

LEGAL DESIGN THINKING AND CRIMINAL LAW: CRITICAL CONSIDERATIONS

LEGAL DESIGN THINKING Y DERECHO PENAL: ALGUNAS CONSIDERACIONES

LEGAL DESIGN THINKING E DIREITO PENAL: ALGUMAS CONSIDERAÇÕES

*Eduardo Morales Barra**

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Abstract

Legal Design Thinking is a user-centered methodology designed to address complex legal problems from an innovative perspective. This article focuses on its transformative capacity, demonstrating its relevance across legal domains and how it can generate consistent and effective results in diverse contexts. Through the analysis of the crime of rape in the criminal justice system, it exemplifies how this methodology allows the development of human-centered, accessible, and broadly applicable solutions. This approach reaffirms that Legal Design Thinking is a methodological tool with the potential to innovate in the design of more inclusive and efficient legal systems.

Keywords: Legal Design Thinking; Criminal Law; Rape; Victims; Gender perspective

Resumen

El Legal Design Thinking es una metodología centrada en el usuario, que combina principios del diseño y el derecho para resolver problemas legales de manera accesible y empática. Este artículo analiza en su capacidad transformadora, mostrando cómo su aplicación no se limita a un ámbito específico del derecho, sino que puede generar resultados consistentes y efectivos en contextos diversos. A través de un análisis teórico del delito de violación en el sistema

penal, se ejemplifica cómo esta metodología permite desarrollar soluciones humanizadas, accesibles y universales. Este enfoque reafirma que el Legal Design Thinking es una herramienta metodológica con el potencial de innovar en el diseño de sistemas jurídicos más inclusivos y eficientes.

Palabras clave: *Legal Design Thinking*; Derecho penal; Violación; Víctimas; Perspectiva de género

Resumo

Legal Design Thinking é uma metodologia centrada no usuário que combina princípios de design e direito para resolver problemas jurídicos de forma acessível e empática. Este artigo analisa sua capacidade transformadora, mostrando como sua aplicação não se limita a uma área específica do direito, mas pode gerar resultados consistentes e eficazes em contextos diversos. Por meio de uma análise teórica do crime de estupro no sistema de justiça criminal, ilustramos como essa metodologia permite o desenvolvimento de soluções humanizadas, acessíveis e universais. Essa abordagem reafirma que o *Legal Design Thinking* é uma ferramenta metodológica com potencial para inovar na concepção de sistemas jurídicos mais inclusivos e eficientes.

Palavras-chave: *Legal Design Thinking*; Direito penal; Estupro; Víctimas; Perspectiva de gênero

* Graduate in Law from the Autonomous University of Chile. Currently serving as a junior researcher within the CONVERGENCIA Research Group at the same university. Additionally, he is a member of the Scientific Society of Law Students at the Autonomous University of Chile (ACED), where he holds the position of community liaison. Email: eduardo.morales.barra1997@gmail.com. ORCID: <https://orcid.org/0009-0009-5338-5980>

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INTRODUCTION

Legal Design Thinking is an innovative methodology that combines design principles and legal analysis to solve complex problems from a user-centered perspective. As Vega Sainz points out:

It is a technique used by designers to solve complex problems through understanding and empathy with the user. It is a lens through which problems can be observed from the user's perspective, to detect their concerns and needs and try to solve them. (Vega Sainz 2020, 307)

This article explores how this methodology can transform legal analysis, using the case of rape in the criminal justice system as a practical example to show its applications and benefits. In this context, *Legal Design Thinking* allows us to rethink the judicial process from a victim-centered perspective, improving both the care they receive and their access to justice. Although the focus is on the criminal field, the principles of *Legal Design Thinking* are universal and can be applied to various areas of law, such as civil law or administrative law, adapting to the specific needs of each area.

In the case of rape, *Legal Design Thinking* addresses the challenges faced by victims, such as revictimization and barriers to access to justice. By focusing the analysis on the needs of victims, this methodology seeks to design solutions that not only reduce their suffering but also optimize the judicial system to make it more humane and accessible.

In this context, it is essential to reflect on how the State could implement reforms that address both prevention, effective response, and the consequences of rape crimes. While prevention is key, it is also essential to ensure adequate care for victims during and after the judicial process. An approach that focuses only on prevention, without prioritizing immediate care for victims, could create an imbalance and increase suffering.

A balanced model that combines prevention, effective judicial response and subsequent victim support would not only reduce the incidence of these crimes, but also optimize the use of state resources, improving the victim experience and reducing long-term costs.

PRELIMINARY CONSIDERATIONS

The need for a reform in the response of the criminal justice system to the crime of rape is supported not only by the serious affectation suffered by the victims, but also by the ineffectiveness of the traditional models in the protection of their rights and wellbeing. Despite legislative and judicial efforts, deficiencies persist in the adequate attention to victims within the judicial process, as well as in the minimization of the revictimization they suffer.

An innovative approach is needed to adapt the penal system to current realities, moving toward a more inclusive and empathetic form of justice. However, "Law, and in general, legal culture tends to reject the

'non-legal', which makes it difficult for other professions such as design to participate in law projects" (Reyes 2024, 9).

In this sense, there is a need to explore methodologies such as *Legal Design Thinking*, which, as will be explained below, is characterized by placing the experiences and needs of the affected persons at the center, thus promoting a more humane and effective approach to this type of crime. This approach not only aims to improve the protection of victims, but also to optimize access to justice, promoting a comprehensive solution to the problems faced by rape victims.

INNOVATIVE PROPOSAL LEGAL DESIGN THINKING

Legal Design Thinking represents a revolutionary proposal within the field of Criminal Law, with the potential to transform the judicial process in relation to sexual crimes. Empathy and creativity are at the core of this approach, fundamental elements to be able to develop legal solutions that not only focus on the sanction or punishment of the perpetrators but also seek comprehensive care for the victims.

By incorporating this method into the judicial system, the social costs of crime could be reduced, and a more equitable justice system could be promoted. The implementation of this methodology would improve the experience of victims, reducing re-victimization and creating a more accessible, humane and user-centered justice system. This would adapt the system to the emotional, psychological and legal needs of the victims, prioritizing their well-being throughout the process.

The objectives of this research focus on three fundamental aspects: First, it seeks to analyze the main challenges faced by rape victims within the current criminal procedure system. Second, it seeks to evaluate the feasibility of implementing *Legal Design Thinking* as a methodology to improve the care and protection

of victims in the judicial sphere. Finally, it is proposed to develop legal reforms that integrate this innovative approach to reduce revictimization and promote more equitable access to justice.

Likewise, the article explores *Legal Design Thinking* as a methodological support, to use it as an essential analytical and critical tool to address this legal problem, promoting efficiency in judicial processes¹. According to Morales Barra, Méndez Reátegui and Bermúdez Bermúdez, “its approach focuses on people’s needs, proposing legal solutions adapted to them. In simple terms, it involves thinking legally, but with a touch of attention to the user and innovation” (2024, 14). For instance:

Legal Design Thinking adopts tools and techniques to analyze and reconfigure legal processes in a simple, functional, and engaging way. Its main objective is to propose innovative solutions that not only respond to practical functionalities but also incorporate an emotional component and user experience. (Poto and Parola 2024, 12-13)

This process breaks down into five key elements: empathize, define, ideate, prototyping, and testing.

EMPATHIZE

Introduction to the Concept

The first stage of *Legal Design Thinking* consists of understanding the experiences and emotions of the people affected by the judicial system. Empathy allows us to identify the user’s experience before defining the problem:

Understand the scenario from their perspective. It is necessary to start broadly, without trying to define the problem completely, since this will be done in the following stages. At this point, the first step is to know who the user is and what the system in which he/she interacts is like, before specifying the problem to be addressed. It should

¹ According to Calsamiglia (1988, 355) “Efficiency understood as the criterion that maximizes social wealth”. Likewise, *Legal Design Thinking* not only improves the communication and accessibility of the law, but also contributes to administrative and social efficiency, allowing for better allocation of resources and optimizing judicial management. This is key in economic terms, since efficiency implies the optimal use of available resources to generate the greatest possible benefit for society.

not be lost sight of the fact that the user is the main objective of the solution to be designed; it is the user's problem that will be addressed. (Uribe Giraldo and Cardona Toro 2022, 60-61)

In this framework, the design process begins with discovery, which involves empathizing with the user to identify problems or needs and transform them into opportunities. Méndez Reátegui and Álvarez Meythaler highlight that this approach involves understanding the user's way of thinking and feeling. Then, it reflects on key questions such as: Who is the user? What do they do? What do they like? What aspirations do they have? (2020, 366-367).

In the context of rape, this means listening to rape victims in Chile to identify specific barriers and challenges. Here empathy plays a crucial role as it is not only a tool to identify structural problems, but also a mechanism to humanize the judicial process, reducing the perception of helplessness in the victims. A thorough understanding of victims' experiences allows for the design of legal processes that are more effective, respectful and tailored to their emotional and psychological needs.

Applied Methodology

To understand the barriers faced by rape victims in the judicial system, reports, surveys, and analyses conducted by various institutions were consulted. In this sense, *uncovering* is essential at the empathizing stage. These documents offer valuable insights into victims' experiences and the challenges they face, highlighting structural and emotional issues that hinder their access to justice. For example, according to the Gender and Diversity Unit of the Central University of Chile: "It is a significant, painful and difficult experience to assimilate. Counting involves remembering, reliving experiences, unpleasant sensations and thoughts that the body and mind are often not prepared to cope with"².

This type of information makes it possible to identify emotional factors that influence the moment of reporting, making it difficult for victims to interact with the procedural system. In addition, in the same document they point out that the judicial processes are "[l]ong and unclear, and that there are professionals with little training in gender violence, and therefore adequate care is not guaranteed, since the story is often questioned"³.

Another resource used was the Qualitative Study on the Updating of the Critical Route of Violence Against Women, which provides a detailed analysis of the experiences of victims and the limitations of the judicial system in addressing their needs. This study notes that "52% of the officials consulted indicated that they had not received any training on gender-based violence against women in the last 12 months,"⁴ which directly affects the quality of care provided and, in many cases, generates revictimization.

The same document shows that when a policewoman from the O'Higgins Region was interviewed about whether there is an adequate infrastructure for the care of victims, she mentioned that "[t]here is not everywhere a physical space designed to provide exclusive care to victims of gender-based violence, and there is little training of personnel to provide care to victims". The study also highlights the following:

The expectation of protection and reparation for survivors is not met because there is no comprehensive accompaniment by the ICN institutions, except for SernamEG whose work in the Women's Centers is highly valued by survivors. RCI officials report a level of demand that they are not able to address, due to lack of personnel and resources.⁵

This lack of infrastructure and the high percentage of untrained officials evidence a disconnection between

2 "Romper el silencio. ¿Por qué nos cuesta denunciar la violencia sexual?". Universidad Central de Chile. Access on May 5, 2025. https://www.ucecentral.cl/gyd/docs/rompe_el_silencio.pdf

3 Ibidem.

4 "Estudio Cualitativo. Actualización de Ruta Crítica de Violencia Contra la Mujer 2020". Access on May 5, 2025. <https://spd-archivo.subprevenciondeldelito.gob.cl/wp-content/uploads/2023/12/Estudio-Cualitativo-Actualizacion-de-la-Ruta-Critica-de-VCM-2020.pdf>

5 Ibidem.

the needs of the victims and the institutional response, highlighting the importance of empathy as an axis to humanize and redesign judicial processes.

Identified Problems

The absence of comprehensive services that accompany victims during and after the process leaves them without psychological, legal and social support, placing them in a state of vulnerability and distrust, which increases their sense of helplessness. In this situation, empathy allows victims not only to seek (or need) justice, but also a system that accompanies them in a comprehensive manner.

Victims must repeat their testimonies, which makes them relive the details of the abuse repeatedly during the different stages of the process, facing invasive interrogations and traumatic tests, where they often face questioning or disbelief from officials, which significantly affects their mental and emotional health. Empathy here is essential to redesign care protocols that minimize revictimization.

The lack of adequate infrastructure together with the lack of training of officials hinders efficient and respectful attention to victims. For example, in many regions there are no exclusive spaces for attending to rape victims, which compromises their privacy and

dignity. Addressing these problems with empathy not only makes it possible to design more humane processes but also strengthens victims' confidence in the judicial system.

Applicability in Other Areas of Law

At the same time, these testimonies provided in-depth knowledge about their emotions and, most importantly, identified their fundamental needs. Also, thanks to this approach, it was possible to establish an empathetic connection with the victims, which contributed greatly to a more complete understanding of their perspective and the issues involved.

Although this analysis focuses on the experiences of rape victims, the empathy element of *Legal Design Thinking* is applicable in any legal context where the end user of the justice system should be the focus of the design. For example, in labor law, empathy could be applied to conciliation processes that consider the emotions of workers. In administrative law, it can be used to simplify procedures and ensure dignified treatment of the elderly or people with disabilities.

Finally, as we can see, the integration of the empathetic approach of *Legal Design Thinking* not only optimizes user experiences but also allows us to design more effective solutions tailored to their real needs.

DEFINE

Implications of the Concept

The second stage of *Legal Design Thinking*, called defining, is crucial to define the problems identified in the previous phase and transform the findings into concrete and actionable points. As Aquae Foundation points out, this stage seeks to: "Synthesize the findings of the empathy phase to clearly identify the specific problems and challenges that need to be addressed. This will allow us to be able to define a clear problem"⁶.

This stage consists of organizing and prioritizing the information gathered about the users, the parties involved and the system in which they interact. In this sense, to go deeper into how this process is carried out and what tools could be used to achieve it, researchers Uribe Giraldo and Cardona Toro point out the following:

The objective is to land all the information gathered in a summary that will demarcate the

⁶ Aquae Foundation. "The Design Thinking Methodology: Definition and Phases". Last updated on January 16, 2021. <https://www.fundacionaquae.org/wiki/que-es-el-design-thinking/>

challenge to which the rest of the design process will be devoted. This phase has to do with the creation of deliverables; while the first stage tries to collect large amounts of information, this stage means reducing it to documents–maps–with clear, prioritized and specific points. (Uribe Giraldo and Cardona Toro 2022, 61)

Through this synthesis, the design team reflects on the root causes or effects of the identified challenge, considering how to effectively address it. This step lays the groundwork for hypothesizing potential solutions, connecting empathetic understanding with early design ideas.

Prioritized Problems

In the first stage, various barriers faced by users in the judicial system were identified. However, to move forward in the design process, it is crucial, as mentioned above, to transform these findings into clear and specific challenges that can be effectively addressed. The define stage, as part of Legal Design Thinking, has the purpose of synthesizing and prioritizing this information, delimiting the scope of the problem and establishing the basis for the generation of solutions in later stages.

In this sense, we reformulated the problems identified in Chapter 1 as concrete challenges, listing them in order of priority and subsequently transforming them into key questions that will guide the design of solutions in Chapter 3. In this sense, it would be as follows:

1. Revictimization: Revictimization was highlighted as the most critical challenge, due to its immediate emotional impact and its deterrent effect on victims when seeking justice.
2. Structural barriers: these were considered cross-cutting factors that, if addressed, would improve the efficiency and equity of the judicial system.
3. Lack of comprehensive accompaniment: The lack of comprehensive accompaniment was prioritized due to its relevance in guaranteeing continuous support and reducing the feeling of helplessness of the victims.

Questioning How it Can be Solved

Based on the identified and prioritized problems, three challenges were identified. About revictimization, the question arose as to how to reduce the need for victims to repeat their testimony at each stage of the judicial process without compromising the quality of the evidence? In addition, regarding structural barriers, we ask ourselves how we can improve the training of officials and ensure adequate infrastructure to provide efficient and respectful attention to victims? In addition, how can we ensure that the training of officials is effective and consistent over time? Finally, about the lack of comprehensive support, we wonder what model of integrated services could guarantee psychological, legal and social support throughout the judicial process?

These prioritized challenges provide a clear focus for the ideation stage, which will seek creative and effective solutions that respond to the most urgent needs of victims. By addressing the challenges at their root causes, it is hoped to design more humane, inclusive, and efficient legal processes.

Universal Applicability of Prioritized Questions and Problems

The strength of *Legal Design Thinking* lies in its ability to transcend the boundaries of specific areas of law, such as criminal law, by offering versatile tools applicable to a variety of legal contexts. The prioritization of problems and questioning of challenges in this chapter, derived from the analysis of rape victims' experiences, illustrates how this methodology can be adapted to other branches of law.

A representative example is the challenge of avoiding revictimization, a problem that can be transferred to the field of labor law, where it is essential to protect workers who report harassment from repeated questioning or reprisals that hinder their access to justice. Similarly, structural barriers, such as insufficient training and lack of resources, constitute a cross-cutting problem that affects, for example, administrative law, where excessive

bureaucracy and lack of specialized personnel hinder the efficient resolution of conflicts.

On the other hand, the lack of comprehensive support, prioritized in this analysis, has a clear parallel in family law. In this context, the parties involved often face exhausting processes, lacking adequate psychological or social support. In such cases, *Legal Design Thinking* can contribute to the design of comprehensive care models that address not only legal issues, but also the emotional needs of those affected.

Similarly, *Legal Design Thinking* is not limited exclusively to addressing legal issues. It is also used in organizational environments for the definition or redefinition of strategies, the creation of new products and services, the resolution of internal conflicts, the development

of technological tools and the improvement of the contracting experience. As Galarza García points out:

It is used for various purposes, to analyze the future of public or private sector organizations, defining or redefining their strategic lines, for the analysis and definition of new products and services, to solve organizational problems, the creation of technological tools and the improvement of the contracting experience. (Galarza García 2022, 104)

In conclusion, the questions posed in this chapter transcend the resolution of specific problems in the criminal justice system, providing a frame of reference for reconfiguring and optimizing processes in various areas of law, thus, guaranteeing the most effective solutions focused on the specific needs of the user.

IDEATE

On the Concept

In this third stage, the ideation stage, a process focused on the generation of creative and innovative solutions to address the problems previously identified is carried out. Unlike the previous phases, which sought, from their own perspective, to understand and define the users' problems, this stage focuses on collective imagination and the development of proposals that transform the findings into possible solutions. As Rojas Quintero points out, "To encourage creative thinking, it is important to eliminate value judgments, since ideas cannot be labeled as 'good or bad'; they all contribute" (Rojas Quintero 2021, 26). Within this phase, an important tool is brainstorming, since, as Serrano Ortega and Blázquez Ceballos point out:

It is a way to generate a lot of ideas that we would not be able to do individually. The intention of brainstorming is to take advantage of the collective thinking of the group, listen, and based on other ideas build new ones. (Serrano Ortega and Blázquez Ceballos 2015, 76-77)

This method encourages collaboration between disciplines, promoting an integrative and creative approach.

In the field of criminal law, devising involves designing solutions that consider not only legal and procedural aspects, but also the emotional, psychological and social needs of the victims. This interdisciplinary approach allows the creation of tools and strategies adapted to the context, promoting a more humane and effective justice.

Examples of Generated Ideas

Based on the challenges prioritized in the "Define" phase, the following proposals were developed, aimed at reducing re-victimization, eliminating structural barriers and guaranteeing comprehensive support for victims.

1. Use of technology to reduce victim exposure: implement video conferencing systems that allow victims to give their testimony from secure

environments, avoiding direct confrontations with the aggressors and reducing the need to repeat statements. Additionally, design secure digital platforms where victims can provide evidence, access updates on the judicial process and communicate with professionals in a confidential manner.

2. Comprehensive support center: create multidisciplinary spaces that combine psychological care, legal advice and social support. These centers, located especially in rural or hard-to-reach areas, would ensure more equitable and dignified treatment for victims. In addition, train officials in gender perspective and victim-centered care, ensuring that interactions are empathetic and respectful.
3. Protocols for minimizing revictimization: establish mechanisms for recording the first testimony under optimal conditions to be used in the different stages of the judicial process, reducing the need for victims to repeat their traumatic experience. This follows the line of Law 21.057, which regulates recorded interviews with minors, establishing single recorded statements to reduce the need for victims to repeat their testimony at each stage of the judicial process. Likewise, tools such as the Gesell Chamber can be incorporated, which allows the victim to testify in a safe environment, avoiding direct confrontation with the aggressor. As Bonilla-Morejón et al. (Bonilla-Morejón et al. 2023, 192) argue, although in some cases confrontation between victim and perpetrator is legally unavoidable, it is essential to adopt measures that minimize its negative impact, ensuring a less traumatic process for the victim. Also, design clear guidelines for non-invasive questioning and prioritize the emotional well-being of victims throughout the process.
4. Ongoing and effective training for employees: establish a mandatory system of regular training, at least every six months, for officials working with victims. These trainings should be updated periodically to incorporate the latest advances in gender perspective, victim-centered care and humanized protocols. Implement control mechanisms to ensure effective compliance with training. For example, in case of

non-compliance with the updating deadline, a fine could be imposed on the institutions responsible or on the superiors of the officials, thus promoting institutional responsibility and continuous improvement.

These proposals illustrate how an interdisciplinary approach can generate efficient, practical, and people-centered solutions, improving the victims' experience in the justice system.⁷

Creative Methodology

The generation of these ideas was based on the use of creative tools typical of *Legal Design Thinking*, combined with disruptive questions that allow us to explore innovative solutions from different perspectives. Inspired by creative questions proposed by various authors, such as those mentioned by Serrano Ortega and Blazquez Ceballos "What are the most obvious solutions to this problem? What can be added, removed or modified from these initial solutions?" (Serrano Ortega and Blazquez Ceballos 2015, 77).

In the same vein, we broadened the focus with additional questions designed to delve deeper into user needs and explore out-of-the-box solutions, such as:

- How could this problem be solved with today's technological tools?
- If victims were to design their own judicial process, what would it look like?
- What solutions could be implemented quickly with minimal resources?

Through these tools, not only creative solutions were generated, but the possibilities of *Legal Design Thinking* to transform access to justice in criminal and other areas of law were demonstrated.

Universal Applicability in Other Areas of Law

Although the solutions proposed in this chapter are oriented to criminal law, the tools of *Legal Design*

⁷ The impact of *Legal Design Thinking* is not only reflected in a more dignified experience for victims, but also in the optimization of the judicial system's time and resources by reducing unnecessary processes and improving the effectiveness of evidence and testimony collection. From an economic perspective, this translates into reduced administrative costs and greater efficiency in case management.

Thinking can be applied in other areas of law. Its focus on empathy and innovation allows it to be adapted to diverse contexts; in the field of administrative law, for example, it can simplify procedures through user-friendly digital platforms. In this context, as Antón Antón points out:

We speak of a methodology that focuses on the needs of the users of a product, a service or a process, in this case taxpayers, and that can be used both to design digitization processes of the administrations and procedures aimed at compliance with tax obligations. (2021, 768)

In the labor field, this means the development of more humane and efficient conciliation processes

and in the commercial context the implementation of visual contracts and clear language to improve the understanding of the parties. For example:

Bringing people and law closer together through a human-centered design approach makes contracts more accessible, readable and understandable to their users and improves the delivery of legal services by lawyers. (Nousiainen 2022, cited in Soler Puentes 2024, 9)

In this way, the strategies developed in this phase allow us to visualize how the *Legal Design Thinking* methodology can be applied in various legal contexts, offering effective solutions adapted to the specific needs of each area of law.

PROTOTYPING

About the Concept

Previously, we talked about a comprehensive support center for victims, a prototype, which theoretically speaking, will be described in detail. The Comprehensive Support Center for Rape Victims has been proposed, an initiative that seeks to provide multidisciplinary assistance to those who have been victims of sexual crimes, ensuring equal and free access to legal, psychological and medical resources. To achieve its correct operation, various key areas related to its financing, infrastructure, professional team and implementation strategies have been considered.

Regarding the financing and sustainability of the center, being free, it must come mainly from the State, since the target audience is people who lack the economic resources to access private services. To avoid overload and long waiting lists, a filter based on the Social Household Registration Form (RSH) will be implemented. Access will be allowed to those who have a maximum percentage of 60% in the RSH card, while those people with a percentage between 60% and 80% will be able to access only if a social worker assesses that they cannot effectively afford private services.

In addition, to ensure long-term financial sustainability, the center can be complemented with strategic alliances with universities, international organizations and NGOs that work in the protection of human rights. Likewise, cooperation programs could be generated with the private sector in areas such as the training of professionals or the donation of technological equipment.

The center should include the following professionals:

1. Lawyers: Who are trained to guide victims at each stage of the judicial process.
2. Psychologists: Professionals specialized in trauma who offer emotional support and ongoing therapies.
3. Psychiatrists: To address more complex mental health problems.
4. Gynecologists and forensic doctors: To perform medical examinations, collect evidence and provide specialized care.
5. Social workers: To assess the socioeconomic situation of victims and provide support in the judicial process.
6. Specialized Carabineros unit: To receive complaints within the same center, thus avoiding victims having

to go to a police station, which can be intimidating or traumatic. These officials would be constantly trained in the same center, ensuring that they have specialized training in dealing with victims of sexual crimes.

It should be noted that the training of professionals must include a selection process that ensures that they are psychologically prepared to deal with these cases. It is recommended that lawyers and social workers be allowed to have interns, but not health professionals, due to the need for a stable and trusting bond with victims. Continuous training of officials is also key, with periodic talks and courses to ensure adequate and up-to-date treatment in their areas of specialization.

Regarding infrastructure and privacy, the design of the center should focus on generating a warm and welcoming environment, far from the coldness of a hospital. To this end, a large space with access to natural light, internal gardens and rooms differentiated according to the needs of the victims is suggested.

The aspects that were prioritized in the design of the prototype were:

1. **Positive impact:** The need to periodically evaluate how the prototype affects the experience of victims, and the functioning of the judicial system is emphasized. This allows for identifying improvements and ensuring that the solutions implemented reduce trauma and promote more effective justice. A system of satisfaction surveys and metrics on case resolution would be included.
2. **Accessibility:** To ensure equitable coverage, the strategic location of support centers in both urban and rural areas is prioritized, eliminating geographical barriers that hinder access to essential services. Online psychological care would also be considered to increase coverage.
3. **Economic viability:** The design of the prototype focuses on sustainability through public resources, seeking to implement a model that can be maintained over time without compromising the quality or continuity of the services offered. For this reason, financing would come mainly from the State, considering that many victims cannot afford

private services. As mentioned above; to meet the high demand, a filter would be applied through the Social Household Registration Form (RSH) to guarantee priority access to those who need it. In addition, alliances would be sought with universities, NGOs and the private sector to improve the long-term sustainability of the center.

Finally, to ensure effective implementation, it is suggested to start with a pilot plan in a rural area, where demand would be more controllable, and adjustments could be made before a national expansion. In urban contexts, the hiring of more staff and the use of technology would be evaluated to avoid saturation of the system.

Universal Applicability in Other Areas of Law

The principles identified in the prototyping phase can be transferred to other branches of law, adapting key elements to improve the care and protection of the different vulnerable groups. Beyond showing its versatility, the approach offers lessons that can be replicated in other contexts.

In family law, the centralization of services and specialized training of officials could be implemented to address situations involving minors, such as custody and protection processes. The implementation of spaces adapted and designed for taking statements from children, with personnel trained in child psychology, would reduce the stress associated with these procedures and guarantee the protection of their emotional integrity.

In the workplace, the creation of support instances aimed at victims of harassment or workplace discrimination would replicate the legal and psychological counseling model developed for victims of sexual violence, guaranteeing more specialized and dignified treatment.

Similarly, in civil and administrative law, the approach of periodic training of judicial and administrative officials can be integrated into more humanized care protocols. In addition, they could raise the standard of care by developing mechanisms to simplify bureaucratic

processes through guided advice, preventing citizens from facing unnecessary obstacles in their access to justice.

In this context:

Prototyping of products or services usually also covers the public sphere, i.e., judicial services. A public policy prototype for service innovation involves visual creation, to conduct experiments

to test behaviors, risks and other possible outcomes that may be unexpected. (Lopez Ruiz and Restrepo Hoyos 2021, 28-29)

In short, the prototyping phase not only validates solutions in the criminal field but also provides a framework that can be replicated in various areas of law, allowing for the continuous improvement of justice systems and their adaptation to the specific needs of each sector.

TESTING

Impact of the Concept

The last stage of *Legal Design Thinking*, testing, focuses on evaluating and validating the solutions designed in the previous stages. This process is crucial to identify areas for improvement, guarantee the effectiveness of the proposals and adapt them to the real needs of the users. In this sense, the Hasso Plattner Institute of Design at Stanford explains:

This step consists of soliciting feedback and opinions about the prototypes that have been created from users and colleagues and is another opportunity to gain empathy for the people you are otherwise designing for. A good rule of thumb is to always make a prototype believing we are right, but we should evaluate thinking we are wrong. This is the opportunity to refine solutions and improve them. Ideally you should evaluate and test in the user context itself.⁸

In the context of rape, the solutions designed, such as comprehensive support centers or protocols to minimize revictimization, are evaluated to ensure their effectiveness and adapt them to the real needs of victims. This process should be carried out in environments that simulate the real dynamics of the judicial system, to identify practical improvements that ensure that the proposals are feasible, accessible and victim centered.

In addition, this phase reinforces empathy for the victims by gathering their opinions on the solutions, detecting previously unidentified barriers and adjusting the proposals to maximize their positive impact. This ensures that the solutions are not only functional, but also supportive of victim empowerment and procedural clarity.

Evaluation Methodology

To test the proposed solutions, it is essential to use a combination of quantitative and qualitative methods to obtain a true picture of their impact. Surveys could be designed for victims interacting with the prototypes, allowing feedback to be gathered on aspects such as accessibility, effectiveness, and treatment received. These would include both closed and open-ended questions to capture more detailed perceptions.

In addition, the data obtained during the trial period can be statistically analyzed to identify patterns, measure the degree of user satisfaction and evaluate the impact of the solutions on key indicators, such as the reduction of re-victimization or the efficiency of case resolution time.

In parallel, participatory observation would be applied, in which experts in law, psychology and design would directly observe the implementation of the solutions,

⁸ Hasso Plattner Institute of Design at Stanford. 2018. *Guide to the creative process. Mini guide: an introduction to Design Thinking+ Bootcamp bootleg*. Access on May 5, 2025. <https://shorturl.at/sZ8Yf>

recording interactions and detecting problems not evident in the previous stages. In-depth interviews will also be conducted, focusing on both victims and justice system officials, to explore their experiences and perceptions.

Finally, pilot tests were conducted in controlled environments to evaluate the functionality, feasibility, and acceptance of the designed prototypes, allowing adjustments to be made prior to full-scale implementation.

Universality in Other Areas of Law

This last stage is an inherent feature of this methodology and, like the previous stages, can be implemented in various legal areas beyond criminal law. Its iterative and experimental nature allows for cross-cutting application, being especially useful in contexts where end-user participation is essential to ensure the effectiveness of the measures implemented.

For example, in labor law, testing makes it possible to evaluate tools for resolving conflicts between employers and workers, such as conciliation simulations that improve communication and reduce inequalities. In administrative law, it validates systems that simplify procedures and improve citizen access, considering the needs of the elderly or the disabled. In family law, it ensures that solutions such as mediation models or support in divorce cases are effective and mitigate the emotional impact, especially on minors.

In all these assumptions, the purpose lies not only in ensuring the functionality of the solutions, but also in fostering an approach oriented towards humanity, accessibility and user-centricity. Moreover, the prototyping phase not only validates solutions in the criminal field but also provides a replicable framework in various areas of law, allowing for the continuous improvement of justice systems and their adaptation to the specific needs of each sector.

CHALLENGES OF IMPLEMENTING LEGAL DESIGN THINKING IN THE CRIMINAL FIELD

Although *Legal Design Thinking* can improve the experience of victims within the criminal system, its implementation faces structural, regulatory, and cultural challenges. The first obstacle is procedural rigidity and regulatory barriers because the criminal system is based on principles of legality and due process, which implies that any innovation must conform to a strict regulatory framework. This can slow down the adoption of new methodologies to improve the accessibility of judicial procedures. Along these lines, Flechas, García, and Escobar point out that “public projects tend to take longer to implement and are more difficult to coordinate between teams” (2021, 18), which reinforces the idea that introducing changes in the criminal field can be an even greater challenge.

Furthermore, bureaucracy in the criminal public sector discourages innovation, as officials may face sanctions if they exceed their functions. As Barbosa points out:

To analyze the interference of design thinking in the generation of public policies as a legal norm, we must accept the premise that law cannot solve everything alone [...] in public law, Administration officials are highly limited by their functions and are repressed for overstepping them, which translates into a disincentive for innovation. (2023, 256)

In the case of the Comprehensive Support Center for Rape Victims, the integration of a specialized Carabineros unit within the center to receive complaints in a safe environment could require legislative modifications, since currently, the complaint must be made in prosecutors' offices or police stations under pre-established protocols, which creates a barrier to improving the experience of victims.

The second problem is resistance to change, since, as Flechas, García, and Escobar point out, “the mental

barriers to learning from a lawyer are the same in the public and private sectors [...], convincing lawyers about the need to train in these methodologies was equally challenging in the public and private sectors” (2021, 19). This is because judges, prosecutors, defenders, and police have been trained under traditional legal models, where formality and procedure are essential to guarantee legal certainty, which makes it difficult to adopt innovative approaches such as *Legal Design Thinking*.

This resistance also stems from the fact that *Legal Design Thinking* proposes an open and iterative approach, which “can be seen in an ambiguous way and very far from the Cartesian methods commonly used in engineering and science” (Barbosa 2023, 262). Additionally, in the criminal field, there is a perception that the simplification of legal language could make legal documents less precise. However, in the case of victims of sexual crimes, a redesign of procedural documents could make them better understand their rights and the status of their process.

A third problem could be the lack of training in this type of modern methodology such as *Legal Design Thinking*, which “requires specific skills that are not always present in public sector environments” (Mintrom and Luetjens 2016, 394). It represents a barrier to its implementation in the criminal system, where the training of legal professionals is key to its adoption.

In the case of the Comprehensive Support Center, lawyers, psychologists, doctors, and police officers should receive training in legal design and victim-centered communication. However, in the criminal field, training often focuses on normative and evidentiary aspects, leaving aside innovative approaches.

In addition, training time can be a problem in public institutions, where the workload is already high. Barbosa warns that “Design for public policies can increase the time to develop them as it promotes the co-creation of policies and consensus on citizen objectives” (Barbosa 2023, 255). Although this process may be slower, its long-term impact on the experience of victims would justify the investment in training.

A fourth problem is institutional fragmentation and the lack of interdisciplinary teams, since for *Legal Design Thinking* to work effectively in the criminal system, collaborative work between various institutions is necessary, something that is often difficult due to bureaucratic rigidity. As Flechas, García, and Escobar point out, “in public entities, officials are usually assigned to specific roles, so, asking for collaboration to participate outside this framework of action is a bit difficult because it would be acting extra-contractually” (2021, 17).

Likewise, overcoming rigid hierarchical structures and divisions between agencies is essential for the design of innovative policies. Along these lines, Mintrom and Luetjens highlight that Legal Design Thinking promotes overcoming “organizational and procedural compartments, established hierarchies or bureaucratic categories” (2016, 395).

In the case of the Comprehensive Support Center for Rape Victims, its success would depend on cooperation between Ministries, the Prosecutor’s Office, Carabineros and the Judiciary. However, if there is no clear institutional commitment, the initiative could become fragmented and lose effectiveness, limiting its impact on the protection and assistance of victims.

Fifth and last, *Legal Design Thinking* faces the risk of not being taken seriously within the criminal system, since being an emerging methodology in the public sector, there is still a perception that it does not constitute a legitimate tool to transform criminal justice. As Mintrom and Luetjens warn, its application in the public sector remains “varied and dispersed,” which creates the risk that it “is not taken seriously” (2016, 400).

This lack of recognition could make it difficult to adopt in courts, prosecutors’ offices, or public defenders’ offices, where innovations are often viewed with skepticism if they do not have explicit regulatory backing.

However, despite its difficulties, “[o]nce the bureaucratic process is overcome, the impact of a project from the public sector reaches thousands of citizens” (Flechas,

García, and Escobar 2021, 20). This means that if, for example, the Comprehensive Support Center for Rape Victims is implemented as a pilot project, its success

could lead to its expansion nationwide, setting a new standard in care for victims of sexual crimes.

CONCLUSIONS

Based on the analysis carried out, it is concluded that *Legal Design Thinking*, as a user-centered methodology, constitutes an innovative tool with a growing impact, not only in terms of popularity but also in its expansion into various areas of law and even beyond this field. This approach has the potential to transform the way legal problems are addressed and resolved.

In the context of the crime of rape, it was shown that this approach allows transforming the experience of victims in the criminal system, developing more humanized, accessible, and effective solutions, contributing to reducing re-victimization and improving the interaction of victims with the judicial system.

The viability of the Comprehensive Support Center for Rape Victims illustrates how this methodology can be translated into concrete policies that prioritize empathy, accessibility, and economic viability. Measures such as the integration of technology to facilitate complaints, the redesign of judicial documents in clear language, and the interdisciplinary training of legal operators are tangible examples of their potential to improve the protection and assistance of victims. As Yankovskiy points out: “A key to success in a fast-changing world is the ability to see things from different angles, to quickly absorb everything new and to stay out of frames” (Yankovskiy 2019, 12).

However, its implementation faces regulatory and cultural challenges. The rigidity of the criminal justice system, resistance to change, and institutional fragmentation can limit its adoption. In this sense, legislators must promote reforms that allow the incorporation of

innovative approaches in victim care, guaranteeing their effectiveness within the current legal framework. Likewise, institutions in charge of criminal prosecution must promote training in *Legal Design Thinking*, integrating it as a key competence in the training of judges, prosecutors, and defenders.

As Nousiainen states: “The legal design approach applies various design methods to the law as well as the novel innovations in technology” (Nousiainen 2021, cited in Nousiainen 2022, 148). This versatility allows its application not to be limited to criminal law, but to be extended to other areas such as administrative, labor, and family law, optimizing the quality and efficiency of legal services.

In conclusion, *Legal Design Thinking* offers a flexible, replicable methodology that, by focusing on the needs of users, guarantees consistent and applicable results in different areas of law. As demonstrated in the case of the crime of rape, its implementation not only facilitates access to justice for victims of sexual crimes but also contributes to the construction of a more efficient⁹, accessible, and people-centered legal system.

Its approach not only responds to the challenges of a constantly changing world but also lays the foundations for a more inclusive, fair, and sustainable legal system. For this approach to have a real impact, legal operators and public policy designers must work collaboratively, overcoming institutional barriers and promoting a true transformation in the way in which law is designed and applied.

⁹ In the context described in the article, *Legal Design Thinking* is a methodology that contributes to the efficiency of the judicial system, as it allows for the optimization of resource use and the application of evidence- and data-based strategies. Its innovative approach facilitates the construction of a more rational and effective system, aligned with the principles of public management and legal economics.

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