



Research Article

© 2024 Elsa Miha & Iris Pekmezi

This is an open access article licensed under the Creative Commons Attribution-NonCommercial 4.0 International License (<https://creativecommons.org/licenses/by-nc/4.0/>)

Electronic evidence in the criminal process

Elsa Miha

Prosecutor at Prosecutor's Office of the Judicial District of Tirana

Iris Pekmezi

Head of Legal Department, One Communication Company

DOI: <https://doi.org/10.2478/ajbals-2024-0010>

Abstract

In a criminal process, the evidence constitutes one of the most important components of the burden of proof. In today's reality, where technological devices and information technology are undergoing an unstoppable development, electronic evidence in the criminal process is increasingly reflecting a great practical importance, which directly affects not only the investigation and trial of criminal offenses in the field of cybernetics, but also in the discovery of all criminal offenses provided for in the Criminal Code of the Republic of Albania.

Unlike the classic evidence provided expressly and in detail by the criminal procedural law, the provision in this legislation of electronic evidence is special, borrowed almost completely from the content of the Budapest Convention and which has as a distinguishing characteristic a generalizing provision and at the same time is open to include a wide range of evidence, in the variety of electronic evidence.

However, despite this good forecast, due to the characteristics of electronic evidence, the lack of individuals who have specialized knowledge for obtaining and securing them, with the ultimate goal of using them in the criminal process of evidence, remains a challenge.

Thus, with the focus on creating a clear picture about electronic evidence in the criminal process, this manuscript will analyse the current legal provision of electronic evidence in Albania, the efficiency of this provision i

n practice, including identifying characteristics of electronic evidence, the principles of electronic evidence, as well as the process of obtaining and securing them as usable during the criminal process.

Keywords: Evidence, electronic evidence, criminal offense, Budapest Convention.

Full Text: [PDF](#)



This work is licensed under [Creative Commons Attribution 4.0 License](https://creativecommons.org/licenses/by/4.0/).

Academic Journal of Business, Administration, Law and Social Sciences ISSN 2410-3918 (print)

ISSN 2410-8693 (online)

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