

Shelest Yuriy,

Research supervisor: Anette Artsyshevsk
Candidate of Philological Sciences, Associate Professor
Language tutor: Anette Artsyshevsk
Candidate of Philological Sciences, Associate Professor
Lviv National University of Ivan Franko

MODELS OF CRIMINAL JUSTICE

Criminal Justice is the system of practices and institutions of governments directed at upholding social control, deterring and mitigating crime, or sanctioning those who violate laws with criminal penalties and rehabilitation efforts. Criminal justice is also a field of study. Those accused of crime have some protection against abuse of investigatory and prosecution powers. Criminal justice systems vary around the world depending on the country. In the United States when a person or individual is charged with a crime they are given rights. In some countries when someone is charged with a crime there is no trial and they are immediately sentenced with no chance to use their rights. In the United States the criminal justice system was taken from the British criminal justice system. Today a lot of modern countries also have adopted the British criminal justice system. In less developed countries and war-torn countries no justice system is in use. These countries often use military powers to enforce their laws, this is often the result of the killing of the individual that supposedly committed this crime with no trial given.

Models of criminal justice are certain types of this process outlined by a number of characteristics: parties, procedure, enforcement etc.

In Ukraine, three models of criminal justice can be identified:

1. Accusatorial - this model was practically used long ago^[1], when the society was slave-based. It can be understood from the name of this model, that there was only one party in charge – prosecution. The defending party was not engaged in the process. Violence, duels and ordeals were the main source of evidence.

2. Inquisitorial - this model introduces public accusation and crimes against the state. The main feature of this model is that the court is not passive which means that judges may also collect evidence and take part in the procedure as parties, not only as referee. The best evidence according to this model is when the accused confesses he committed the crime (usually, to help him confess, tortures were used)

3. Hybrid - this model is the newest one and it combines both accusatorial and inquisitorial: there are two parties, court is passive and its only function is justice. Parties compete to persuade the court to pass the needed verdict. Court compares evidence and arguments gathered by parties and passes a verdict. This model is used in modern Ukraine because it is by far the most fair model.

To put it in a nutshell, models of criminal justice are not just theoretical constructions, they are schemes, which display historical development and current state of judicial system.

References:

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Yulia Stashkiv,

Language tutor: Anetta Artsyshevskya,
Candidate of Philological Sciences, Associate Professor
Ivan Franko National University of Lviv

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