

Criminal Procedure and Contemporary Challenges

Criminal procedure is the branch of law that governs the mechanisms through which criminal justice is administered. While substantive criminal law defines offences and penalties, criminal procedure ensures that these rules are applied in accordance with fundamental principles of fairness and legality. From a doctrinal perspective, criminal procedure represents the framework within which state power is exercised and controlled.

The criminal process unfolds through several stages, each governed by specific legal rules. The investigation phase involves the collection of evidence and identification of suspects. This stage is crucial, as it lays the foundation for the entire procedure. The prosecution phase follows, during which the public prosecutor decides whether sufficient evidence exists to bring the case before a court. The trial stage allows for adversarial debate between prosecution and defence, ensuring that all arguments are presented before an impartial judge. Finally, the judgment stage results in a decision that may be subject to appeal.

A fundamental principle of criminal procedure is the protection of the rights of the defence. These rights include the right to legal assistance, the right to remain silent, and the right to a fair and impartial trial. The jurisprudential approach consistently emphasizes that these rights are essential to the legitimacy of the criminal justice system.

Closely linked to this is the principle of presumption of innocence. According to this principle, every individual is considered innocent until proven guilty. This places the burden of proof on the prosecution and ensures that doubt benefits the accused. The doctrine regards this principle as a cornerstone of modern criminal justice, reflecting the protection of individual liberty.

The admissibility of evidence constitutes another central issue. Evidence must be obtained in accordance with legal procedures. Courts generally exclude evidence obtained through coercion, illegal searches, or violation of fundamental rights. This exclusionary approach serves both to protect individuals and to preserve the integrity of the judicial process.

Contemporary criminal procedure faces new challenges arising from technological and social developments. Cybercrime, organized crime, and terrorism require more effective investigative tools, but these must be balanced against the protection of fundamental rights. The jurisprudential tendency seeks to maintain equilibrium between security and liberty, ensuring that the expansion of state power does not undermine individual freedoms.

Criminal procedure is essential to the legitimacy of criminal justice. By regulating the exercise of state power and protecting individual rights, it ensures that justice is

not only effective but also fair. In the face of modern challenges, maintaining this balance remains a central concern of contemporary legal systems.