

The various procedural paths in which the judicial processes of Name Change are processed in Cajamarca – Peru

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Abstract

In Peru, the procedural paths in which it is necessary to process a judicial process of Change of Name have not been established, unlike in other countries that are governed either by the same system of Civil Law, as well as by the Common Law. The purpose of this study was to determine in which procedural paths the judicial processes of Name Change have been processed by the Superior Court of Justice of Cajamarca, one of the poorest departments of that country. To this end, a study with a qualitative approach, descriptive scope, and non-experimental design has been carried out. This study was made through the review of bibliographic sources and analysis of the main actions of 18 judicial processes of Name Change filed by people with limited economic resources in view of the Superior Court of Justice of Cajamarca from 2010 to 2015.

Using a descriptive, analytical and interpretative method; the results establish that the Judges of the Superior Court of Justice of Cajamarca have processed the judicial processes of Name Change of people with limited economic resources during the period analyzed, in various procedural paths of the Contentious process, as well as in the process and Non-Contentious procedural path; which differ in terms, stages, procedural costs, duration and, therefore, in the defense and argumentation mechanisms typical of their procedural nature; seriously violating the rights of the plaintiffs, who, are also in a situation of vulnerability due to their economic situation.

Keywords: Name change, Contentious and Non-Contentious process, procedural paths.

1. Introduction

In Peru, the procedural path in which a judicial process is processed depends on several factors, such as the subject matter, the parties involved, its legal nature and its complexity; the Peruvian State has established several procedural paths, whose conditions, stages, procedural costs and duration vary according to the case.

In civil matters, the procedural paths that the Peruvian legal system has been classified according to whether the process is Contentious or Non-Contentious. If there is a conflict to be resolved between two or more subjects, it will be processed in a Contentious process; while if it is only intended to resolve a legal uncertainty unilaterally, in which a counterparty or defendant does not necessarily participate, it will be processed in a Non-Contentious process.

The Contentious process is divided into three procedural paths: Knowledge, Abbreviated and Summary; whose deadlines, stages, procedural costs and duration vary according to the complexity of the case; the most extensive and expensive path is Knowledge, followed by Abbreviated; and the shortest and least expensive path is Summary. Conversely, in the Non-Contentious process, there is only has as a procedural path: The Non-Contentious; whose deadlines, stages, procedural costs and duration are much shorter and less expensive than even the aforementioned Summary route.

With regard to procedural costs, in Peru; people with limited economic resources are exempted from paying court fees; but not of the other procedural costs involved in the processing of a judicial process, such as the cost of publications in newspapers, the cost for the preparation of technical reports or expert opinions to be used as evidence, among other documents specific to each process and the circumstances of the case.

With regard to judicial processes of Name Change, the Peruvian legal system has not exhaustively established the procedural path in which this type of process must be processed; in this circumstance, the national doctrine has maintained that the judicial processes of Name Change must be processed in the path of the Abbreviated procedure, corresponding to a Contentious process, as well as, conversely, in view of the process and Non-Contentious path.

This context has motivated the present research to identify the procedural paths in which the judicial processes of Name Change filed by people with scarce economic resources in view of the Superior Court of Justice of Cajamarca, one of the poorest departments of that country, during the period of 5 years; to determine the parameters in which these processes have been processed, since the costs and processing time of each procedural path differ significantly.

Given the above problems, we ask the following research question: *In which procedural paths have the Judges of the Superior Court of Justice of Cajamarca – Peru, processed the judicial processes of Name Change filed by people of limited economic resources in the years 2010 – 2015?*

1.1. Objectives

In order to resolve the research question, it has been established as the main objective to determine the procedural paths in which the Judges of the Superior Court of Justice of Cajamarca have processed the judicial processes of Name Change filed by people with limited economic resources in the years 2010 – 2015; and as specific objectives: i) to describe the types of procedural routes regulated in the Peruvian legal system in force, ii) to describe the national doctrine on the procedural path in which it is appropriate to process the judicial processes of Change of Name, iii) to describe the procedural path in which the Change of Name can be requested in countries of Civil Law and Common Law; and, finally, iv) to identify the judicial processes of Name Change that have been filed by people with limited economic resources in front of the Superior Court of Justice of Cajamarca in the years 2010 – 2015.

The study hypothesized that the Judges of the Superior Court of Justice of Cajamarca have processed the judicial processes of Change of Name filed by people with limited economic resources in the years 2010 – 2015 in various procedural paths of the Contentious process, as in the process and Non-Contentious procedural path.

2. Theoretical Bases

2.1. The Right to Name and Name Change in Peru

Article 2 (1) of Peru's 1993 Political Constitution, states that everyone has the right to his or her identity.

In this context, the right to a name is protected by a macro right that of identity, which is immutable, unalterable, unchangeable; so that the data contained in the birth certificate or national identity card must reflect the person as he or she is, without distorting, altering or disfiguring him or her, since the opposite would be a direct and serious violation of the right to identity, which would mean serious damage to the person's life project. (Fernández Sessarego, 2014).

However, article 29 of our Civil Code states that no one may change his name or add to it, except for justified reasons and by judicial authorization, duly published and registered; so, the general rule is that the name is immutable; and accordingly, no one can change his name, or add to it; however, this rule allows for some exceptions, in the event that there are objective and reasonable reasons justifying the change or variation, provided that it is made by judicial authorization, duly published and registered; through the judicial process of Name Change. (Fernández Sessarego, 2014).

The Name Change, imports a total or partial substitution of one name by another, and seeks to modify a pre-existing situation, not on the basis of an error in which the official incurred, but in a conscious desire to change the name that is carried, justifying the request by certain facts that have some basis; which constitutes a just reason for these purposes. (Ledesma Narváez, 2012).

For Fernández Sessarego (2014), the name change implies a modification of the verbal structure, it can be: substitutive, by permutation of some elements; amplifying, by incorporation or aggregation of a new verbal element; or reductive, by suppression or segregation of some word or particle. Thus, we have: (a) Change; (b) Addition; (c) Deletion; (d) Amendment; (e) Alteration and (f) Restructuring.

There are several reasons why it is possible to protect a Name Change action, including the extravagance or confusion caused by the name, the change of gender, among others. For Fernández Sessarego (2014), it can be considered a legitimate reason to change one's name if the name given to the person at birth turns out to be extravagant or ridiculous, causing ridicule, mockery or insults by third parties, with the consequent effect on his or her peace; well-being, free development and personal dignity, since such acts can severely damage their self-esteem. For its part, Espinoza (2014), it is possible to change a name when it is no longer common in modern generations and, therefore, can be the object of mockery and discriminatory attitudes; so maintaining it will obviously continue to affect the self-esteem and consolidation of personality of their social, family and work relationships.

In this regard, there are various jurisprudential and case law criteria on some other justifiable reasons for these purposes; as well as cases that cannot constitute justifiable reasons for the changing the name; as well as the necessary provision of evidence to prove this circumstance, which is not the subject of this research.

2.2. Procedural channels in civil proceedings and the differences between Contentious and Non-Contentious proceedings in Peru

The Peruvian Code of Civil Procedure, in its fifth and sixth sections, classifies the procedural means of conducting a judicial process, regulating Contentious and Non-Contentious processes.

Carnelutti, cited by Ledesma Narváez (2012), points out that there are two principles in the structure of the Contentious process and the Non-Contentious process: the principle of the contradictory or principle of bilaterality, typical of the Contentious process; and the principle of unilaterality, characteristic of the Non-Contentious process, the latter serving only to prevent and not to constitute litis.

In fact, the Non-Contentious process has no parties in the strict sense, since it is a notion that implies a confrontation between two subjects, therefore, it is only applicable to Contentious processes. In this type of process, it is appropriate to replace the concept of part with that of petitioner. The petitioner does not ask for anything against anyone, there are no adversaries, therefore, he is not a party, because he is not a counterpart of anyone; and, therefore, they do not generate *res judicata*. (Ledesma Narváez, 2012).

As noted above, both processes differ in that the Contentious contains a current conflict and the Non-Contentious, a potential conflict of interest. (Ledesma Narváez, 2012)

The Contentious process is divided into three procedural routes: Knowledge, Abbreviated and Summary. Regarding the procedural path of *knowledge*, Ledesma Narváez (2012), explains that in this path complex claims are processed, which by their particular nature require an extensive judicial debate with the following characteristics: i) they are defined by the objective jurisdiction (matter and amount) and by the functional one; ii) the model, through which the procedural activity is carried out, allows a greater breadth in the deadlines, the counterclaim and a wide evidentiary activity, even in the second instance.

Regarding the *abbreviated* procedural path, reference must be taken into account such as the amount and subject matter of the claim; however, there are cases in which, apart from the parameters of objective jurisdiction, this procedural path is established by law or because the judge fixes it, in view of the nature of the claim under discussion. Another

reference is the amount of the claim, however, there are assumptions that do not have their own procedural path, are invaluable in money or there is doubt about their amount. (Ledesma Narváez, 2012).

With regard to the procedural path of *summary*, it corresponds to a broad design, with reduced deadlines and limited evidentiary debate, to achieve quick responses, all justified by the urgency of obtaining jurisdictional protection, but, in this case, it will be the judge who qualifies the circumstances that make it possible to direct the debate of the claim through a very summary model. (Ledesma Narváez, 2012).

As for the Non-Contentious process, it is also known as "voluntary jurisdiction". In other times they were also called "gracious jurisdiction" or "honorary". They are those processes in which there is no conflict or controversy to be resolved, a circumstance that determines the absence of plaintiff and defendant. The judge of the Non-Contentious process does not judge, only verifies and formalizes. (Calderón del Río, 1997). This process whose only procedural route is the Non-Contentious, since no act of trial is carried out, is characterized by the absence of *res judicata*. It does not matter at this point that the sentence has been confirmed or approved by the higher instance; the possibility of modifying the ruling in another process is always open (Calderón Del Río, 1997).

2.3. The procedural path of the Name Change process in Peruvian law

The law has not established the procedural path for the processing of a judicial process of Name Change. Given this circumstance, several authors are of the opinion that the judicial process of Name Change should be processed under the rules of the abbreviated process. This position is supported by paragraph 1 of the Fourth Final Provision of the Code of Civil Procedure, which establishes, among other things, that the claims contemplated in articles 16, 26, 28 and 31 of the Peruvian Civil Code are processed as an abbreviated process.

In this regard, Hinojosa Minguez (2012) states that in accordance with the provisions of article 31 of the Civil Code, the person harmed by change or addition of name, can challenge it judicially. The aforementioned challenge is processed through the abbreviated process. This is ordered by paragraph i) of the Fourth Final Provision of the Code of Civil Procedure. For his part, Ledesma Narváez (2012), states that to the extent that the change of name, does not start from any error to correct, but from a justified desire to vary his identification as a person, it must be elucidated in a Contentious process, in which the reasons for that alteration of the name are justified. Even the author, commenting on Article 486 of the Code of Civil Procedure, referring to the abbreviated process, establishes that within paragraph 8, the process of changing the name would be found, among the cases that do not have their own procedural path.

Conversely, in the Civil Regional Jurisdictional Plenary of 28 and 29, March 2008, which the magistrates from the Superior Courts of Justice of Arequipa, Apurimac, Cusco, Madre de Dios, Moquegua, Puno and Tacna participated; there were different positions on the subject; there was a conflict in determining the procedural path of the name change process; since at the national level, the Courts process these processes differently. After the corresponding vote, it was decided by 28 votes that the Name Change process must be processed in the Non-Contentious path; while only 10 votes considered that it should be processed in the Contentious route.

Notwithstanding the foregoing, there are mixed positions on this discussion. Indeed, for

Lingán Cabrera (2007), it should be borne in mind that according to the provisions of article 749, paragraph 12, of the Code of Civil Procedure, applications that at the request of the interested party and by decision of the Judge lack containment are processed in Non-Contentious proceedings. In this sense, a request for change or addition of name; in principle, it has no restraint. However, as stated in article 31 of the Civil Code, if a person feels harmed by the change or addition of name, he may challenge it judicially; and, therefore, since there is already a containment, this claim is processed as an abbreviated process, in accordance with paragraph 1 of the Fourth Final Provision of the Code of Civil Procedure.

2.4. The procedural path of the judicial process of Name Change in countries that have adopted Civil Law and Common Law: The particular case of the United Kingdom

Countries that have adopted civil law legal systems tend to be more restrictive to the modification of a name than countries that are governed by common law, where there is greater freedom to change a name, and it is processed very quickly.

In Chile, a change of name is allowed, but it can be requested only once and whenever it undermines morals or is ridiculous, requiring justified reasons for the change with due judicial authorization. In El Salvador, likewise, judicial authorization is required for the change of name.

As Ulloa & Vargas (2018) argues, in Costa Rica the judicial process of Name Change is processed by voluntary jurisdiction, in which there is no litigation, where the judge can order proof ex officio; that is, in a Non-Contentious process.

In the United States, which has adopted common law, name change is allowed in all states, with only some of them requiring judicial authorization.

However, in the United Kingdom, it is not necessary to initiate any legal process to change the name, it can already be changed through the document equivalent to a birth certificate, which is called *a deed poll*. As Fernández (2015) argues, the procedure is simple and fast and you can change all or part of it, add or remove surnames, alter the order of them and the letters that form it and, where appropriate, the hyphens that unite them, reorganize the surnames, etc. The desired changes will be reflected in a *deed poll*, which is the legal document that proves your willingness to make such a change; as indicated on the official website of the Government of the United Kingdom, which can be accessed through the following link: <https://www.gov.uk/change-name-deed-poll>.

3. Methodology and Procedure

The research had a qualitative approach, descriptive scope, and non-experimental design; because it is based on circumstances that have already occurred or occur in reality without the intervention of the researcher. The population has been constituted by the judicial processes of Name Change processed in view of the Superior Court of Justice of Cajamarca in the years 2010-2015; of which, the sample has been constituted by 18 judicial processes of Name Change that were interposed by people of scarce economic resources and were admitted in the aforementioned period.

A descriptive, analytical and interpretative method has been used. The analysis of the research topic has been carried out through the bibliographic review and the registration. Likewise, with respect to the judicial processes of Name Change, a documentary analysis has been carried out. For this purpose, an analysis guide was prepared that includes the data

of the file, year, court in which the processes were processed, procedural paths; among other aspects. The main bibliographic source was the law, doctrine and judicial criteria adopted regarding the research topic, such as international regulation. Subsequently, a thorough review and analysis of the judicial processes of Name Change processed before the Superior Court of Justice of Cajamarca during the years 2010-2015 was carried out, selecting as a sample, only those processes that have been filed by people of low economic resources in view of legal offices free of charge and that were admitted, whether or not they have been sentenced in a favorable or unfavorable way, because the purpose of the investigation is not to verify the fundability of the claim, but the procedural path in which those claims have been processed and the damage caused by this lack of uniformity in the plaintiffs.

4. Results and Discussion

According to the objectives of the research, the following results were obtained:

1. As regulated by the fifth and sixth sections of the Peruvian Code of Civil Procedure in force, there are various procedural paths regulated in the Peruvian legal system depending on whether the process is Contentious or Non-Contentious. In the first of them it is subdivided into 03 procedural routes: Knowledge, Abbreviated and Summary; while, in the second, only the Non-Contentious procedural route is counted. Our legislation has not exhaustively established in which of the aforementioned processes and procedural paths the judicial processes of Name Change must be processed.

2. Various positions have been noted in the national doctrine on the procedural path in which it is appropriate to process the judicial processes of Name Change. On the one hand, in the Civil Regional Jurisdictional Plenum dated March 28 and 29, 2008, it is considered that it must be processed in the Non-Contentious procedural path. This position is sustained in the Civil Regional Jurisdictional Plenum dated March 28 and 29, 2008. On the other hand, there are those who consider that it should be processed before the Contentious procedural path. In this position they are Hinostroza Minguez (2012) and Ledesma Narvaez (2012). And within the latter, in accordance with the rules of the abbreviated process. Likewise, there are those who consider that it should be processed in the Non-Contentious process, unless it is a challenge to the requested name change. This position is adopted by Lingán Cabrera (2007). In this way, it is noted that the national doctrine has not achieved uniformity of criteria regarding the procedural path in which a judicial process of Name Change must be processed.

For their part, it has been noted that countries that have adopted civil law legal systems, although it is true that they tend to be more restrictive for the modification of a name than countries that are governed by common law, have fully established the procedural path for the processing of the name change; being that, in the case of the United Kingdom, it is not even necessary to initiate a judicial process, since citizens can request the change of name very freely and quickly.

3. Regarding the sample of the present study, 18 judicial processes of Name Change filed by people of limited economic resources in view of the Superior Court of Justice of Cajamarca were selected; in the years 2010 – 2015; obtaining the following results per year:

Table N° 01: Year of Name Change Processes

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Year	Frequency	Percentage	Cumulative percentage
2010	1	5,6	5,6
2011	2	11,1	16,7
2012	6	33,3	50,0
2013	4	22,2	72,2
2014	3	16,7	88,9
2015	2	11,1	100,0
Total	18	100,0	100,0

Source: Guide to the Analysis of Judicial Processes for Name Change Processed in vie of the Superior Court of Justice of Cajamarca; years 2010 -2015.
Own elaboration.

4. From the aforementioned sample, the following procedural pathways were identified:

Table N° 02: Name Change Processes

Table N° 02:		Name Change Processes				
Judicial Processes of Change of Name processed before the Superior Court of Justice of Cajamarca						
N° case and process	Year	Number	Proposal for change	Court	Procedural route	
1	1078	2010	Brayar Hayduk	Luz Marina	Third Specialized Civil Court	Contentious (Summary)
2	1605	2011	Miguel	Ángel Miguel	Third Specialized Civil Court	Contentious (Abbreviated)
3	277	2011	Ruana	Yovana	Mixed Court (Baños Del Inca)	Contentious (Abbreviated)
4	399	2012	Santos	Sharom	Third Specialized Civil Court	Contentious (Abbreviated)
5	397	2012	Elora	Abigail	First Specialized Civil Court	Contentious (Abbreviated)
6	332	2012	Felipe	Luis Felipe	First Specialized Civil Court	Contentious (Abbreviated)
7	640	2012	Rosario	Bryan	Second Specialized Civil Court	Contentious (Abbreviated)
8	841	2012	Jhessly Jhimmy	James Lenny	Third Specialized Civil Court	Contentious (Abbreviated)
9	1041	2012	Alis	Alex	Third Specialized Civil Court	Contentious (Abbreviated)
10	155	2013	Mergilda	Rocio	Second Specialized Civil Court	Contentious (Abbreviated)
11	616	2013	Yony	Jhoana	Second Specialized Civil Court	Contentious (Abbreviated)
12	1520	2013	Mianu	Mia	First Specialized Family Court	Non-Contentious
13	345	2013	Melchora	Herlita Aracely	First Specialized Family Court	Non-Contentious

14	230	2014	Alice Daiana	Alizeé Dayana	Third Specialized Family Court	Contentious (Abbreviated)
15	901	2014	William Chayanne	William	Third Specialized Civil Court	Non-Contentious
16	1153	2014	Estregilda	Kelly Yohana	First Specialized Civil Court	Contentious (Abbreviated)
17	395	2015	Crhis Esli	Fabricio Matias	Second Specialized Family Court	Contentious (Abbreviated)
18	40	2015	Sandia	Malena Jhuleisy	Third Specialized Family Court	Contentious (Abbreviated)

Source: *Analysis Guide of judicial processes of change of name processed before the Superior Court of Justice of Cajamarca – Cajamarca; years 2010 -2015.*
Own elaboration

From the information collected, organized and classified, the number of processes that have been processed in each procedural pathway, as can be seen from the following table:

Table N° 03: Procedural Route

Table N° 03: Procedural Path	Procedural Route		
	Frequency	Percentage	Cumulative percentage
Contentious (Summary)	1	5,6	5,6
Contentious (Abbreviated)	14	77,8	83,3
Non-Contentious	3	16,7	100,0
Total	18	100,0	100,0

Source: *Guide to the Analysis of Judicial Processes for Name Change Processed in view of the Superior Court of Justice of Cajamarca; years 2010 -2015.*
Own elaboration.

As noted, the largest number of Judicial Processes of Name Change processed in view of the Superior Court of Justice of Cajamarca in the period of study; were processed in Contentious process, in the Abbreviated procedural route (77.8%); followed by the judicial processes of Name Change processed in view of the Superior Court of Justice of Cajamarca processed in Non-Contentious process (16.7%); procedural pathways which, as noted above, are supported by national doctrine.

However, it is important to specify that there is a 5.56% of the processes analyzed that the Contentious process has considered in the Summary procedural path, for the processing of judicial processes of name change; which has no legal or doctrinal basis in this regard.

In this way, it is noted that the judicial processes of Name Change have been processed both in the Contentious process (both in the Summary and Abbreviated procedural path) and in the Non-Contentious procedural process, thus confirming the hypothesis raised.

Finally, in order to verify whether each Court maintains a uniform criterion, the procedural path in which each Court has processed the Name Change processes under study was analyzed, obtaining the following results:

Table N° 04: Court and Procedural Proceedings

Table N° 04:	Court and Procedural Path
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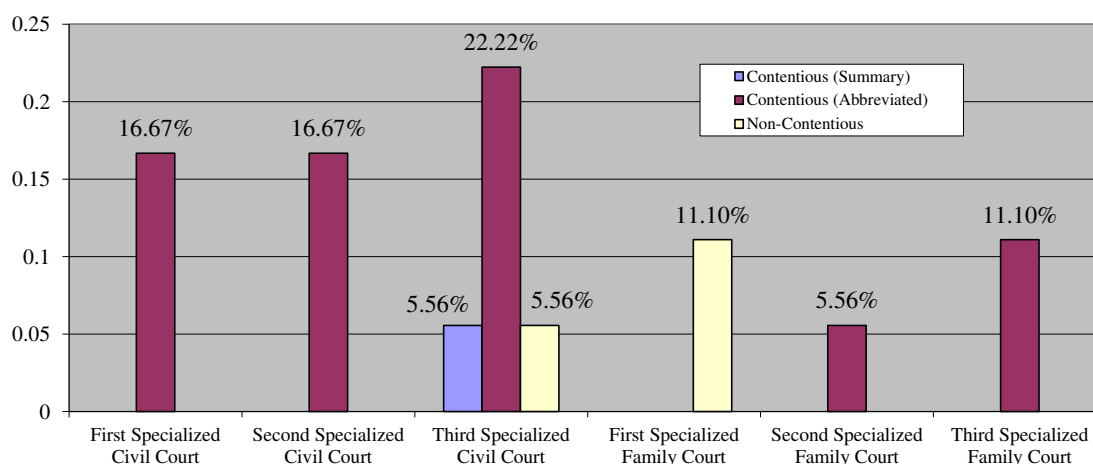
Court	Procedural Path			Total
	Contentious (Summary)	Contentious (Abbreviated)	Non-Contentious	
First Specialized Civil Court	0	3	0	3
Second Specialized Civil Court	0	3	0	3
Third Specialized Civil Court	1	4	1	6
Pimer Specialized Family Court	0	0	2	2
Second Specialized Family Court	0	1	0	1
Third Specialized Family Court	0	2	0	2
Mixed Court of Baños del Inca	0	1	0	1
Total	1	14	3	18

Source: Analysis Guide of judicial processes of change of name processed in view of the Superior Court of Justice of Cajamarca – Cajamarca; years 2010 -2015.

Own elaboration.

The information collected was organized considering the procedural paths that have been considered by each court, as can be seen in the following graph:

Figure N° 01: Court and Procedural Proceedings



Source: Analysis Guide of judicial processes of change of name processed in view of the Superior Court of Justice of Cajamarca – Cajamarca; years 2010 -2015.

Own elaboration.

The First Specialized Civil Court, the Second Specialized Civil Court, the Second Specialized Family Court, the Third Specialized Family Court and the Mixed Court of the Basic Module of Justice of Baños del Inca have processed the judicial processes of Name Change under study, in the Contentious process, in the Abbreviated procedural route; having a uniform criterion.

For its part, the First Specialized Family Court has processed the judicial processes of Name Change, only in the process and through Non-Contentious procedural route, having a uniform criterion.

However, it is striking that the Third Specialized Civil Court has processed the judicial processes of Name Change both in the Contentious process, in the Summary and Abbreviated procedural paths; as well as in the process and non-contentious procedural path. Even this lack of uniformity of the Third Specialized Civil Court, draws powerful

attention, considering that the largest number of judicial processes of Name Change (33.33%) processed before the Superior Court of Justice of Cajamarca; have been processed in view of that Court.

As there is no legal, doctrinal or casuistic consensus on the procedural path in which it is appropriate to process the judicial process of Name Change; which has been evidenced in the judicial processes analyzed, it is necessary and urgent that the Peruvian legal system establish a criterion that allows judges to resolve in accordance with the law and respecting the right of identity of citizens, which provides a valid, effective, positive right and legal certainty; moreover, if the Contentious and Non-Contentious procedural paths differ in terms, stages, procedural costs duration and therefore, in defense and argumentation mechanisms, among other aspects of their procedural nature; that harm citizens, who also, in the selected processes, correspond to claimants of scarce economic resources of one of the poorest departments of Peru.

5. Conclusion

1. The types of procedural paths regulated in the current Peruvian legal system are classified according to whether the process is Contentious or Non-Contentious. The first of these is subdivided into three procedural pathways: Knowledge, Abbreviated and Summary; as regulated by the fifth and sixth sections of the Peruvian Code of Civil Procedure; while the second is only processed in view of the Non-Contentious procedural path.

2. The national doctrine has not achieved uniformity of criteria regarding the procedural path in which a judicial process of Name Change must be processed; since the position that it must be processed before the Contentious process, in the abbreviated process, is validly maintained; as well as, in the way of Non-Contentious process. For its part, it has been established that there is no uniform judicial criterion on the procedural path in which these processes must be processed, given that in the Civil Regional Jurisdictional Plenary Of Date 28 and 29, 2008, in which the magistrates from the Superior Courts of Justice of Arequipa participated, Apurimac, Cusco, Madre de Dios, Moquegua, Puno and Tacna; it was held, by majority, that the process of changing the name should be processed in the Non-Contentious path.

3. Of the 18 judicial processes of Name Change filed by people with limited economic resources in view of the Superior Court of Justice of Cajamarca; in the years 2010 – 2015, which were analyzed; those corresponding to the Contentious process were identified as procedural paths, both in the Summary and Abbreviated procedural path; as well as in the Non-Contentious procedural process and procedure. No case processed in the procedural path of Knowledge was noticed.

4. Finally, it is noted that the Judges of the Superior Court of Justice of Cajamarca have processed the judicial processes of Name Change, of the years 2010 - 2015; in Contentious and Non-Contentious proceedings; at the rate of 77.8% of the processes analyzed in the Abbreviated procedural path of the Contentious process; 16.7%, in the non-contentious process and 5.6%, in the summary procedural path of the Contentious process; seriously harming the rights of the plaintiff citizens, who, are also, in a situation of vulnerability due to their economic situation.

5. We propose as a solution that the Superior Court of Justice of Cajamarca promote the holding of a Jurisdictional Plenary Session to analyze in more detail what the procedural route is that corresponds to the processing of judicial processes for Name Change; and to

determine whether its nature is contentious or non-contentious; in order to establish a uniform criterion when qualifying judicial processes on this matter.

6. It is recommended that the legal system determine the procedural route in which it is appropriate to process the judicial processes of Name Change; that provides a current, valid, effective, positive law and legal certainty; and as an effect of these, a better resolve of the Judges in charge of processes on the matter.

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