

The principle of the presumption of innocence

Iris Berisha

Abstract

Procedural principles are the basic rules that determine the character and content of the manner of criminal proceedings. The character and the content of the proceedings must be in accordance with these principles. The basic principles provided for in national and international legislation serve as the basis and reference point for all institutes and procedural provisions. Recognizing and respecting them is a basic condition for further democratization of the activity of the judiciary. The principle of the Presumption of Innocence is one of the principles that has aroused a lot of interest and debate.

Almost all international conventions on human rights, all constitutions of the democratic countries of the world, as well as the criminal legislation of the modern world, recognize and respect it as a fundamental and vital principle for a fair trial, the principle of the presumption of innocence. So what is the principle of the presumption of innocence? "Everyone is presumed innocent until convicted by a competent court." In other words, the individual is considered innocent until the Court of Appeals rules on a final decision, even if he/she has been found guilty by the Court of First Instance. In my opinion, this is one of the points where the humanism of the law stands out the most. The law is humane, it has been created and it continues to be created so that it can serve the people. It was the Universal Declaration of Human Rights, which decades ago sanctioned this principle, specifically in Article 11 thereof. Necessarily, our country was obliged to implement it in the Constitution, criminal and procedural criminal legislation. Yet the question remains, is that enough? In this sense main objective of this article is the analysis of the principle of presumption of innocence.

Keywords: Analysis, principle of presumption of innocence, Universal Declaration of Human Rights.

Full Text: [PDF](#)



This work is licensed under [Creative Commons Attribution 3.0 License](https://creativecommons.org/licenses/by/3.0/).

European Journal of Economics, Law and Social Sciences ISSN 2519-1284 (print) ISSN 2510-0429 (online)

Copyright © IIPCCCL-International Institute for Private, Commercial and Competition law