

“UNIVERSIDAD NACIONAL JOSÉ FAUSTINO SÁNCHEZ CARRIÓN”

**FACULTAD DE DERECHO Y CIENCIAS POLÍTICAS
ESCUELA ACADÉMICO PROFESIONAL DE DERECHO**



INFORME DE INVESTIGACIÓN:

***FACTORES QUE INFLUYEN EN LA CONCILIACIÓN
PREJUDICIAL PARA LA SOLUCION DE
CONFLICTOS LABORALES EN EL
DISTRITO DE HUAURA 2015***

PARA OPTAR : EL TITULO PROFESIONAL DE ABOGADO

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RESUMEN

La investigación realizada ha demostrado que existen factores que dificultan la conciliación prejudicial para la solución de conflictos laborales, de manera que estos no ayuden en realidad a reducir la sobrecarga judicial que se tiene en los juzgados y que ocasiona que se tenga problemas en la solución de los casos judiciales dentro de los tiempos previstos, precisamente debido a la sobrecarga judicial. La investigación fue de tipo básica, cualitativa y descriptiva. Los datos se analizaron a través de la estadística no probabilística. La población de estudio estuvo conformada por los, la misma que en su totalidad fue utilizada como muestra: Se aplicó una encuesta a través de un cuestionario de ítems. Las conclusiones a las cuales llega la investigación son las siguientes. El principal factor de implementación es que solo existe una sala de conciliación prejudicial en el distrito judicial de Huaura. Dentro de los factores procesales, se halla la aplicación del principio de oportunidad como si fuera el enfoque de la conciliación prejudicial laboral, que es distinto, de igual manera, la excesiva carga procesal que tienen los juzgados letrados y las fiscalías. Los factores económicos, están referidos a que los litigantes y el mismo ministerio de justicia no cuentan con los recursos suficientes para poder llevar a cabo las conciliaciones. En cuanto a los factores sociales, se puede considerar la intransigencia de las partes por llegar a un buen término el conflicto, la intervención de los abogados y de los representantes de los sindicatos en la conciliación y la no presentación de alguna de las partes a la sesión de conciliación. Entre los factores culturales el principal es el de no tener jueces de paz letrados y fiscales capacitados para llevar a cabo la conciliación laboral prejudicial, otro es el desconocimiento casi completo de los comprometidos en conflictos laborales de que se pueden solucionar sus diferencias rápidamente en los centros de conciliación laboral, y recurren en forma directa a la demanda judicial. También está del desconocimiento de técnicas de conciliación por parte de los jueces de paz letrados y fiscales

ABSTRACT

The investigation has shown that there are factors that hinder the preliminary conciliation to resolve labor disputes, so that they do not actually help reduce judicial overhead is taken into the courts and that causes problems have in solving court cases within the established time, precisely because of the court overload, basic research was qualitative and descriptive. Data were analyzed through non probabilistic statistics. The study population consisted of all, the same as a whole was used as a sample: A survey was applied through a questionnaire items. The conclusions which comes the research are the following. The main factor of implementation is that there is only one preliminary reconciliation room in the judicial district of Huaura. Within the procedural factors, the principle of opportunity is like the approach to labor conciliation ruling, which is different, equally, excessive caseload lawyers who have tried and prosecutors. Economic factors are referred to the litigants and the same justice ministry does not have sufficient resources to carry out the reconciliations ., As for social factors, it can be considered the intransigence of the parties to reach a successful conclusion to the conflict, the intervention of lawyers and representatives of trade unions in conciliation and not presenting any party to the conciliation session. Among the main cultural factors is not to have judges lawyers and prosecutors peace trained to carry out the preliminary work-life balance, another is the almost complete ignorance of those involved in labor disputes that can quickly resolve their differences in schools labor conciliation, and turn directly to the lawsuit form is also the lack of conciliation techniques by judges professional peace and fiscalesLa investigation has shown that there are factors that hinder the reconciliation referred to the settlement of labor disputes, so that they do not actually help reduce judicial overhead is taken into the courts and that causes problems have in solving court cases within the established time, precisely because of the court overload, Research was basic, qualitative and descriptive. Data were analyzed through non probabilistic statistics. The

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