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The National Code of Civil and Family Procedures: A Milestone in Mexican Law  
By Ricardo Nerio.

July 15, 2023  
Year 18 No. 2

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Access to justice, effective judicial protection, and legal certainty are fundamental rights enshrined in the Federal Constitution and the Inter-American Convention on Human Rights. However, the civil and family justice system has been perceived by individuals as slow, uncertain, discriminatory, complex, and expensive. The current predominantly written approach to legal proceedings has not only failed to meet the essential needs of citizens but has also eroded trust in the institutions. Parties in a lawsuit are burdened with a myriad of procedural formalities, without which their pursuit of justice remains elusive. They experience the proceedings as if they were partaking in an ethereal justice system where only lawyers and judges are involved; rarely are they called upon to participate and are subject to long waiting periods to reach a resolution.

The diversity of rules in the procedural codes of Mexican states and their differences from the federal procedural code has also created obstacles to accessing efficient justice. Human rights development, technological advancements and the need for standardized justice processes led to the amendment of the Federal Constitution in 2017. This amendment granted Congress the power to enact unified legislation in civil and family procedural matters. However, it took six years, until June 7, 2023, for Mexico to finally have a National Code of Civil and Family Procedures, aimed at strengthening, unifying, and expediting civil and family justice nationwide.

Undoubtedly, the enactment of this set of regulations is one of the most significant in recent decades, and it has not been an easy task. The new National Code of Civil and Family Procedures represents a law that is so essential in the lives of Mexicans that it could not solely be entrusted to legislators, their advisors, or individuals lacking experience in civil and family processes, who are not the ultimate recipients of the norm. This is the result of feedback between the Judicial Branches of Mexico and the expertise of over a hundred legal professionals striving to build a comprehensive and high-quality project based on a democratic and inclusive process<sup>1</sup>. The Code represents a significant change compared to traditional codes, recognizing the need to adapt to new technologies and the social reality of the 21st century.

## **The Oral Procedure.**

The Code complies with international standards of access to justice, faster and more effective procedures, respect for human rights, and utilizes an oral justice system supported by information technology. It establishes its applicability at both the federal and local levels throughout the country, guaranteeing procedural practices that promote debate and the quality of information on equal terms. It describes a procedure that applies equally to civil and family matters, based on principles<sup>2</sup>.

Nine key principles that shape this modern approach to legal proceedings can be highlighted: The first principle is orality, which emphasizes the importance of oral hearings as the primary mode of communication. Collaboration is another crucial principle, promoting the parties' involvement in resolving conflicts themselves, aided by judicial authorities. Immediate contact requires direct interaction between the parties and the judicial authority, ensuring personal engagement. The adversarial process safeguards the parties' right to debate facts and evidence. Concentration and continuity seek to minimize interruptions and streamline the procedure into a single hearing. Procedural equality ensures equal treatment and opportunities for all individuals without discrimination. Open

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1.- Poder Judicial Edomex (2023, May 23). *Desafíos del Código Nacional de Procedimientos Civiles y Familiares* [44.41]. Retrieved from <https://www.youtube.com/watch?v=8OYDNIDVHRE&t=2681s>

2.- Cámara de Diputados. (2023). *Código Nacional de Procedimientos Civiles y Familiares* [PDF]. Retrieved from <https://www.diputados.gob.mx/LeyesBiblio/pdf/CNPCF.pdf>

litigation expands the scope of examination in family matters, allowing the judicial authority to actively assess relevant facts. The best interest of the child takes precedence in litigation involving children, prioritizing their rights. Lastly, the gender perspective aims to eliminate gender oppression and inequality by analyzing and addressing the causes of injustice.

The implementation of this new system aims to promote effective dynamics, a culture of legality, and the exercise of rights through a direct and functional relationship between the parties involved. The oral trial, guided by these principles, ensures improved quality of information presented during the trial, leading to more efficient proceedings. Judges play a moderating and guiding role in resolving disputes, while the parties and their lawyers construct the debate and present evidence. This approach humanizes the administration of justice, particularly in complex conflicts faced by individuals or families, while still allowing for alternative dispute resolution methods. It is important to note that certain procedures, such as non-contentious civil procedures, probate proceedings, and preparatory proceedings, may still be conducted in writing.

The Code also introduces different types of oral trials. The Summary Oral Trial allows for a claim to be presented through an appearance, followed by a hearing within five days to potentially resolve the dispute. The Oral Civil Executive Trial enables enforcement to begin from the summons in specific cases indicated by the law, with the remaining procedures following established formalities.

In addition, the Code implements a system of hearings during the enforcement of judgments. This encourages voluntary compliance with judicial decisions and facilitates negotiation for proper implementation. The system also allows for proceedings to be conducted during the hearings, expediting the execution of judgments, and avoiding common delays.

Furthermore, the Code addresses a previous limitation regarding class actions. In the past, they were not applicable in local justice and were reserved for the Federal Judiciary. However, the Code incorporates a procedure for exercising class actions, which strengthens the interests of communities and brings about innovative changes.

### ***Digital Justice.***

One of the novelties regulated by the Code is the implementation of a modality that allows all procedures regulated by the Code to be processed interchangeably through an online procedure, which will be equally free of charge for individuals. The Code establishes the foundations for harnessing information technology in judicial procedures, on equal terms with traditional formats. The Code places itself at the forefront with the most advanced technological tools globally to ensure a justice system that is entirely different from traditional codes and Mexican legal customs. To achieve this, it defines a series of concepts that encompass Digital Justice, such as document digitization, electronic documents, virtual hearings, blockchain, digital certificates, advanced electronic signatures, virtual proceedings, electronic notifications, data messages, virtual courtrooms, and even explains the concept of the metaverse.

In that regard, the implementation of the aforementioned concepts aims to provide a more prompt and efficient justice system that seeks to avoid procedures and other procedural actions that sometimes significantly delay the process. It allows for a more dynamic submission of documents, the offering and presentation of evidence, and the practice of notifications, including the possibility of serving summonses via email.

**Family Justice.**

The new procedural legislation in family matters incorporates recent requirements from the Supreme Court of Justice and international organizations, particularly concerning individuals with disabilities. It establishes regulations for declaring minority status, ensuring accessibility and support for disabled individuals in legal matters, appointing guardians and curators, and handling transactions involving children, disabled individuals, or absentees. The emphasis is on respecting the person's will and avoiding discrimination. The adoption procedure is streamlined, involving ongoing collaboration with administrative authorities for three years. The judicial authority now has a broader responsibility to protect minors, women facing violence, and promote gender equity. Stricter sanctions are imposed on child support debtors, including reporting them to the Registry of Delinquent Child Support Debtors, passport retention, freezing of assets, and bank account seizure.

**Challenges.**

The Code will have a gradual implementation in each of the Mexican states according to their internal formalities and following publication in their official gazettes, with a deadline not exceeding April 1, 2027. The same applies to the federal government. Although this legislation has been under discussion among the judicial powers of Mexico, the states must establish stages and timelines to carry out the necessary actions and measures for the implementation of the Code. They also need to allocate a budget to ensure its implementation and compliance with the principles it establishes, including holding hearings, implementing digital justice, and providing training for judicial authorities.

While introducing such a significant new procedural system poses great challenges at a national level, it is also true that our authorities are not starting from scratch, and there is relatively recent experience with the publication of the National Code of Criminal Procedures in 2014. As for the training aspect, in addition to criminal law, there is also experience with oral procedures and hearings in commercial and labor matters. Some federal entities have already implemented this type of hearing even in civil and family matters, with more recent and advanced procedural codes.

On the other hand, the Code is not a perfect legislative product, as no law ever is. It will not immediately repeal existing procedural codes in Mexican states, and during that four-year period, it will be subject to extensive debate to identify necessary changes. There is no doubt that it will undergo numerous modifications during those four years. Nevertheless, the introduction of this Code represents a watershed moment in the history of Mexican law, making it crucial for authorities, lawyers, and academics to thoroughly study the procedures it contains.

It should be noted that once the provisions of the Code come into effect, ongoing civil and family proceedings will continue to be processed in accordance with the applicable legislation at the time of their initiation, unless the parties jointly opt for the regulation under the new Code.

**SCJN expedites decriminalization of abortion throughout the country through amparos.**

Mexico's Supreme Court of Justice of the Nation (SCJN) established that any person with gestational capacity will be able to request an amparo to challenge the unconstitutionality of laws that criminalize abortion in Mexican states. The SCJN considered that the state laws that criminalize abortion "affect the cultural and social meaning of the rights of women and persons with the capacity to bear children, contributing to the construction of a social imaginary adverse to the exercise of their human rights". This determination facilitates the path towards the decriminalization of abortion throughout the country because, in this way, it would not be necessary to wait for the state congresses to modify their laws in this regard. [www.lopezdoriga.com/nacional/scjn-agiliza-la-despenalizacion-del-aborto-en-todo-el-pais-a-traves-de-amparos/](http://www.lopezdoriga.com/nacional/scjn-agiliza-la-despenalizacion-del-aborto-en-todo-el-pais-a-traves-de-amparos/) June 21, 2023.

**AI drives globalization of Mexican MSMEs.**

Most small and medium-sized enterprises (MSMEs) run the risk of losing credibility when they seek to expand abroad, as their efforts are hampered by language barriers and hiring unprofitable services. However, there is a solution to these and other obstacles companies may face, and it lies in advances in artificial intelligence (AI) translation. One company at the forefront of these advances is DeepL, whose AI translator delivers highly accurate results. It is based on a neural network architecture trained to detect linguistic nuances in each text, which means that the results sound much more natural. Today, to grow from a micro, small, or medium-sized enterprise and take a business to the next level, the right AI solutions can be the key. [www.eleconomista.com.mx/empresas/IA-impulsa-la-globalizacion-de-MIPYMEs-mexicanas-20230620-0049.html](http://www.eleconomista.com.mx/empresas/IA-impulsa-la-globalizacion-de-MIPYMEs-mexicanas-20230620-0049.html) June 21, 2023.

**Court invalidates plan B of electoral reform; elections in 2024 will be held under current laws.**

By a majority of votes, the ministers of the Supreme Court of Justice of the Nation (SCJN) declared the invalidity of the reforms that make up the second part of the so-called "plan B" of the electoral reform. These are changes to three laws and the creation of one, all approved by the Congress of the Union last February. Minister Javier Laynez explained that the legislators committed serious violations to the legislative process, as in the precedent (first part of plan B), for which he proposed the invalidity of the decree. The ministers who voted against the invalidity argued that the errors of Congress did not affect the validity of the reforms and that the SCJN should not get involved in the legislative process. With this decision, the possibility that the 2024 electoral process will be carried out with a new legal framework and a different structure than the one currently in place at the National Electoral Institute (INE) was ended. [www.excelsior.com.mx/nacional/corte-anula-plan-b-reforma-electoral-comicios-2024/1593899](http://www.excelsior.com.mx/nacional/corte-anula-plan-b-reforma-electoral-comicios-2024/1593899) June 23, 2023.

**Nearshoring to create up to 4 million jobs by 2030 in Mexico.**

Nearshoring will create a significant number of jobs, especially in the northern region of the country and in sectors such as health sciences, manufacturing, and logistics. For this, Mexico needs to invest in educational programs that promote technical, leadership, and management skills, as well as in continuous training programs to update knowledge. The Global Business Council recommends that Mexico should strengthen the learning of science, mathematics, and the English language from basic and high school education, as well as integrate a gender approach to ensure equal access opportunities for women. On the other hand, according to Alberto Alesi, general director of ManpowerGroup for Mexico, the Caribbean, and Central America, "57% of employees seek training outside of work because the company's programs do not teach them relevant skills that help them stay competitive in the market". [www.forbes.com.mx/el-nearshoring-creara-hasta-4-millones-de-empleos-para-2030-en-mexico/](http://www.forbes.com.mx/el-nearshoring-creara-hasta-4-millones-de-empleos-para-2030-en-mexico/) June 26, 2023.

**Mexican capital goods imports hit a record high driven by nearshoring.**

Mexico broke a record in its imports of capital goods, capturing 5,001.7 billion dollars in May, an inter-annual increase of 24.1%, informed the National Institute of Statistics and Geography (INEGI). Some examples of capital goods are tools, machinery, buildings, vehicles, computers, and construction equipment. In the first five months of the current year, Mexico imported capital goods for 22,611 million dollars, a value 22.2% higher than in the same period of 2022. On the export side, oil (-28.2%) and extractive (-29.8%) sales declined, while automotive sales rose (26.2%). On the opposite side, the drop in oil imports (-40.1 percent) stands out. [www.eleconomista.com.mx/empresas/Importaciones-de-bienes-de-capital-baten-record-impulsadas-por-el-nearshoring-20230627-0026.html](http://www.eleconomista.com.mx/empresas/Importaciones-de-bienes-de-capital-baten-record-impulsadas-por-el-nearshoring-20230627-0026.html) June 27, 2023.

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## RICARDO NERIO

Attorney at Law: Admitted to practice law in 2022. Mr. Nerio, of Mexican nationality obtained his law degree at Universidad del Valle de México.

**PRACTICE AREAS:** Administrative and Constitutional Litigation.  
**LANGUAGES:** Spanish and English.

e-mail: [rnerio@asyv.com](mailto:rnerio@asyv.com)



Prol. Reforma No. 1190 25th Floor,  
Santa Fe México D.F. 05349  
t. (52.55) 52.92.78.14  
f. (52.55) 52.92.78.06  
[www.asyv.com](http://www.asyv.com) / [www.asyv.aero](http://www.asyv.aero)



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