose strength ensures the accused's presence and avoids purely formal allegations (CSJ, 2024a). Along the same lines, Supreme Court Appeal No. 393-2022/Arequipa emphasized that the evaluation of roots must be based on precise reasoning and guided by homogeneous parameters, considering family, employment, and residential dimensions, without invalidating it due to factors such as employment informality or territorial mobility (CSJ, 2022).

Later, Supreme Court Appeal No. 996-2024/Tacna reaffirmed that current and consistent establishment of roots is sufficient to rule out pretrial detention, except where concrete indications of procedural danger exist (CSJ, 2024b). Finally, Supreme Court Appeal No. 420-2024/Lima determined that having multiple residences does not equate to lack of roots, provided that at least one can be considered a habitual residence (CSJ, 2024c).

Based on these jurisprudential guidelines, doctrine identifies three central dimensions of roots: first, residential or property-related roots, connected to the individual's territorial location or position; second, family roots, associated with obligations and responsibilities toward dependents; and third, employment roots, linked to continuity of economic activity and stable income (Encina Ibarra, 2021).

Jurisprudential evolution shows a trend toward a deeper, qualitative examination of roots, giving greater weight to solid, current personal ties than to formal accreditation. These guidelines confirm that the extraordinary, subsidiary, and proportional nature of pretrial detention is binding in conjunction with the principle of minimal intervention and the presumption of innocence (TC, 2023).

Objective review of roots and its impact on judicial discretion

The assessment of roots constitutes a fundamental factor when determining whether pretrial detention is appropriate, serving as a reference for identifying procedural risk and the accused's level of social integration. In the Peruvian context, there is a particular need to objectify its importance, because establishing limits on judicial discretion ensures that the restrictive measure of liberty is applied only when strictly necessary in accordance with the principle of proportionality.

From a normative perspective, the Criminal Procedure Code provides that pretrial detention may only be ordered when there are sufficient evidentiary elements regarding the criminal act, the accused's alleged involvement, and a real risk of flight or interference with the investigation. In this context, roots act as an objective reference for estimating the likelihood that the accused will remain subject to the proceedings. Their scope encompasses various verifiable dimensions: residential, family, employment, and moral, which must be evaluated jointly based on verifiable information (Sáenz de la Cruz, 2023).

A truly objective evaluation requires structured, meticulous judicial reasoning supported by verifiable information, avoiding subjective assessments or intuitive impressions. In this sense, residential stability allows identification of the accused's degree of permanence in a given location; family ties demonstrate affective commitments and obligations that reduce the likelihood of flight; employment roots evidence economic and social integration through formal or recognized activity; and moral or community roots manifest the individual's participation in their social, educational, or religious environment (Encina Ibarra, 2021).

From a legal philosophy standpoint, this duty of objectivity connects with Ferrajoli's garantism (2006), which holds that restrictions on liberty may only be applied under exceptional conditions with strict justification. Likewise, the theory of proportionality requires that limitations on fundamental rights serve a legitimate purpose, satisfy criteria of suitability, and constitute the least severe alternative (Alexy, 2012). Complementarily, anthropological reflection defines roots as originating from belonging to a social and cultural environment, generating bonds that shape the subject's identity and sense of social responsibility (Herrando Cugota, 2022).

Consequently, this evaluation not only fulfills a legal obligation but also responds to a principle with a justice-based structure. Its proper application sets limits on judicial discretion, ensuring that decisions are grounded in verifiable standards that safeguard both the accused's rights and the legitimacy of the penal system. Therefore, implementing control mechanisms, ongoing magistrate training, and standard-setting guidelines becomes essential for consolidating coherent, transparent, and respectful judicial practice (Missiego del Solar, 2021).

Practical consequences of a subjective evaluation of roots

The absence of stable and verifiable criteria allows roots to be assessed in many cases with excessive reliance on the magistrate's personal judgment, generating adverse effects on both legal and social planes. When

the element is analyzed based on subjective perceptions, pretrial detention loses its exceptional character and begins to be applied more frequently, contravening the principles of personal liberty and the presumption of innocence (Díaz Zamora, 2023). This disproportionate use is based on imprecise guidelines lacking empirical support, contributing to increased prison overcrowding and human rights violations (Colunge Villacorta, 2020).

Among the most evident consequences are the infringement of the principle of proportionality, wrongful deprivation of individual liberty, deepening procedural inequalities, especially for vulnerable individuals, and the erosion of institutional trust (Carneri Tamaryn, 2020). Although the Supreme Court, through Supreme Court Appeal No. 1445-2018, established the importance of evaluating family ties as a criterion of roots, the lack of clear parameters continues to generate disparate interpretations. These effects demonstrate that subjectivity in evaluating roots undermines the rationality of the penal system and reproduces structural inequities. It is necessary to implement objective criteria, institutional controls, and alternatives to pretrial detention, such as bail or electronic monitoring, to guarantee a balance between procedural efficacy and respect for fundamental rights. Strengthening the objective evaluation of roots constitutes a technical, ethical, and legal imperative for consolidating a garantista penal system that respects human dignity.

Empirical evidence: perspectives of legal practitioners

The articulated analysis between interviews conducted with criminal law specialists and review of contemporary legal doctrine in the Latin American context reveals a structural deficiency in the assessment of roots within Peruvian pretrial detention proceedings. This deficiency largely originates from the broad margin of discretion exercised by judges and the absence of uniform guidelines to guide evaluation of the accused's degree of family or employment social integration. The specialists interviewed agreed that elements of roots should serve as fundamental points for assessing the accused's personal stability and actual level of community integration. The lack of standardized criteria not only produces arbitrary perceptions in judicial work but also promotes disproportionate use of pretrial detention, contributing to prison overcrowding.

Given this situation, there is a departure from international human rights standards, including the ICCPR and the ACHR, which establish that pretrial detention should be applied only exceptionally and with valid justification (Espinoza Leal, 2023). Both instruments require that restrictions on liberty be supported by concrete risks, such as likelihood of flight or interference with judicial investigation, rather than subjective inferences or unproven presumptions (Zúñiga Reyes, 2020).

In this area, Peruvian judicial practice signals the existing gap between international norms and domestic application, highlighting an urgent need for precise, verifiable criteria consistent with the principle of proportionality that characterizes contemporary criminal law.

The persistence of disparate interpretations, including precedents such as Supreme Court Appeal No. 1445-2018, results in fragmented jurisdictional functions that in certain cases ultimately adopt punitive overtones. Given this scenario, the analysis developed by Missiego del Solar (2021), together with the testimonies collected in this research, manifests the urgency of establishing uniform processes that can guarantee impartiality, coherence in judicial responses, and full protection of the presumption of innocence.

Concretely, adopting a reading of roots based on qualitative, verifiable criteria tailored to each accused's specific circumstances contributes to strengthening the legitimacy of the penal system and reducing the excessive use of pretrial detention. This favors a jurisdictional model in which liberty constitutes the general rule, and any coercive measure applied remains a strictly justified exception.

Conclusions

The research findings support the assertion that limited or inadequate evaluation of roots as an objective element within pretrial detention constitutes a direct threat to the principle of proportionality and the effective protection of the fundamental right to personal liberty. Although significant advances have been incorporated within the Peruvian procedural framework regarding the definition of procedural risk norms and the delimitation of requirements for this measure, a gap exists between what is provided by law and practical implementation, which reveals inconsistent decisions, highly subjective assessments, and disproportionate use of pretrial detention, destabilizing its exceptional character.

The combined analysis of doctrine, current regulations, jurisprudential evolution, and perceptions gathered from interviewed practitioners reveals a persistent problem maintained by the absence of uniform criteria, the expansion of judicial discretion, and the continued lack of fundamental rights training in some sectors of the judiciary. This not only weakens respect for due process and the presumption of innocence but also undermines the legitimacy of the penal system, generating in citizens a sense of arbitrariness, inequity, and lack of coherence in the administration of justice.

The findings demonstrate the relevance of strengthening an approach that guarantees the evaluation of roots. In this way, objectivity must prevail over the magistrate's personal perceptions, and the defense of fundamental rights must take priority over criteria linked to procedural efficiency or convenience. Pretrial detention must retain its precautionary and exceptional nature, applied only when specific, verifiable, current indications demonstrate an authentic procedural risk, founded on facts rather than suppositions or hypothetical scenarios. From this perspective, roots should not be conceived as an accessory or formal requirement but should reflect the accused's family, employment, and community stability, as well as the actual level of integration that guarantees their connection to their immediate social environment.

Finally, the study proposes the need to encourage new lines of research focused on deepening jurisdictional criteria applicable to roots and their impact on the use of pretrial detention, whether through comparative analyses or empirical investigations with greater scope and methodological rigor. Complementarily, the importance of promoting normative reforms and ongoing training programs for judges, prosecutors, and defense attorneys is highlighted to reinforce objectivity, proportionality, and coherence in the judicial interpretation of roots. Through sustained efforts, it is possible to consolidate a penal system that is consistent and respectful of human dignity, fully aligned with the fundamental principles that underpin the constitutional rule of law.

References

Aebi, M. F., Tiago, M. M., Berger-Kolopp, L., & Burkhardt, C. (2019). *Council of Europe annual penal statistics: Prison populations (SPACE I – 2016)*. Council of Europe. https://wp.unil.ch/space/files/2019/02/SPACE-I-2016-Final-Report_Updated_190207.1.pdf

Alexy, R. (2012). *Teoría de los derechos fundamentales*. Centro de Estudios Constitucionales. https://www.cepc.gob.es/sites/default/files/2021-12/35515rcec17239.pdf

Carneri Tamaryn, S. (2020, 15 de mayo). Las cárceles de América y el peligro de que se conviertan en bastiones del coronavirus. *Equal Times*. https://www.equaltimes.org/las-carceles-de-america-y-el?lang=es

Colunge Villacorta, J. (2020). La prisión preventiva y el derecho internacional. *Revista Peruana de Derecho Internacional*, *70*(165). https://doi.org/10.38180/rpdi.v0i0.144

Corte Suprema de Justicia de la República. (2020). *Recurso de casación N.º 50-2020/Tacna* (Sala Penal Permanente). Gaceta Jurídica. https://www.gacetajuridica.com.pe/docs/2020001735001217_0_150939_1.pdf

Corte Suprema de Justicia de la República. (2022). *Casación N.º 393-2022/Arequipa* (Sala Penal Permanente). Poder Judicial del Perú. https://lpderecho.pe/prision-preventiva-homologacion-de-voces-arraigo-laboral-casacion-393-2022-arequipa/

Corte Suprema de Justicia de la República. (2024a). *Casación N.º 47-2024/Puno* (Sala Penal Permanente). Poder Judicial del Perú. https://lpderecho.pe/arraigo-calidad-arraigo-domiciliario-permite-procesado-ubicado-lugar-especifico-policias-fiscales-notificadores-casacion-47-2024-puno/

Corte Suprema de Justicia de la República. (2024b). *Casación N.º 996-2024/Tacna* (Sala Penal Permanente). Poder Judicial del Perú. https://derecho.unap.edu.pe/jurisprudencia/casacion-n-o-996-2024-tacna/

Corte Suprema de Justicia de la República. (2024c). *Casación N.º 420-2024/Lima* (Sala Penal Transitoria). Poder Judicial del Perú. https://derechoperu.edu.pe/index.php/publicacion/casacion-420-2024-%3A-pluralidad-de-domicilios-y-arraigo-en-prision-preventiva

Corte Suprema de Justicia de la República del Perú. (2019). *Casación N.º 1445-2018/Nacional*. Gaceta Jurídica. https://www.gacetajuridica.com.pe/docs/SPP-RC-1445-2018-NACIONAL.pdf

Díaz Zamora, A. (2023). Abuso de la prisión preventiva: Impacto en derechos humanos y análisis de estándares nacionales e internacionales en un Estado constitucional. *Revista de Climatología*, *(23)*. https://doi.org/10.59427/rcli/2023/v23cs.4201-4210

Encina Ibarra, E. (2021, 1 de febrero). La paradoja del arraigo en la prisión preventiva. *Enfoque Derecho*. https://enfoquederecho.com/la-paradoja-del-arraigo-en-la-prision-preventiva/

Espinosa Leal, I. (2023). La violencia contra las mujeres: Su erradicación como objetivo mundial. *Constructos Criminológicos*, *3*(4). https://doi.org/10.29105/cc3.4-40

Ferrajoli, L. (2006). *Garantismo: Una discusión sobre derecho y democracia*. Trotta. https://books.google.com.co/books/about/Garantismo.html?id=NpxuPgAACAAJ&redir_esc=y

Fernández Inga, L. (2021). *Valoración objetiva del arraigo de calidad y la prisión preventiva en el distrito judicial de Lima, 2021* [Tesis de Maestría, Universidad Nacional Federico Villarreal]. https://repositorio.unfv.edu.pe/handle/20.500.13084/8234

Gonzales Concha, E. (2023). Criterios del arraigo en la evaluación del peligro de fuga en la prisión preventiva en el proceso penal peruano. *Sapientia & Iustitia*, *(8)*. https://doi.org/10.35626/sapientia.8.4.91

Habermas, J. (1998). *Facticidad y validez: Sobre el derecho y el Estado democrático de derecho en términos de teoría del discurso*. Trotta. https://www.trotta.es/libros/facticidad-y-validez/9788481641516/

Herrando Cugota, M. (2022). La actualidad de Simone Weil: Enraizamiento, justicia y sentido de comunidad. *Revista de Filosofía y Derechos Humanos*, *9*(2). https://dialnet.unirioja.es/servlet/articulo?codigo=8480066

Mejía Milian, E. (2023). La prisión preventiva y la vulneración del principio constitucional de presunción de inocencia. *Sapientia & Iustitia*, *(7)*. https://doi.org/10.35626/sapientia.7.4.68

Missiego del Solar, J. (2021). Uso y abuso de la prisión preventiva en el proceso penal peruano. *Ius Et Praxis*, *53*(53). https://doi.org/10.26439/iusetpraxis2021.n053.5073

Niño, C. S. (1989). *Ética y derechos humanos: Un ensayo de fundamentación*. Astrea. https://www.stafforini.com/nino/Nino%20-%20%C3%89tica%20y%20derechos%20humanos.pdf

Reynaldi Román, C. (2019, 28 de septiembre). Fiscal ensaya 18 tipos de arraigo de sujeción en la prisión preventiva. *Pasión por el Derecho*. https://lpderecho.pe/fiscal-ensaya-18-tipos-de-arraigo-de-sujecion-en-la-prision-preventiva/#:~:text=Arraigar%20implica%20la%20sujeci%C3%B3n%20de,y%20con%20ello%20del%20proceso

Rogan, M. (2022). Examining the role of legal culture as a protective factor against high rates of pre-trial detention: The case of Ireland. *European Journal on Criminal Policy and Research*, *(28)*. https://doi.org/10.1007/s10610-022-09515-9

Sáenz de la Cruz, P. (2023). El arraigo en el contexto peruano: Implicancias probatorias, legislativas y prácticas. *Lucerna Iuris Et Investigatio*, *1*(5). https://doi.org/10.15381/lucerna.n5.26667

Silva Sánchez, J. M. (2011). *La expansión del derecho penal: Aspectos de la política criminal en las sociedades postindustriales*. Civitas. https://dn790006.ca.archive.org/0/items/SilvaSanchez.ExpansionDelDerechoPenal/Silva-Sanchez.-Expansion-del-Derecho-Penal.pdf

Tribunal Constitucional del Perú. (2023). *Expediente N.º 02613-2022-HC* (Sentencia del 22 de marzo de 2023). https://tc.gob.pe/jurisprudencia/2023/02613-2022-HC.pdf

Weil, S. (1949). *Echar raíces*. Éditions Gallimard. https://archive.org/details/weil-simone-hechar-raices

Zaffaroni, E. R. (2006). *Manual de derecho penal: Parte general*. Ediar. https://docs.google.com/file/d/0ByrhDPsRaQw5Qi03SXo5a0xTSWlIMGQ0b1I3VFoxUQ/edit?pli=1&resourcekey=0-Cd68yvuNSrMzLZFgJIJCfA

Zúñiga Reyes, M. (2020). Garantías de no repetición y reformas legislativas: Causas de la falta de pronunciamiento y denegación de reparaciones en la jurisprudencia de la Corte Interamericana de Derechos Humanos a partir del caso Cinco Pensionistas vs. Perú. *Revista Derecho del Estado*, *(46)*. https://doi.org/10.18601/01229893.n46.02