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Culture of citizen informality and legal contingencies in the transfer of minor vehicles in San Martín

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ABSTRACT: Objective: To determine how the culture of informality among citizens generates legal contingencies in the transfer of minor vehicles in the district of San Martín.

Method: A qualitative methodological approach was used, with a descriptive research type and a phenomenological design, employing documentary analysis as the technique and an analysis sheet as the instrument, based on scientific articles indexed in Scopus, Scielo, and Redalyc.

Results: It was considered that informality not only responds to economic factors, but also refers to naturalized sociocultural mechanisms and institutional weakness, all of which legitimize the omission of legal requirements such as, for example, registration and notarial formalization; Therefore, legal uncertainty, conflicts over property rights, fraud, and civil liabilities towards third parties are generated.

Conclusion: The culture of informality in the transfer of minor vehicles is a structural phenomenon that undermines legal certainty and requires interventions that respond to systemic recommendations, such as institutional strengthening, administrative simplification of the vehicle registration management bodies, and citizen legal education

I. INTRODUCTION

In the current era, informality is a structural phenomenon in Peru, particularly in the field of transport and the circulation of goods, where there is evidence of the persistence of a disconnection between social practices and compliance with the current regulatory framework. From this perspective, the transfer of minor vehicles is not unrelated to this issue, if it is taken into account that in most cases it is transferred outside the legal procedures indicated by the regulation, causing a framework of legal uncertainty for both purchasers and third parties (Vásquez, 2024).

For the above reasons, considering the legal field, informality in the transfer of vehicles entails significant dangers, since there is an omission of registration and the failure to formalize the public deed. The above reality can give way to legal conflicts over the ownership of the property, civil liability for claims and even the inability to dispose of the property validly in the future. In this sense, there is no registration and the right to property is not fully recognized, so that the purchaser will be exposed to eventualities such as fraud, seizures or litigation (Gutiérrez, 2025).

Similarly, citizen informality is accentuated due to the inefficiency of institutions, the complexity of administrative processing, and the lack of legal education of citizens. In the same way, this circumstance promotes irregular practices that, far from being an exception, are normalized in everyday life, in such a way that they undermine the rule of law and trust in public institutions. In the framework of transport, there are also high figures of circulation of informal units, which highlights social resistance to normative coexistence (SUTRAN, 2024).

In the area of the department of San Martín, especially in urban and semi-urban areas, the growth of the small vehicle fleet (motorcycle taxis and motorcycles) has allowed many transfers to be made without the established legal requirements, that is,

legal contingencies have been generated, this because it generates legal risks and promotes economic informality, expressing a structural subsystem of transport in which deficiencies, disorderly expansion, informal forms and limited infrastructure are observed, which has made it difficult to achieve its proper functioning (Gálvez, 2023).

Within the framework of contextual background analysis that was carried out at the national and international levels, as part of the previous relevant studies that were analyzed, within the Peruvian national level according to Kamichi, M (2023), regarding informality, which does not respond only to economic factors, but also to deep-rooted cultural and social patterns. It highlights that many people do not see the need to formalize their activities, this last detail accounts for a normalized culture of informality. In other words, in the transfer of minor vehicles, people try to avoid formal procedures due to the perception of unnecessity or out of habit.

In the context of informality in transport, Manky, O (2024) argues that informal transport is a constant problem and highlights that it is something complex as shown by the analyses that between formality and informality there is a very blurred line since it is the product of institutional weakness and a culture of adaptation. Transport operators are constantly negotiating with regulations or legality. This fully demonstrates that, in the transport sector, we consider minor vehicles, informality is not momentary or accidental, but on the contrary, it is presented as a social practice that is tolerated that produces the existence of legal risks in transfer operations.

In accordance with the dimension of informality described above, as Arbildo, J (2023) refers, informality is reproduced in everyday life, generating social behaviors that make regulatory non-compliance blurred. In more precise terms, the informal transfer of vehicles remains as a type of informal cultural practice or as a non-compliance of a regulatory nature.

Similarly, Gamboa & Carhuallanqui (2022) warn, informality in transport is synonymous with legal insecurity and state control, derived from deficiencies in oversight, control, and regularization. With this, the lack of control leads to informal practices and legal rules. Likewise, Loayza agrees, N (2018) points out that, in Peru, informality is due to inefficiency and an excessive number of regulations, as well as to the manifest low institutional trust, which leads to the evasion of formalization, since people do not formalize because they distrust the administrative system or notarial procedures, thus generating a lack of control of the formalization of informality.

In the international context, for Martínez & Juárez (2022), they highlight and indicate that the informal economy in Mexico on informality is a structural and global phenomenon that responds to the lack of effective regulation and the culture of subsistence that has been developing over time. Therefore, the problem that affects the informality of the transmission of minor vehicles corresponds to social dynamics that are similar in Latin America.

Along the same lines, Berrones, A (2021), informal motorcycle taxi driving in Mexico represents an activity that begins, when there is insufficient state regulation and also economic needs of broad sectors of the population. Under this structure, the lack of a regulatory regime and its specialized inspection mechanisms favors many of the operators to generate this activity outside the law, not only because of the search for income in the face of the scarcity of formal employment, but also because of the possibility of generating legal contingencies in the field of driving, ownership, transmission and traffic conditions in which the motorcycle taxi driver and the customer are progressively exposed to risks both for the driver and for the user himself.

Based on the study carried out, Vallas & Schor (2020) point out that current informality is identified as a change or transformation of what is understood by legality - a dish that social actors, who organize their actions in "gray areas" of the regulatory framework. For this reason, this approach is valid for informal transfers, which implies that the lack of legal precision and the lack of effective regulation are the elements that produce a feeling of helplessness about the act and the rights of the actors.

This research study finds support from a multidimensional logic. At the theoretical level, it is intended to contribute to the analysis of the culture of informality in the field of the transfer of minor vehicles from an interdisciplinary perspective, which integrates the legal, social and economic, evidencing the character of a social practice that generates legal contingencies. In practice, it allows to evidence consequences such as legal insecurity or conflicts in ownership, as well as proposes improvements in regulation and encourages formalization. In social terms, the negative impact that it has on citizens is concluded, which transforms it into the violation of rights and distrust of institutions. It also has an academic justification, since it expands knowledge about informality in the transfer of minor vehicles, being a starting point for future research. Finally, methodologically, it is justified from the qualitative approach, because it is supported by the review of documents and the

analysis of scientific sources, which represents a way of understanding and grasping the phenomenon in a comprehensive way.

In this article, the objectives are derived from the analysis we have carried out. In this line, we have as a general objective **To determine how the culture of citizen informality affects the birth of legal contingencies in the transfers of minor vehicles in San Martín?** Likewise, the following specific objectives are proposed: **To identify how the culture of citizen informality is expressed in the transfers of minor vehicles in San Martín?** y **Determine what are the legal contingencies by virtue of the informal transfers of minor vehicles that occur in this jurisdiction?**

This study considers the culture of citizen informality as an independent category, therefore, Arredondo et al. (2023) state that some structural causes of informality identify that this phenomenon is not only justified by economic causes, but also involves other causes such as the normalization of regulatory infraction. The lack of formality is reproduced from social patterns that imply low consideration of regulations, a deficit of education, and a lack of trust in institutions. Thus, informality becomes a behavior that is learned and reproduced socially, which makes informality a true culture of informality.

In this way, Jauregui & Stanziola (2024) specify that they refer to the typologies of social informality by analyzing informality from the perspective of sociology, arguing that there are different types of informality depending on different cultural conditions and the social role in the home and in society. Within which it is concluded that informality is not homogeneous, but depends on other factors such as education, the family context, and the social concept. Therefore, informality is a complex social structure, not only for a social class, but it is the informal practice of a type of life that is evidently reaffirmed daily.

According to Vásquez, J (2023), informality in public administration, where informality is not only present in citizens, but also in the activity of the State itself, generating an institutional culture that is tolerant of informal practices. It is shown that laxity or ambiguity in the application of rules significantly reinforces informal behaviors in society. This leads to offering as one of the fundamental ideas that the culture of citizen informality is also the basis of an institutional environment that shares the tolerance or reproduction of these practices.

Under the criteria of Escalante et al. (2023), the Conceptual approach to Informality, emphasizing that it should be interpreted as a phenomenon that entails multiple factors of an economic, social, and cultural nature. They also believe that informality will be maintained because there is widespread social acceptance, where people find subsistence or convenience more convenient than respecting the norm. Likewise, they emphasize that formalization will require the possibility not only of legislative reforms, but also of profound cultural changes.

In the opinion of Espinal de la Cruz (2025), informality and institutional quality, informality in Peru from a macroscopic perspective, which indicates that this phenomenon is related to regulatory quality and trust in institutions, it is concluded that when citizens perceive the State as inefficient or unreliable, they tend to adopt informal behaviors. It should be added that the culture of informality feeds on a weak relationship between citizens and the State, which promotes behaviors deviating from legality.

The research presented refers to the category dependent on legal contingencies as a consequence of minor vehicle transfers, as argued by Chávez & Vidal (2025), legal risks in vehicles are presented on the risks that have to do with driving or circulating vehicles, highlighting the relationship that exists between the lack of adequate records, informality and associated or connected crime such as vehicle theft or vehicle fraud. Due to the absence of legal control in terms of the identification and transfer of vehicles, situations such as the circulation of goods without a clear title, duplication of records or problems regarding the legal footprint or traceability occur. In addition to this, they highlight the fact that the weakness of the control and documentary verification systems increases legal contingencies with the fact of not being able to guarantee the authenticity of vehicle ownership.

As Buiza, J (2022) indicates, the formalization of minor vehicles, in regulatory phenomena, describes the formalization of minor vehicles (motorcycle taxis) where the rules are inadequate in terms of clarity, applicability, and correspondence with the social situation of the moment. Once the regulatory weakness has been verified, there is also a low image of regulatory legitimacy from our subject, who, in this case, opts for informality. This would generate regulatory effects with respect to the lack of registration, non-compliance with administrative requirements, and exposure to sanctions.

According to Yadav et al. (2023), vehicle registration and legal security propose the use of new technological means such as blockchain to have a guaranteed record of vehicles, accidents, and insurance so as not to give way to fraud and litigation. In

addition, they have described that traditional systems have flaws that allow the manipulation of information and, therefore, legal disputes in relation to ownership and liability, which shows that the absence of reliable systems in vehicle transfers gives way to legal contingencies such as document forgery, repetitiveness in ownership, and litigation.

As Manky et al (2024) point out, regulation and informality in transport, from a legal perspective of informality in transport, pointing to the fragmented and poorly coordinated regulatory expression that the State responds to. It is noted that the absence of clear regulation causes there to be legal gray areas where actors operate in non-full compliance with the law, a fact that leads to increases in legal conflicts. Regarding the transfers of minor vehicles, the study allows us to understand that the existence of legal contingencies is also the result of regulatory fragmentation, low inspections and not only due to the conduct of citizens.

According to those mentioned by Brito et al. (2025), the lack of formalization, therefore, of registration, in the transfer of vehicles generates legal uncertainty and ownership conflicts due to a lack of certainty about the ownership of the property. They also warn that a large number of transactions are carried out outside the legal requirements, which facilitates the commission of fraud, such as, for example, through double sale or the transfer of goods with irregular documentation. From this approach, this problem not only affects the contracting parties, but also third parties in good faith, who are harmed by carrying out the acquisition of goods with hidden charges or whose ownership is finally questioned.

In the opinion of Aguilera & Alcívar (2024), the study of traffic accidents is carried out through the determination of legal responsibility in this regard, supporting their argument that failure to respect existing regulations or standards considerably increases the legal dangers of those involved in the accident. From this point on, non-compliance with traffic rules is not only an administrative offence, and engenders more severe legal consequences in civil or criminal law.

II. METHODOLOGY

The research presented is qualitative in approach, since it is pure research of a descriptive nature. In this context, Prigol & Behrens (2019) point out that qualitative research must be understood as an area that is based on underlying philosophical dimensions, on the other hand, without being explicitly expressed.

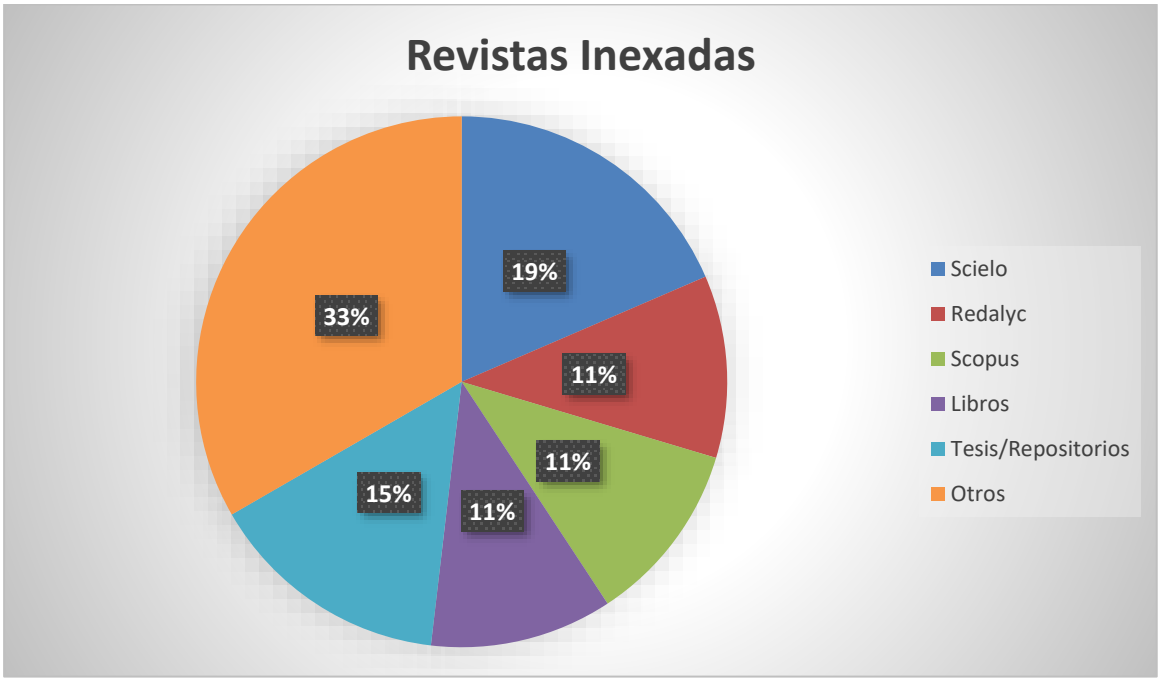
The way the article was designed was with a documentary analysis of academic sources. It should be considered that in the same direction was the culture of citizen informality and legal contingencies the transfers of minor vehicles in San Martín, a way in which the analysis of cases and review of specialized scientific literature were worked. Along the same lines, the study was based on Weiss, E. (2017), which states that phenomenology includes studying the actors or experts who are immersed in situations related to the object under investigation through a critical and reflective analysis.

The same research was structured from an independent category: the culture of citizen informality, and another dependent category: legal contingencies in the transfers of minor vehicles. However, and along the same lines, Aldave, R. (2021), points out that analysis is a logical process that produces a product or instrument that becomes a means of great relevance in the elaboration and development of research works.

It was used through the analysis sheet as a tool, in order to study citizen informality and legal issues in particular in the transfer of mopeds; opting for different articles located in the databases of SCOPUS, SCIELO, Google Scholar and other programs. This is how scientific search engines such as Redalyc, Google Scholar, Dialnet, and numerous institutional platforms.

Data were collected from 2023 to 2026, with the exception of an article from 2018, resulting in an interesting and in-depth analysis for the research, focusing on articles from newer studies, the most recent judicial decisions and the rules that are currently in force. All this with the purpose of making the research relevant, topical and solid.

Graph 1 Indexed journals



Note; Source: Own elaboration

A series of reviews were carried out on different scientific articles, obtaining 27 articles within them about the culture of citizen informality and the legal incidents in the transfers of minor vehicles, among which we included national and international information. Obtaining different means translated into a better foundation of the legal and environmental analysis of the topics investigated. In this way, we achieved a good updated theoretical basis to address the problems from different perspectives. Methods were used to make the development of the research serious, being clear when explaining the ideas. All sources were cited according to the APA 7th edition regulations precisely to be coherent and respect copyright. In addition, we did not make use of rare or non-credible sources, avoiding partial or out-of-context interpretations. This critical and ethical work was carried out, focusing on the explanation of the problem being objective and validated.

The study dealt with the respect of ethical aspects such as the autonomy of the articles, theses and information, ensuring their adequate citation; likewise, care was taken that the research did not affect legal rights, that is, that it would not affect the articles and theses used as a subject of study. Regarding the principle of non-maleficence, the confidentiality of the results obtained through documentary information was protected, respecting the work of the authors, without squandering the risk or damage that may occur to the collection of knowledge obtained; the principle of benefiting, the reflection in this article, the advantages of the works were enhanced, trying to avoid minimizing the risks that could be mentioned in the cited works. And, on the other hand, with respect to justice, we applied equal equity to the result of the documentary information obtained, since it was collected from both the Peruvian legal system and other legislations. According to Porquet et al. (2014), the ethical aspects in qualitative research emerge from the application of the ethical principles that will be manifested in the course of the proposal.

With regard to the relationship between the aforementioned principles and the relationship with the use of third-party data and documentary sources, it is necessary to say that the relationship of these ethical principles is around the protection of the privacy of documentary information and at the same time that the data obtained is confidentialized so as not to be made public. Thus, the principle of beneficence and non-maleficence is the basis for the authenticity of data and documents, that is, beneficence has a close relationship with intellectual property around the rights of the author who has prepared his work; what it has done is that there is transparency around the source obtained and around the type of method that has been used. Having, as well as conclusion, that ethical principles exist in the relationship of validity with the present research given the contact between the use of third-party data and documentary sources.

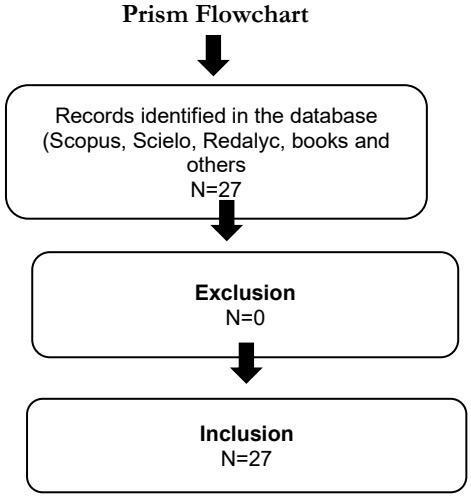
III. RESULTS

It is evident, from the documentary analysis of the 27 scientific articles reviewed, that the culture of citizen informality is not only related to economic reasons, but that it is a deeply rooted sociocultural model that endorses and avalanches regulatory non-compliance; this statement is validated based on the consensus between the results of Kamichi (2023), Arbildo (2023) and Escalante et al. (2023), which agree on the argument that informality is part of everyday life and is reproduced through the habituality of socially accepted behavior. In addition, this reading can be triangulated with that of Jauregui & Stanziola (2024), who highlight the heterogeneity of informality based on social and educational values, or with that developed by Espinal de la Cruz (2025), who relates informality to institutional distrust. In short, the set of scientific articles allows us to deduce that the informality of the transfer of minor vehicles in San Martín is perceived as a socially normalized behavior, facilitated both by lived experience and by the lack of state efficiency.

Second, it is established that informal transfer practices of minor vehicles are characterized by the denial of legal requirements for provision such as registration and notarial formalization, this finding being a consequence of the triangulation between Gutiérrez (2025), Brito et al. (2025) and Buiza (2022), since the latter warn of uncertainty about the owner of the thing as a result of the lack of formalization. Likewise, these conclusions are supported by what was reported by Chávez & Vidal (2025), who relate the lack of vehicle registration with problems associated with legal traceability and the risk of fraud, as well as in what the authors Yadav et al. (2023) have corroborated through the identification of structural weaknesses in vehicle registration systems. In this sense, it is concluded that informality in transfers is not only a fact that transgresses the regulations, but is also evidenced as a cause of legal uncertainty.

Thirdly, triangulation allows us to demonstrate that the legal contingencies in which these informal practices crystallize are property conflicts, civil liability in traffic accidents, fraud and litigation, as this is also echoed by Brito et al. (2025), Aguilera & Alcívar (2024) and Chávez & Vidal (2025) in the assignment of multiple legal risks to the lack of formalization, in addition to what is also stated by Manky et al. (2024) who state that the traditional lack of oversight and the fragmentation of regulations give rise to "gray areas" that lead to the occurrence of conflicts, and therefore, in the end, it will be obtained that legal contingencies are not one-off events, but are structural consequences of a system with institutional weaknesses and social tolerance towards informality.

Finally, it has been possible to determine that the permanence of informality in minor vehicle transfers in San Martín is determined by the combination of cultural, institutional, and regulatory factors. This conclusion has been possible by mixing the contributions of Loayza (2018), Vásquez (2023), and Gamboa & Carhuallanqui (2022), who account for the interrelationship between institutional distrust, the weakness of state control, and the durability of informal practices and their respective points of contact. In addition, international studies by Martínez & Juárez (2022) and Berrones (2021) show that this resistance is not particular to reporting in the Peruvian context, but responds to structural dynamics in the Latin American region. From this point of view, triangulation shows that informality in minor vehicle transfers is a complex and multidimensional phenomenon, whose permanence is understood from the articulation of naturalized social practices and limitations of the legal-administrative system.



IV. DISCUSSION

The results of the research lead us to argue that the culture of informality in the transfer of minor vehicles in San Martín cannot be understood from an isolated or momentary vision, but is a sample of a structural manifestation deeply present in society. In this line, the results correlate with what Kamichi (2023) and Escalante et al. (2023) propose to argue that informality is the response to certain cultural patterns that legitimize non-compliance with the norm. This reinforces the idea that citizens' decisions not to formalize transfers are not only in the search for a logic of saving the cost of the right of transfer, but that the orientation towards non-formalization is linked to a social interpretation of the unnecessity of formalization.

In the same way, this research reaffirms that institutional weakness is a determining factor in the reproduction of informality, following what Loayza (2018) and Vásquez (2023) have argued. The lack of trust in institutions and the sense of state inefficiency generate the possibility that the citizens decide on informal mechanisms, which are usually considered faster and more functional. This finding is relevant because it shifts the responsibility of the individual to a more integrative understanding of the problem, in which the State has a role in the perpetuation of informality.

With respect to legal contingencies, the results are consistent with what was proposed by Brito et al. (2025) and Chávez & Vidal (2025), who indicate that the lack of formalization leads to a situation of legal uncertainty and conflicts over ownership. However, this study expands on this conclusion by showing that these contingencies affect not only the parties involved in the transfer, but also third parties in good faith, intensifying the social impact of the problem. Thus, informality is thus shown to be a collective risk factor rather than a particular risk. On the other hand, the research coincides with the position of Manky et al. (2024) regarding the existence of "gray areas" in the norm, where the lack of clarity and coordination in the regulation favors informality. This is the key to understanding why, despite the existence of norms, the regulation is not put into practice. In this way, the problem is not in the lack of rules, but in the poor application and poor articulation of them.

After all, seen in relation to the findings of the studies by Martínez and Juárez (2022) and Berrones (2021), it is evident that informality in the transfer of minor vehicles has its origin from changes that are common to Latin America, marked by the conjunction of economic needs and institutional and cultural weaknesses of their own. This allows us to assert that proposals or solutions to the problem we want to address cannot be explained without further ado, but must be understood in terms of comprehensive proposals conducive to the formation of legal culture and institutional and cultural strengthening.

V. CONCLUSIONS

First. From the work carried out as a conclusion, one of the main causes of the culture of citizen informality in San Martín articulates a structural phenomenon and not an isolated practice because the daily social practice possesses it in itself. That is, citizens do not assimilate the moment of formalization of the transfer of minor vehicles as an important act that they must fulfill, but as an act that they can avoid. For all these reasons, informality is reproduced in an intergenerational and socially legitimized way, becoming a cycle that is difficult to eradicate if cultural and educational practices are not addressed at the same time.

Second. The non-observance of legal requirements in the transfer of minor vehicles, such as the formalization of registration and notary, generates a situation of legal uncertainty that has a direct impact on the certainty of the ownership of the property. The non-formalization undermines the protection of the right to property and in turn limits the possibility of carrying out valid disposition acts in the future, leaving the purchaser in a situation of vulnerability in the event of litigation.

Third. The legal contingencies that informality bring with them have a multidimensional impact, not only on the contracting parties, but also on third parties in good faith and the legal system, since issues such as double sales, document fraud, civil liability for accidents, the lengthy duration of trials, which show that the informality of transfers of minor vehicles results in a legal problem that impacts on the security of legal traffic.

Fourth. The permanence of informality in this sector is due to a set of cultural, institutional and regulatory factors, where the weakness of the State, citizen distrust in this type of administrative procedures play a prominent role. This shows that the problem cannot be addressed only from a regulatory perspective, but requires a complete picture that includes institutional reforms, administrative simplification and transformation of sociocultural patterns.

VI. RECOMMENDATIONS

First. That the mechanisms of control and supervision of the rules be improved, through the State and through the entities with competence to do so (transport entities and understanding the vehicle registry as a context in which control can be carried out in the formal/absent sphere) in the sense of not only carrying out the control itself, but also improving coordination in the inter-institutional and the execution of proportional sanctions as a method to discourage informal practices.

Second. On the other hand, the implementation of legal education programs for citizens is proposed, aimed at generating concern for compliance with the formalization that takes place in the transfer of minor vehicles, that is, that may have as objectives the explanation of the risks of the field of informality and the benefits it brings when complying with the procedures, in order to progressively promote the evolution of the legal culture of the population.

Third. It is essential to simplify the administrative and notarial procedures linked to the transfer of minor vehicles, assuming that expenses, times and bureaucratic obstacles are reduced. The excessive complexity of the procedures is one of the main factors that promote informality, so its simplification could allow better access to legalization and greater efficiency in relation to the existence of the system.

Fourth. The modernization of the registration procedure is proposed based on the introduction of technological tools that guarantee the "traceability", transparency and legal security of transactions. The implementation of interconnected digital systems would facilitate the management of information, would tend to minimize the possibility of committing crimes and would foster trust in public institutions from the citizenry.

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