

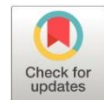


## Consecuencias jurídicas en el sicariato y su proceso de criminalización

*Legal consequences in contract killings and their criminalization process*

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**Palabras clave:**

consecuencias  
jurídicas, sicariato,  
criminalización,  
conducta,  
pretensión,  
descriptiva,  
método analítico.

**Resumen**

**Introducción:** el sicariato, entendido como el asesinato por encargo a cambio de una remuneración, ha experimentado un preocupante aumento en los últimos años, convirtiéndose en una grave amenaza para la seguridad pública y el Estado de derecho en diversas sociedades. El castigo, las consecuencias, y clasificación de lo que conlleva por cometer y la pretensión de realizar este tipo de delitos están reflejados en el art. 143, art 430.1, art 567 (3), art 698, art 699 (2), art 305-a (a) del Código Orgánico Integral Penal (COIP), pues muchos de estos se encuentran presentes en estos artículos. **Objetivos:** identificar las repercusiones legales del sicariato en las sociedades y el proceso de criminalización de esta práctica como herramienta para combatirla y proteger a la ciudadanía. **Metodología:** la investigación de las consecuencias jurídicas en el sicariato y su proceso de criminalización es de tipo documental descriptiva y se utiliza el método analítico. El tipo de investigación es descriptivo y se sitúa en un nivel micro-social al enfocarse en el análisis. Los criterios de inclusión comprenden casos con sentencia judicial de las víctimas, perpetradores, y circunstancias del crimen, basándonos a los fundamentos analíticos por parte del analista. **Resultados:** Esta investigación pretende identificar los diferentes factores que la sociedad ecuatoriana está viviendo y sobrellevando en la actualidad como tal, a raíz de ciertos factores criminológicos procederán a reconocer que factores en si tienen que ver con la falta de competencias que están surgida en la debida legitimidad. En este aspecto parten en reconocer que factores dentro del sistema judicial y la sociedad misma están siendo vulnerados para que todos casos de sicarios estén dejado a un lado y no fortalezca la pena del causante. **Conclusiones:** debemos de sostener los fundamentos fundamentales para el correcto uso de la ley, que por lo tanto debe de estar a la par de las personas que están siendo vulneradas en todo su esplendor en cuanto al derecho a la vida. **Área de estudio general:** Derecho. **Área de estudio específica:** Derecho. **Tipo de estudio:** revisión bibliográfica.

**Keywords:**

legal consequences,  
contract killings,

**Abstract**

**Introduction:** contract killing, understood as contract killings in exchange for remuneration, has experienced a worrying increase

criminalization,  
conduct,  
pretension,  
descriptive,  
analytical  
method.reform,  
Public trust

in recent years, becoming a serious threat to public security and the rule of law in various societies. The punishment, the consequences, and the classification of what is involved in committing and the intention to commit this type of crime are reflected in art. 143, art 430.1, art 567 (3), art 698, art 699 (2), art 305-a (a) of the Comprehensive Organic Criminal Code (COIP), since many of these are present in these articles. Objectives: To identify the legal repercussions of contract killings in societies and the process of criminalization of this practice as a tool to combat it and protect citizens. Methodology: The investigation of the legal consequences of contract killings and their criminalization process is of a descriptive documentary type and the analytical method is used. The type of research is descriptive and situated at a micro-social level by focusing on analysis. The inclusion criteria include cases with a judicial sentence of the victims, perpetrators, and circumstances of the crime, based on the analytical foundations of the analyst. Results: This research aims to identify the varied factors that Ecuadorian society is currently experiencing and coping with as such, because of certain criminological factors will proceed to recognize that factors themselves have to do with the lack of competencies that are emerging in due legitimacy. In this regard, they start by recognizing that factors within the judicial system and society itself are being violated so that all cases of contract killings are put aside and do not strengthen the punishment of the deceased. Conclusions: we must uphold the fundamental foundations for the correct use of the law, which must therefore be on a par with the people who are being violated in all their splendor in terms of the right to life. General area of study: Law. Specific area of study: Law. Type of study: literature review.

## Introduction

Contract killing, understood as murder for hire in exchange for payment, has experienced a worrying increase in recent years, becoming a serious threat to public safety and the rule of law in various societies. This criminal phenomenon, characterized by its high degree of organization, planning and violence, generates profound legal consequences

that impact the individual, social and institutional spheres. The victims of contract killing, in addition to suffering the irreparable loss of their lives or physical integrity, experience a deep psychological trauma that affects their families and loved ones.

The perpetrators and participants in contract killings, most of whom are members of criminal organisations, face severe criminal penalties, including life imprisonment in some cases.

Witnesses and people involved in these types of crimes are constantly at risk, which creates a climate of fear and intimidation that limits the exercise of their rights and freedoms.

#### *At a social level*

The proliferation of contract killings creates a feeling of insecurity and uncertainty in the population, negatively affecting the quality of life and social development. Confidence in the institutions responsible for security and justice is weakened, eroding the social fabric and community cohesion. Contract killings become an obstacle to economic and tourist development, as businesses and visitors fear being victims of this type of violent act.

#### *At the institutional level*

The State faces a major challenge in the prosecution and punishment of contract killings, due to the complexity of investigations and the difficulty in obtaining conclusive evidence. Judicial institutions are overwhelmed by the growing number of contract killings, which can affect the speed and effectiveness of judicial proceedings. The fight against contract killings requires a comprehensive response involving different social actors, including governments, security forces, the judicial system, academia and civil society. Contract killings are not a new phenomenon, but they have taken on a new dimension in recent years due to various factors, such as globalization, arms trafficking, corruption and the presence of transnational criminal groups. In Latin America, countries such as Colombia, Mexico, Brazil and Venezuela have been particularly affected by contract killings, which has motivated the adoption of specific legislative measures and public policies to combat them.

#### *Goals*

*General:* Identify the legal repercussions of contract killings in societies and the process of criminalizing this practice as a tool to combat it and protect citizens.

#### *Specific:*

- Examine the different definitions and classifications of contract killing in the legal field.

- Explore the legal consequences of contract killing for victims, perpetrators and other actors involved.
- Determine its causes and consequences in society.

### Methodology

The investigation of the legal consequences of contract killing and its criminalization process is of a descriptive documentary type and the analytical method is used. The type of research is descriptive and is situated at a micro-social level by focusing on the analysis. The inclusion criteria include cases with judicial sentences for the victims, perpetrators, and circumstances of the crime, based on the analytical foundations of the analyst.

Exclusion criteria apply to cases in judicial proceedings without a final judgment, those with insufficient information or involving minors. Elimination criteria apply to cases where the direct or indirect victim does not agree to participate in the investigation or in those where significant risks are identified.

### Discussion

This research aims to identify the different factors that Ecuadorian society is currently experiencing and coping with as such, as a result of certain criminological factors, they will proceed to recognize which factors have to do with the lack of competences that are arising in the due legitimacy. In this aspect, they start by recognizing which factors within the judicial system and society itself are being violated so that all cases of hired killings are set aside and the punishment of the perpetrator is not strengthened. They must recognize which jurisdictional natures are being violated within justice in order to get a clear answer to the criminalization processes based on legal logic and the law. The right to life is a fundamental right recognized in the Constitution of the Republic of Ecuador. Hired killings constitute a serious threat to this right, so it is necessary to classify it as a serious crime to protect people's lives. Criminalizing contract killings sends a clear message that these types of crimes will not be tolerated and will be severely punished. This can help deter potential contract killers from committing these types of acts. Victims of contract killings and their families have a right to justice. Criminalizing this crime allows the perpetrators to be prosecuted and convicted for their acts. This study will focus on analyzing the legal consequences of contract killings, a criminal phenomenon that has experienced a worrying increase in recent years, generating serious impacts at the individual, social and institutional levels. What are the main legal consequences of contract killings at the individual, social and institutional levels in the current context, and how has its criminalization process been in different countries?

At the individual level: victims, relatives of victims, perpetrators, participants and witnesses of contract killings.

At the social level: general population, communities affected by contract killing, civil society organizations and educational institutions.

At the institutional level: criminal investigation and prosecution bodies, judicial system, penitentiary entities and human rights organizations.

### *The hitman*

In Ecuador, contract killing has become a social problem that is causing deep concern among the population and the authorities. This crime, which consists of contract killing in exchange for financial compensation, has increased in recent years, especially in urban areas such as Manta.

In ancient Rome, sicario meant 'dagger-man': the sica was a small dagger that could be easily hidden under clothing to stab political enemies. Today, the hitman is a complex institution that embodies an inter-criminal system<sup>1</sup> with its own characteristics, in which a criminal organization appears that, first, kills on commission in exchange for financial compensation and, later, becomes an autonomous body of control of territories, institutions and societies. This form of crime is not new in the world nor is it absent in Latin America; on the contrary, today it is one of the most significant forms of the evil called 'aggravated homicide', due to its significant absolute and relative increase, as well as the permanent change it is experiencing. Its final phenomenological expression - participation in the number of homicides - is beginning to be significant in certain countries and to have devastating effects in all. The magnitude of contract killing is growing steadily and in a highly worrying way, a situation that can be perceived through some examples, among which are the cases of Ecuador (with 14% of homicides produced in this way) (Carrión, 2009).

Official figures reflect the seriousness of the problem. In 2023, more than 1,000 murders by contract killings were recorded in the country, which represents a significant increase compared to previous years. This wave of violence has generated a climate of insecurity and uncertainty among citizens, who are afraid to go out on the streets or even stay in their own homes. "Art. 3.- Every individual has the right to life, liberty and security of person" (General Assembly, 1948).

The causes of contract killing in Ecuador are complex and multifactorial. Among the main elements that contribute to this scourge are:

- *Growth of organized crime:*The presence of criminal groups dedicated to drug trafficking, extortion and other illicit activities has encouraged the use of contract killings as a tool to eliminate rivals, settle scores and protect their businesses.
- *Lack of opportunities and poverty:*The situation of poverty and inequality that affects large sectors of the population has pushed some individuals to get involved in criminal activities such as contract killing, seeking a quick and easy source of income.
- *Institutional weakness:*Lack of resources and corruption in some state institutions have made the fight against organised crime and contract killings difficult, allowing these groups to operate with relative impunity.
- *Culture of violence:*The normalization of violence in some sectors of society has created an environment conducive to the development of criminal behavior such as contract killing.

#### *Characteristics of hired killing*

As a complex and multifaceted criminal act, contract killing can be classified in various ways according to different criteria. Below is a categorization of contract killing based on different relevant aspects:

##### *According to the method of execution:*

**Classic hitman:** characterized by meticulous planning of the crime, the use of firearms and the search for efficiency in the elimination of the victim.

**Psychological contract killing:** seeks to generate terror in the victim and those around them through violent methods such as mutilation or threats, without necessarily leading to homicide.

**Terrorist contract killing:** Its main objective is to generate fear and social unrest, impacting the general population and not just the specific victim.

##### *According to the reason:*

**Hitman for the sake of settling scores:** perpetrated for personal reasons such as revenge, grudges or disputes between individuals or groups.

**Drug trafficking hitmen:** elimination of rivals, witnesses or members of opposing gangs in the context of drug trafficking.

**Extortionate contract killing:** pressure on victims to pay money in exchange for protection or to avoid being attacked.

Political assassination: elimination of political figures or social activists for ideological reasons or to silence dissent.

*According to the dynamics of crime:*

Individual hitman: carried out by a single hitman, who acts autonomously or under the orders of a criminal boss.

Group hitmen: carried out by a team of hitmen who coordinate their actions to increase the chances of success and reduce the risks.

Hitmen: Hitmen are hired by third parties to carry out the murder, acting as mercenaries without a direct link to the criminal organization that employs them.

*According to the relationship between victim and hitman:*

Contract killing: the victim has no prior relationship with the hitman, who acts solely for financial compensation.

Family hitman: the hitman is a relative of the victim, which adds an element of complexity and morbidity to the crime.

Hitman by self-elimination: the victim, under pressure or manipulation, induces the hitman to commit the murder, simulating a homicide.

It is important to note that this classification is not exhaustive and that the same case of contract killing may present characteristics of several categories. Understanding the different types of contract killing is essential for police investigations and the application of more effective prevention and control strategies.

Overall, contract killing is presented as a complex and heterogeneous criminal phenomenon, which requires a deep and multidimensional analysis to understand its causes, dynamics and consequences.

The other type is social contract killing, which is born from the mirror effect generated by its professional modality, as its logic tends to be replicated in society as a whole. However, there are elements that differentiate them - although not as significantly - such as, for example, the purposes: in social contract killing, the aim is to solve the problems of daily life through the use of force, under the modality of a 'social avenger' who becomes a repository for justice. In this case, the absence of a legitimate and effective public institution in the processing of social conflict - typical of daily life - leads to the settling of scores or to justice being taken into one's own hands in cases such as land conflicts, poor economic distributions, debt collection, passionate challenges, work problems or legal intimidation, among others. This social type of contract killing metastasizes in



society in contexts of institutional weakness, and is the one that produces the greatest number of victims and is the most difficult to identify. This makes it more difficult to formulate public policies to control it. It is a widespread phenomenon, in which the victim can be anyone, because the motivations are very varied; therefore, it is more difficult and complex to distinguish between a common homicide and one produced by contract killing. Depending on the characteristics of the victim, the place of contracting varies: in the case of professional contract killing, the 'service' follows complex rules in each of the phases and the actors are highly qualified; in social contract killing, on the other hand, the actors and the phases of the cycle are more diffuse, to the point that, in many cases, contract killers are obtained through certain informants in certain neighbourhoods and brothels. The price of the 'service', therefore, also varies according to the type of victim. In other words, due to the magnitude of the phenomenon, its sustained increase, its social diffusion, the impacts it has and because it is a particular type of violence, URVIO decided to dedicate this issue of the magazine to the subject of contract killing. The debate is not yet important, which is why we want to open the possibility with this compilation of studies that come from different latitudes of Latin America. It is not possible to continue working with homicides as if they were the determination of violence and its characteristics. This phenomenon of the violence of hired assassins is precisely this (Carrión, 2009).

### *Impunity*

Impunity in contract killings is a significant challenge that affects both justice and public security in various countries. This problem has deep roots in corruption, institutional weakness, intimidation and the infiltration of criminal groups into power structures. "Impunity and lack of resources in the judicial system hinder efforts to combat it effectively. Social inequality, lack of opportunities, institutional weakness and the presence of organized crime also influence its spread" (Cuenca & Maldonado, 2023, p. 69).

### *Main causes of impunity*

#### *Corruption and collusion:*

Corruption permeates the judicial and police systems, where officials are bribed or intimidated into releasing hitmen or disregarding evidence. This collusion allows hitmen to operate without fear of capture or prosecution.

#### *Institutional weakness:*

Limited resources and capabilities of the judicial and police systems contribute to impunity. The lack of advanced technology and trained personnel, combined with slow and overburdened judicial systems, impedes the effective prosecution of hitmen.

*Bullying and violence:*

Witnesses and authorities face threats and violence, which deters cooperation in investigations and prosecutions. Witness intimidation and attacks on investigators are common, hampering prosecution against hired killers. "Bullying is when a person or group repeatedly hurts someone on purpose. It can be physical, social, and/or verbal. It is harmful to both victims and bullies" (MedlinePlus, 2024).

*Infiltration of criminal groups:*

In areas controlled by criminal organisations, local authorities may be too intimidated or compromised to act. These groups can influence local politics and the economy, using their power to protect hitmen and perpetuate impunity.

*Consequences of impunity**Increase in violence:*

Impunity fosters a cycle of violence, where contract killing becomes a common practice, empowering criminal groups and increasing insecurity in society.

However, with the increase in crime and violence levels in Ecuador, social unrest and disapproval of the government by the population have also increased, as they perceive the State as weak, inefficient and incapable of providing security, which at the same time has led to a reconfiguration of the social fabric and the existing order, modifying the way in which people relate to their environment. On the other hand, this has contributed to people demanding stronger penalties, and in other cases, when they have not received a response, they have chosen to take charge of their own security and that of their homes, leading to a process of distrust towards State institutions (Ortega & Pino, 2021).

*Distrust in the judicial system*

Impunity undermines public confidence in the justice system, leading to less cooperation with authorities and promoting a greater tendency towards vigilante justice. This demoralizes law enforcement and reduces its effectiveness.

*Erosion of the rule of law*

The lack of legal consequences weakens state institutions, facilitating the growth of corruption and diminishing the government's capacity to enforce the law and govern effectively.

### *Proposed solutions to reduce impunity*

#### *Institutional strengthening:*

The proposals include improving training and resources for the police and the judicial system, as well as implementing reforms to streamline judicial processes and creating specialized courts for organized crime.

#### *Witness Protection:*

Strengthening witness protection programs is crucial to ensure their safety and encourage their willingness to testify against hitmen, improving the capacity to prosecute these crimes.

#### *Fight against corruption:*

Implementing policies of transparency, accountability, and judicial prosecution of corruption are essential measures to reduce impunity and strengthen the integrity of the judicial system.

#### *International cooperation:*

Cooperation through bilateral and multilateral agreements, along with facilitation of extraditions, is vital to coordinate efforts and share information in the fight against contract killings.

#### *Community Engagement and Education:*

Promoting prevention and education programs in vulnerable communities, together with community participation in crime surveillance and prevention, can help discourage participation in criminal activities and strengthen social cohesion.

A key element in committing homicide is impunity, and when impunity is violated, a mechanism always appears to restore the freedom of the hitman<sup>11</sup>, through escape, corruption or intimidation. Hence, the hitman fears another hitman more than the State, its institutions and its laws. Impunity in hitmen is widespread, which demonstrates how efficient it is and the institutional precariousness of the State. Hitmen erode and delegitimize the legal and penal system, which gives the phenomenon fertile ground to develop because it enters into a system of circular causation; that is, hitmen find a place where institutions are precarious and weaken them further through intimidation. With information from newspapers, it can be stated that hitmen guarantee “the work” contracted and the impunity of homicide (Carrión, 2009).

### *Criminalization process*

Contract killing, as a criminal act involving contract killing in exchange for financial reward, has undergone a gradual criminalization process throughout history. This process has been driven by various social, political and legal factors that have contributed to the construction of a normative and conceptual framework to combat this scourge.

According to this position, criminalization would then be an integral part of the complex of relationships that occur in a society and that as a product of the interaction of individuals, prohibited behaviors arise. Such behaviors are regulated by a law or a legal norm that contains a threat to the offenders. It is at the moment when the violation of the norm occurs that, according to this theory, the process of criminalization would arise. The process of criminalization creates figures to be respected and the infraction will be considered a crime. There are other positions that consider criminalization as a process created by force and that is maintained by this idea of coercion. (3) We are here in that thesis that raises the terms between the advantageous position of a dominant class with an evident control, direction or dominance over a directed or dominated class. This thesis ultimately comes to establish the process of criminalization as a self-premeditated creation of the class in power to subject the deviation of the subaltern classes to control. This would be the consequence of a kind of selection and creation of criminal types to protect the interests of a few and to the detriment and oppression of the great majority. These positions, which are deeply rooted today, mention the process of criminalization as the creation of powerful groups, which establish crimes that the most powerful prohibit from being executed and whose execution is threatened with punishment, (4) According to this thesis, criminalization would be something imposed by political and economic power, which would serve so that in a certain way, a certain group of people in society would use the creation of legal norms to protect their own interests, because this entails the creation of an elite that has access to the elaboration of the law and also influences to ensure that these sector interests are legally channeled (Gadeo, 1985).

### *Historical evolution of the criminalization of contract killing*

**Ancient Times:** In ancient societies, contract killing was considered a form of revenge or conflict resolution, without being classified as a specific crime.

**Middle Ages:** With the emergence of the modern State and the strengthening of the legal system, contract killing began to be penalized, although there was no specific name for this type of crime.

**19th century:** In the 19th century, with the consolidation of modern penal codes, contract killing began to be classified as an independent crime, differentiating it from simple homicide.

**20th Century:** In the 20th century, contract killing became increasingly associated with organised crime, which led to the creation of stricter laws and specific measures to combat this scourge.

**21st Century:** In the 21st century, contract killing has become a global problem that has generated great concern in the international community. International legal instruments have been developed to combat this crime, such as the United Nations Convention against Transnational Organized Crime.

*Factors that led to the criminalization of contract killing:*

**Social concern about violence:** The increase in violence and criminality in modern societies has generated greater awareness of the need to protect people's lives and safety. "Factors such as citizen insecurity and the absence of effective legal consequences in the legal system contribute to creating an environment conducive to the proliferation and increase of this form of extreme violence" (Cuenca & Maldonado, 2023, p. 72).

**Development of criminal law:** the development of criminal law as a tool to regulate social conduct has contributed to the classification and penalization of contract killing as a specific crime.

**Fighting organized crime:** The fight against organized crime has been a key factor in the criminalization of contract killings, since this type of crime is frequently used by criminal groups to eliminate rivals, settle scores and protect their businesses.

**Influence of the media:** Media coverage of cases of contract killing has helped raise public awareness of the seriousness of this crime and the need to combat it.

*Socioeconomic factors*

**Social inequality:** The gap between rich and poor in Ecuador is one of the largest in Latin America. This creates resentment and frustration among the most marginalized sectors of the population, making them more likely to get involved in criminal activities such as contract killing.

**Poverty:** Poverty is another major factor contributing to contract killing. People living in poverty often have few opportunities for legal employment and may turn to contract killing as a way to earn income.

**Lack of educational opportunities:** Lack of access to education limits people's opportunities to find decent work and escape poverty. This makes them more vulnerable to recruitment by criminal organisations.

**Political and social factors:**

**State weakness:** The Ecuadorian state has had difficulty dealing with organised crime, including contract killings. This is due in part to a lack of resources, corruption and a lack of coordination between different government institutions.

Organized crime challenges democratic governance and inhibits human development in Latin America and the Caribbean. This phenomenon has become widespread and has acquired new and more violent forms of operation throughout the continent. This hinders the rule of law, prevents an effective rule of law, seriously affects the economy and the security of companies and erodes political systems and democratic institutions in all countries of the region. However, the greatest impact of organized crime continues and will continue to be on people: the violence it generates directly and dramatically threatens the lives of men and women, either directly, by making them its victims, or indirectly, by robbing them of the possibility of building societies free of fear and need (Mérida, 2015).

**Social violence:** Violence is a widespread problem in Ecuador, which creates an environment conducive to the development of contract killing.

**Drug trafficking culture:** Drug trafficking is a highly lucrative activity in Ecuador, which has led to the rise of powerful drug cartels that use contract killing to eliminate their rivals and protect their interests.

For this reason, a real problem affecting the economic and social development of the most vulnerable countries and territories is fueled by favorable conditions such as the informality of the economy, corruption, the culture of illegality, the absence of democracy and the rule of law; and at the same time ends up aggravating and accentuating these evils in society (Pontón, 2013).

#### *Factors related to the penitentiary system*

**Prison overcrowding:** Ecuador's prisons are overcrowded and in deplorable conditions. This makes it easier for inmates to contact members of criminal organisations and plan criminal activities such as contract killings.

**Corruption in prisons:** Corruption in prisons allows inmates to have access to cell phones and other tools that they can use to communicate with the outside world and plan crimes.

#### *International factors*

**Drug Demand:** High demand for drugs in the United States and Europe has created a lucrative market for Ecuadorian drug cartels. This has led to an increase in violence and organized crime, including contract killings.

**Arms trafficking:** Easy access to firearms in Ecuador makes it easier for hitmen to carry out their crimes.

### *Consequences of the criminalization of contract killing*

**Deterrence of crime:** The criminalization of contract killing aims to deter potential hitmen from committing this type of crime by establishing severe penalties and legal consequences for those who perpetrate it.

**Investigation and prosecution of crime:** the classification of contract killing as a crime facilitates the investigation and prosecution of this type of crime, providing authorities with legal tools to identify, capture and prosecute those responsible.

**Protection of victims:** Criminalizing contract killings seeks to protect potential victims of this crime by sending a clear message that such acts will not be tolerated or go unpunished.

**Strengthening the rule of law:** criminalizing contract killing contributes to strengthening the rule of law by demonstrating the State's commitment to protecting the lives and security of its citizens.

Criminology is the science that studies the causes and causes of criminal activities and illegal behavior. The word is derived from the Latin *criminus* and the Greek *logos*. It refers to a book or work about crime and delinquency.

This term first appeared in 1885 thanks to the Italian jurist Raffaele Garofalo in his work called "criminology" which is based on the study of crime, its causes and the theory of repression. According to the Spanish jurist and criminologist Quintanilla Saldaña in 1929, he conceptualized it as a science of crime or scientific study of criminality. In this way, it is stated that criminology does not only seek to assimilate the conduct of crime, but also to collect the clues and events that gave rise to the execution of the crime, in addition to the facts that led the author to violate regulations protected by the laws established within a society. In this sense, it is established that criminology is a science whose purpose is to study the conduct of crime and therefore it has been necessary to propose a pertinent conceptualization of this terminology, to avoid falling into similarities with the different auxiliary disciplines of criminal law (Salguero & Briones, 2022).

### *Study of articles of the Comprehensive Organic Criminal Code (COIP) on contract killing and its criminalization*

The Comprehensive Organic Criminal Code (COIP) of Ecuador, in its effort to combat violence and protect people's lives, has established a solid legal framework for the classification and punishment of contract killing (National Assembly of the Republic of Ecuador, 2014).

Article 143 of the COIP constitutes the legal basis for the criminal prosecution of contract killing, defining it as contract killing in exchange for financial compensation. This article

establishes a prison sentence of twenty-two to twenty-six years for those who commit this crime, and contemplates an increase in the sentence in the case of aggravating circumstances such as the murder of minors, people with disabilities or pregnant women (National Assembly of the Republic of Ecuador, 2014).

**Art. 143.-Murder for hire.** - The person who kills another person for a price, payment, reward, promise of remuneration or any other form of benefit, for himself or a third party, shall be punished with a prison sentence of twenty-two to twenty-six years. The same penalty shall be applicable to the person who, directly or through intermediation, commissions or orders the commission of this crime. It shall be understood that the infraction was committed in Ecuadorian territory and jurisdiction when the acts of preparation, organization and planning are carried out in Ecuador, even when their execution is carried out in the territory of another State. The mere advertising or offering of murder for hire shall be punished with a prison sentence of five to seven years. (National Assembly of the Republic of Ecuador, 2014).

The classification of contract killing as an independent crime is a significant step forward in the fight against this scourge, as it allows judicial authorities to specifically pursue and punish those responsible for this type of crime.

In addition to Article 143, there are other articles of the COIP that may be applicable in cases of contract killing, depending on the specific circumstances of the crime (National Assembly of the Republic of Ecuador, 2014).

Article 140 criminalizes murder with treachery, cruelty or cruelty, and establishes a penalty similar to that of contract killing.

**Art. 140.- Murder.** - The person who kills another person shall be punished with a prison sentence of twenty-two to twenty-six years, if any of the following circumstances occur: 1. Knowingly, the offender has killed his or her ascendant, descendant, spouse, partner, sister or brother. 2. Placing the victim in a defenseless or inferior situation or taking advantage of this situation. 3. By means of flooding, poisoning, arson or any other means, the life or health of other people is endangered. 4. For this purpose, seeking out the night or the uninhabited area. 5. Using a means or means capable of causing great damage. 6. Deliberately and inhumanly increasing the pain of the victim. 7. Preparing, facilitating, consummating or concealing another offense. 8. Ensuring the results or impunity of another offense. 9. If the death occurs during mass gatherings, riots, popular commotion, sporting event or public calamity. 10. Perpetrating the act against a dignitary or candidate for popular election, members of the Armed Forces or the National Police, prosecutors, judges or members of the Judicial Branch for matters



related to their functions or a protected witness. National Assembly of the Republic of Ecuador, 2014).

Article 142 defines simple homicide, and could be applicable in cases of unconsummated contract killing.

**Art. 142.-** Aggravating circumstances of femicide. - When one or more of the following circumstances occur, the maximum penalty provided for in the previous article will be imposed: 1. Having attempted to establish or re-establish a relationship as a couple or of intimacy with the victim. 2. There exists or has existed between the active subject and the victim family, marital, cohabitation, intimacy, courtship, friendship, companionship, work, school or any other relationship that implies trust, subordination or superiority. 3. If the crime is committed in the presence of daughters, sons or any other relative of the victim. 4. The body of the victim is exposed or thrown in a public place. (National Assembly of the Republic of Ecuador, 2014).

Article 394 defines serious threats, and could be applicable in cases where the hitman threatens the victim to force him to pay or perform some act.

**Art. 394.-** Second class contraventions. - The following shall be punished with a prison sentence of five to ten days: 1. Any person who violates the regulations and provisions of the authority regarding the custody of flammable, corrosive materials or chemical products that may cause damage. 2. Any person who mistreats, insults or physically attacks the agents in charge of safeguarding public order in the exercise of their functions. (National Assembly of the Republic of Ecuador, 2014).

The criminalization of contract killings in the COIP has had a positive impact on the fight against this crime. It has allowed the authorities to identify, investigate and prosecute those responsible for these crimes more effectively.

## Conclusions

- In accordance with the stated objectives and within each analysis, the study has been successful. Therefore, contract killing in Ecuador is a multifaceted problem that requires a comprehensive and coordinated response. Addressing its socioeconomic roots, strengthening state institutions, and promoting a culture of peace and legality are essential steps to mitigate this phenomenon. Cooperation between the government, civil society, and the international community is crucial to breaking the cycle of violence and building a safer and more just Ecuador. Every person has the right to a simple and rapid recourse or any other effective recourse before the competent judges or courts, which protects them against acts

that violate their fundamental rights; thus, each State must maintain current resources for the relevant reparation.

- Finally, we must uphold the fundamental foundations for the correct use of the law, which must therefore be on a par with the people whose right to life is being violated in all its splendor.

### **Conflict of interest**

There is no conflict of interest in relation to the submitted article.

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