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Criminal Justice System: Comparative Study among Different Nations

HIMANSHU GARG¹

ABSTRACT

This comparative study here is considering the structural and procedural similarities and differences of criminal justice systems of different nations. The study of some of the main components, like law enforcement, judicial processes, and correctional practices, will illustrate how to deliver justice in diverse cultural, social, and legal contexts. The research is grounded in the foundational nature of human rights as well as the procedural fairness of things: international standards and organizations guide the way of doing things domestically. Some contemporary challenges that the paper will be dealing with include overcrowding in prisons, racial disparities, and how technology affects law enforcement. This research has brought forth the fact that even after so many jurisdictions have brought about massive reforms, so much more needs to be done to ensure equity and effectiveness in the provision of criminal justice services. In its pursuit, the research encourages global cooperation, exchange of knowledge, improvement in legal systems, and upholding of individual rights as part of the quest toward a better society. The long-term goals of a fair society are to preserve justice, dignity, and accountability through all the stages of criminal process.

Keywords: *Criminal Justice, Comparative Analysis, Human Rights, Law Enforcement, Rehabilitation.*

I. INTRODUCTION

The criminal justice system is that framework societies use to regulate the occurrence of crime to try as much as possible to achieve social order. Different systems of criminal justice, with its approach, give reflection on various legal traditions within different societies, cultural values, and historical experiences a country faces. A study on various criminal justice systems from several countries can inform on what different legal regimes have designed to deal with crime against citizens and between individuals with the need to uphold and protect society. This analysis is even more relevant in times of increased interconnection globally, when issues such as cross-border crime, terrorism, human rights, and immigration challenges often intersect with

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criminal justice.²

Essentially, the criminal justice system refers to a complex structure comprising multiple institutions and processes to help prevent and respond to criminal behavior. The core parts are law enforcement, the judiciary, and corrections and are found in virtually every criminal justice system but differ with regard to legal traditions, governance structures, and social norms. Common law systems rely heavily on precedent by judicial decision, both from judges and jurors. That is to say, civil law systems, such as those found in France and Germany, rely on codified statutes and do not often require a jury. For instance, Islamic legal systems within Saudi Arabia and Iran are more religions-based on texts from the Quran and Hadith and thus have different methods of justice and punishment.³

This comparative study will look into the nuances within these differing systems to understand how they address such issues as investigation procedures, rights of the accused, sentencing practices, and rehabilitation of offenders. Differences in procedural safeguards reflect the different priorities each system places on protecting individual rights versus ensuring public safety. Some nations focus on rehabilitative approaches, reforming offenders and reintegrating them into society. Other nations maintain punishment policies as a form of deterrence and retribution in sustaining social order. Such comparisons give insights into how societies envision justice and the role assigned to punishment, reform, and human rights.⁴

This paper goes further with the other criminal justice systems in other parts of the world that face the same challenges. Most countries have overcrowding of prisons, lengthy detention prior to trial, race and socio-economic imbalances, and human rights violations among many others. To counter such issues, some systems have devised reforms such as restorative justice practices, alternative sentencing, and policies regarding prison decongestion. International human rights standards and organizations, such as the United Nations and the European Court of Human Rights, tend to hold quite strong influence over most countries' policy and efforts at reform.⁵

The study bases the comparison of criminal justice systems on case studies from across the world-United States, United Kingdom, Germany, Japan, and India. Each case study explains strengths and weaknesses of the system with lessons for use in other contexts. For instance,

² Femina P. Varghese et al., "Injustice in the Justice System: Reforming Inequities for True 'Justice for All,'" 47 *The Counseling Psychologist* 682–740 (2019).

³ Bhupinder Singh, "CRIMINAL JUSTICE SYSTEM AND GOVERNANCE IN INDIA," 3 *Journal of International Criminal Law* 10–21 (2022).

⁴ *ibid.*

⁵ "Prison overcrowding," Penal Reform International, 2013 *available at*: <https://www.penalreform.org/issues/prison-conditions/key-facts/overcrowding/> (last visited October 26, 2024).

although the US criminal justice system has criticized for having too many prisoners and its racial composition being imbalanced, the US criminal justice system would serve as an excellent learning experience on procedure protections and judicial independence. For instance, despite the German correction focus on rehabilitation may be good inspiration to countries which want to lower recidivism rates.

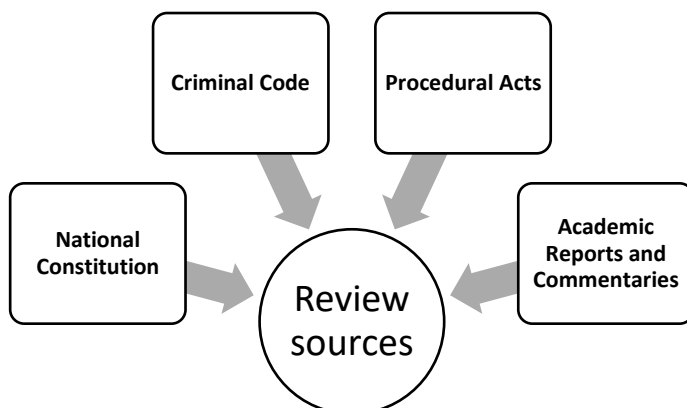
(A) Objectives of the Study

1. To Analyze Structural and Procedural Differences Across Criminal Justice Systems.
2. To Evaluate the Protection of Individual Rights and Human Rights Standards.
3. To Identify Best Practices for Criminal Justice Reform.

(B) Research Methodology

In essence, this study utilizes doctrinal research, which draws deeply on legal texts, including statutes, case laws, and scholarly writings, aimed at the comprehensive understanding of the criminal justice systems implemented across different countries. By virtue of this, a doctrinal research approach serves as an appropriate method that is applicable in this investigation due to the possibility it allows for an in-depth review of the legal architecture principles behind each system, taking into account common law, civil law, Islamic law, and hybrid systems, respectively. Interpreting and then comparing doctrines in a systemic manner gives this approach a more refined understanding of how various countries approach law enforcement, judicial processing, and corrections.

The study bases the information coming from the national constitution, criminal code, procedural acts, and academic work in reports and commentaries developed by scholars. This strategy facilitates achieving an in-depth study of the criminal justice framework and its practice theoretically also, so as to get comprehensive understanding of any similarity or difference in features peculiar to one system over and above another.



(Figure 1: Review sources)**(C) Related Work****1. Ruggeri, S. (2019). https://link.springer.com/chapter/10.1007/978-3-030-01186-4_21⁶**

The author analyzed the manner in which different countries incorporate human rights considerations into their legal frameworks, specifically concerning the right to a fair trial, due process, and protection against torture and ill-treatment. The authors highlighted the important differences in the implementation of these rights, demonstrating how cultural and political contexts impact the use of international standards.

2. Grella, C. E., Ostile, E., Scott, C. K., Dennis, M., & Carnavale, J. (2020). <https://www.sciencedirect.com/science/article/pii/S0955395920301092>⁷

The authors reviewed reform policies of different countries, outcomes, and the issues faced during their implementations. From this analysis of international efforts, the understanding gained by the authors claimed that there is potential in learning to change domestic policy. However, by drawing attention to the need to tailor applied foreign models of reform with local legal culture, society, and economics, this article makes the call.

3. Lubis, A. F. (2023). <https://esj.eastasouth-institute.com/index.php/eslhr/article/view/88>⁸

Focusing on procedural safeguards and judicial independence, the author examined how jurisdictions understand and implement this right as a foundation. Case studies of examples from countries that have quite different legal traditions underscore author's conclusion that there are universal principles underlying this right to a fair trial but that challenges depend on context.

4. Meško, G. (2023). https://brill.com/view/journals/eccl/31/2/article-p117_001.xml⁹

⁶ Ruggeri, S. Participatory rights in criminal proceedings. a comparative-law analysis from a human rights perspective. *Personal Participation in Criminal Proceedings: A Comparative Study of Participatory Safeguards and in absentia Trials in Europe*, 671-742 (2019). https://link.springer.com/chapter/10.1007/978-3-030-01186-4_21

⁷ Grella, C. E., Ostile, E., Scott, C. K., Dennis, M., & Carnavale, J. A scoping review of barriers and facilitators to implementation of medications for treatment of opioid use disorder within the criminal justice system. *International Journal of Drug Policy*, 81, 102768 (2020). <https://www.sciencedirect.com/science/article/pii/S0955395920301092>

⁸ Lubis, A. F. The Right to a Fair Trial: Comparative Analysis of International Human Rights Standards. *The Easta Journal Law and Human Rights*, 1(03), 116-126 (2023). <https://esj.eastasouth-institute.com/index.php/eslhr/article/view/88>

⁹ Meško, G. Comparative Criminology and Comparative Criminal Justice in Contemporary Crime and Social Control Research—a Brief Overview. *European Journal of Crime, Criminal Law and Criminal Justice*, 31(2), 117-129 (2023). https://brill.com/view/journals/eccl/31/2/article-p117_001.xml

The article synthesized key themes and methodologies employed in comparative studies-the importance of the legal traditions, cultural influences, and institutional frameworks-also holding discussions on best practices, which cross-national comparisons can reveal for policy decisions.

5. Khan, M. I., Shah, S., & Kanwel, S. (2023). <https://poverty.com.pk/index.php/Journal/article/view/186>¹⁰ It gave the importance of rehabilitation as part of the jurisprudence framework, specifically the issues of recidivism and integration into society. The author presented several models as being applied in various jurisdictions along with their assessment as far as effectiveness or challenges.
6. Gioachini De Paula, L. E. O. N. A. R. D. O. (2024). <https://search.ebscohost.com/login.aspx?direct=true&profile=ehost&scope=site&authtype=crawler&jrnl=00287873&asa=N&AN=179716147&h=o%2Bp9C6AZ%2FdKszy4K%2BF0x9myZeiDPRaGPq90K%2B0Y5xCzUPtTgKpVPVqRJtWO9k3KQynm9udlJx9YtIUdj8m7VGQ%3D%3D&crl=c>¹¹ This paper by author seek to discussed the importance of knowing the various criminal justice systems in this global world, especially with regard to how international norms and practices impact national policies. The authors explored how globalization shapes criminal justice by increasing the scope of transnational crime and the complexity of multiple legal systems.

II. OVERVIEW OF CRIMINAL JUSTICE SYSTEMS ACROSS NATIONS

The criminal justice systems in the world are quite diverse because they differ in several legal traditions, historical experiences, and cultural values. Basically, criminal justice systems can be broadly categorized into four: common law, civil law, mixed and hybrid systems, and Islamic law systems. The forms are unique in structures, procedures, and principles with which they operate, thereby changing how justice is administered and the interpretation of laws. These systems differ in the offerings of criminal justice management in the international spectrum, sharing at times the same goals, but showing fundamental differences between legal procedures and punishments.¹²

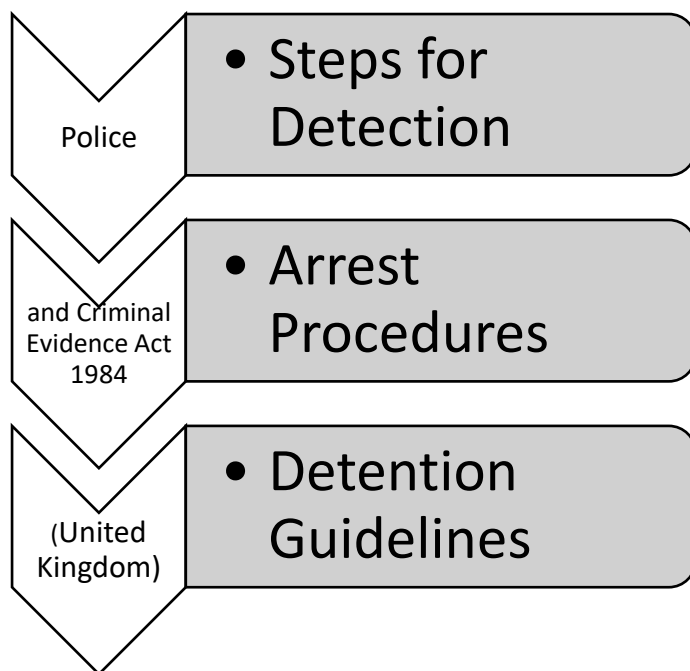
¹⁰ Khan, M. I., Shah, S., & Kanwel, S. Rehabilitation Reconsidered: A Comprehensive Legal Analysis. *Journal of Asian Development Studies*, 12(3), 1075-1081 (2023). <https://poverty.com.pk/index.php/Journal/article/view/186>

¹¹ Gioachini De Paula, L. E. O. N. A. R. D. O. New perspectives on the judicial control of antitrust claims in international arbitration: a comparative and international approach. *New York University Journal of International Law & Politics*, 56(3) (2024). <https://search.ebscohost.com/login.aspx?direct=true&profile=ehost&scope=site&authtype=crawler&jrnl=00287873&asa=N&AN=179716147&h=o%2Bp9C6AZ%2FdKszy4K%2BF0x9myZeiDPRaGPq90K%2B0Y5xCzUPtTgKpVPVqRJtWO9k3KQynm9udlJx9YtIUdj8m7VGQ%3D%3D&crl=c>

¹² "Introduction," OUP Academic, 2019 available at: <https://academic.oup.com/book/32396/chapter/268688438>

(A) Common Law Systems (e.g., United Kingdom, United States, Canada)

The common law system, born in England and adopted within several others, is basically characterized by dependence on judicial precedent and adversary trial. Here, courts play an extremely important role in interpretation of the law because the decisions already made by the judiciary find use as the primary frame of reference for understanding law. This system emphasizes the case law and the doctrine of stare decisis-the principle that higher courts shall bind decisions in like cases by lower courts for purposes of consistency and predictability.¹³



[Figure 2: Police and Criminal Evidence Act 1984 (United Kingdom)]

It follows some aspects of common law within the United Kingdom as certain principles of many statutes applied are derived from the said Police and Criminal Evidence Act of 1984 that outlines all the steps of action that are taken by police regarding detection, arrest, and detentions. Apart from this, human rights are brought into the jurisprudence of the UK courts by European Convention on Human Rights incorporated in Human Rights Act 1998 to the effect that all proceedings and activity under criminal justice should not infringe any rights of the citizens. Similarly, the United States relies on the Constitution, specifically the Bill of Rights that offers substantial protection to an accused such as right to due process (Fifth Amendment), right to a fair trial (Sixth Amendment), and protection from cruel and unusual punishment (Eighth

(last visited October 27, 2024).

¹³ fromiti, "Organized Crime Module 9 Key Issues: Adversarial versus Inquisitorial Legal Systems" available at: <https://www.unodc.org/e4j/en/organized-crime/module-9/key-issues/adversarial-vs-inquisitorial-legal-systems.html> (last visited October 27, 2024).

Amendment). Similarly to in most other constitutional states, also the Charter of Rights and Freedoms entrenched into Canadian constitution spelt the requirement rights of citizens on participation in criminal justice proceeding with such as protection from illegal arrest and access to court.

(B) Law Systems (e.g., France, Germany, Japan)

Law systems, rather than depending on the judicial precedent, rely on codified statutes and legal codes, though the basic structure of such systems draws from Roman law and the Napoleonic Code. An inquisitorial system is that in which active judges are participants in conducting investigations into cases, including gathering evidence and examining and cross-examining witnesses. Instead of going by case law, the judge interprets and applies the statutes that exist in the comprehensive legal code to keep things clear and consistent.¹⁴

In France, a Code of Criminal Procedure runs the criminal proceedings while taking into account the position the judges, prosecutors, or defense counsel will be allocated at every stage. Therefore, French law makes major emphasis on the rights protection of the accused; still, it has other legal procedures that ensure both aspects of transparency and fair legal processes. In fact, Germany also conducts criminal case proceedings based on the Strafgesetzbuch-Criminal Code and the Strafprozessordnung-Code of Criminal Procedure, which offer wide-ranging provisions on the carrying out of investigations, the proper conduct of the trial, and judgments after it. Japan, which has been heavily influenced by the civil law precepts, nonetheless was able to introduce elements of common law into its system through its judicial structure. Japanese Criminal Procedure involves the speedy disposal of cases with more regard to rehabilitation rather than punishment under the Japanese Code of Criminal Procedure from investigation to the appeal level.¹⁵

(C) Mixed and Hybrid Systems (e.g., South Africa, India)

The other type is the mixed or hybrid systems, which show traces of different traditions. Normally, it reflects the influences that the country has due to its diverse legal and cultural influences. Usually colonized countries, these countries exhibit elements of customary law as well as common and civil law within criminal justice.¹⁶

South Africa is one of the jurisdictions that adopted some principles from Roman-Dutch civil

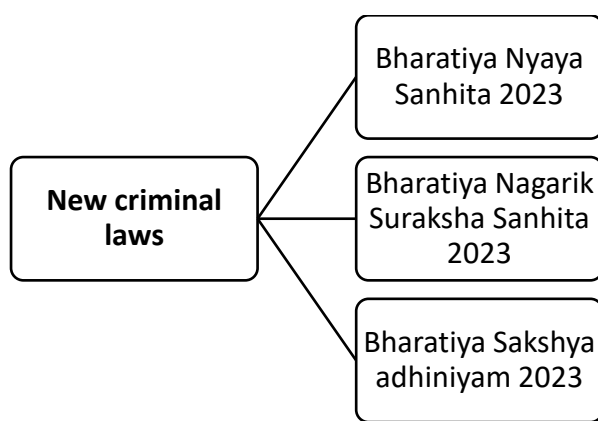
¹⁴ “JOURNAL ON EUROPEAN HISTORY OF LAW,” *available at*: http://www.historyoflaw.eu/english/journal_on_european_history_of_law.html (last visited October 27, 2024).

¹⁵ “Pleading guilty: an overview of the French procedure,” Penal Reform International, 2017 *available at*: <https://www.penalreform.org/blog/pleading-guilty-overview-french-procedure/> (last visited October 27, 2024).

¹⁶ Daniel Oto-Peralas and Diego Romero-Vila, “The Distribution of Legal Traditions around the World: A Contribution to the Legal-Origins Theory,” 57 *The Journal of Law & Economics* 561–628 (2014).

law and others from English common law. Its criminal justice system contains an extraordinary blend of the latter. The Criminal Procedure Act delivers arrest, search, and trial procedures through a mixture of inquisitorial and adversarial processes. The courts of South Africa especially recognize the rights of a human individual, inspired from their Constitution, one among the most advanced worldwide.

Indian criminal law mainly consists of common law from Britain with few local and customary laws. Criminal procedures were conducted under the enactment of IPC, 1860, and CrPC, 1973 now it got repealed and new criminal laws enacted i.e. Bharatiya Nyaya Sanhita 2023, Bharatiya Nagarik Suraksha Sanhita 2023 and Bharatiya Sakshya adhiniyam 2023.



(Figure 3: New criminal laws of India)

(D) Islamic Law Systems (e.g., Saudi Arabia, Iran)

Sharia or Islamic law is basically derived from the Quran, Hadith, and scholarly interpretations. Unlike the criminal justice system used by other legal systems, Islam has categorized crimes into three major heads: hudud, qisas, and ta'zir. The hudud offence is severe in nature, with definite penalties that have well-defined prescriptions in the Quran. Hudud includes amputation in cases of theft. The large category of qisas crimes or retribution-based crimes is allowed to provide to the victim or his next of kin in most situations involving physical harm. Finally, ta'zir crimes are not defined and comprise offenses for which the judges have discretion when determining proper punishment, giving sharper focus to the concept of justice as rehabilitation.¹⁷

The criminal justice system of Saudi Arabia is highly formalistic with Sharia principles and has no reliance on codified criminal laws like any other legal tradition. While it is based on the principles of Sharia law, Iran is much more codified and gives room to the state for maneuver

¹⁷ “Application of Hudud Punishments – The Evolution of Sharia,” available at: <https://evolutionofsharia.org/islamic-political-theory/> (last visited October 27, 2024).

on various aspects regarding criminal procedure. These law systems are generally characterized by the emphasis on moral and religious considerations in judicial decisions, thus giving them a unique perspective on justice, which prioritizes the welfare of the community and moral accountability.¹⁸

Punishments awarded to some crimes have been declared excessive according to international requirements, but such punishments were considered essential for the sustainability of social order in these Islamic law systems. Countries that adopted Islamic law created their own systems by harmonizing Sharia principles with either civil or common law and making them compatible with the international human rights standards and, generally, contemporary Islamic states are trending toward hybridization.¹⁹

III. COMPARATIVE ANALYSIS OF KEY ELEMENTS

In many aspects, criminal justice systems differ from country to country in investigation and arrest procedures, law rights for the accused, trial, sentencing, rehabilitation, and capital punishment. Differences lead one to understand what values and philosophies lie beneath each system.

(A) Investigation and Arrest Procedures

It is through such procedures that there is formation of the whole framework for law enforcement. In the common law, these processes are regulated under both statute and constitutional rights in America and the UK. An example is where the U.S. Fourth Amendment strictly requires probable cause and warrant for arrests and searches; this way, individual rights are protected even during such law enforcement process. UK, The Police and Criminal Evidence Act 1984 in great detail explains the rules in relation to police powers while ensuring that arrests are carried out without impunity.²⁰

Investigative procedures in civil law countries like France and Germany involve considerable judicial oversight. In France, for example, the Code of Criminal Procedure grants investigating judges significant powers to control police investigation so that a more collaborative approach to investigation is created. This is a system that is different from the more adversary approaches where the prosecution and the defense work separately. The Sharia principles in such procedures will be guided about justice and moral conduct, which, in most jurisdictions, require

¹⁸ “Legal and Judicial Structure,” The Embassy of The Kingdom of Saudi Arabia *available at*: <https://www.saudiembassy.net/legal-and-judicial-structure-0> (last visited October 27, 2024).

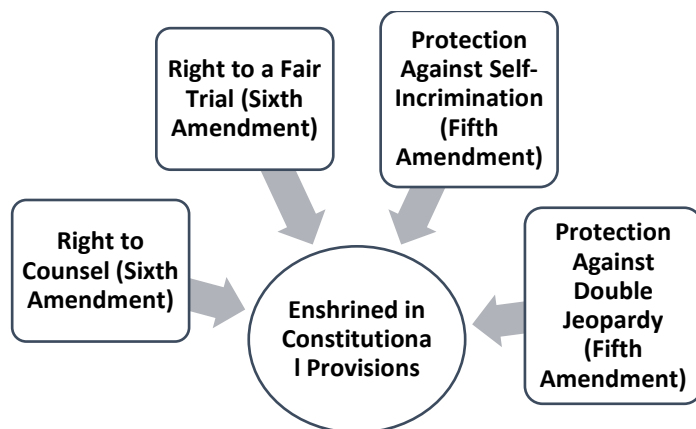
¹⁹ *Ibid.*

²⁰ LII, “Fourth Amendment” LII / Legal Information Institute *available at*: https://www.law.cornell.edu/wex/fourth_amendment (last visited October 27, 2024).

law enforcers to observe rigid rules as they investigate.²¹

(B) Legal Rights of the Accused

The rights to the accused are part of the legal process; they protect people against wrongful actions within the criminal law system. In common law countries, such as in the United States, a person's legal rights have been enshrined well within constitutional provisions. Such rights include the right to counsel and a fair trial, which are granted under the Sixth Amendment, as well as protection against self-incrimination and double jeopardy within the Fifth Amendment given in figure 4.



[Figure 4: Enshrined in Constitutional Provisions (U.S.A.)]

The rights of the individual within the United Kingdom are additionally protected through the Human Rights Act 1998: from being subjected to an inhumane treatment to rights for a fair trial. Civil law systems also concentrate on the rights of the accused, but with a difference. For instance, the German Constitution is in such a way that it provides that a person should be considered innocent until he is proven guilty and the right to a public trial. Likewise, the Code of Criminal Procedure in France details different rights granted to defendants to provide for transparency and equity. The rights of the accused are stated in religious texts in Islamic law and underscore the need for evidence and testimony to avoid false accusations.²²

(C) Trial Processes and the Role of Judges and Juries

Trial processes differ in common law and civil law systems since they significantly influence the roles of judges and juries. In common law, the trial is adversarial, in which the judge decides matters of law but leaves it to the jury to determine facts. In the United States, the right to a jury trial for serious crimes is constitutionally guaranteed and encourages a participatory style of

²¹ Available at: <https://rm.coe.int/16807475bb> (last visited October 28, 2024).

²² Yvonne Daly et al., "Human Rights Protections in Drawing Inferences from Criminal Suspects' Silence," 21 *Human Rights Law Review* 696–723 (2021).

justice.²³

Civil law jurisdictions use instead an inquisitorial model, where the judges actively investigate and adjudicate. In France, for example, the judges lead the inquiry. They question witnesses and collect evidence so that there is a greater possibility of getting a comprehensive examination of facts. This inquisitorial model seeks to reveal the truth but makes the trials less participatory, as in the common law system. Islamic Law systems: Judges interpret religious texts and apply Sharia principles; juries are hardly used, the general opinion is given according to the authority of the judge.

(D) Sentencing Practices and Types of Punishments

The practices of sentencing vary significantly across the legal traditions based on different attitudes towards the punishment within a society. While in common law countries the sentencing is usually determined in the light of the existing statutory frameworks, where discretionary powers lie with the judge, mandatory minimum sentencing for some crimes is prevalent under the law of the United States. This gives a wide variation in sentencing at different places.²⁴

For instance, where civil law prevails, such as Germany and France, the sentencing guidelines are codified and judges have less discretion; however, it is still a system of consistency in punishment. Rehabilitation plays a more pronounced role in these systems, particularly in Germany, as educational programs are part of the sentence to facilitate a convict into society. Some offenses have fixed penalties under Sharia, in jurisdictions of Islamic law, and are considered hudud offenses; however, there still is the ideology of restorative justice and the possibility of mercy and forgiveness.

(E) Rehabilitation and Reintegration of Offenders

Offenders are rehabilitated or reintegrated, depending upon the focus among legal systems. Common law jurisdictions do not only see rehabilitation is increasingly important; there will also be greater promotion in favor of community service as well as other treatment-related programs. This has meant the rise in the case of the United States towards specially designed courts for reducing addictions rather than more severe punishment.²⁵

²³ fromiti, "Organized Crime Module 9 Key Issues: Adversarial versus Inquisitorial Legal Systems" available at: <https://www.unodc.org/e4j/en/organized-crime/module-9/key-issues/adversarial-vs-inquisitorial-legal-systems.html> (last visited October 28, 2024).

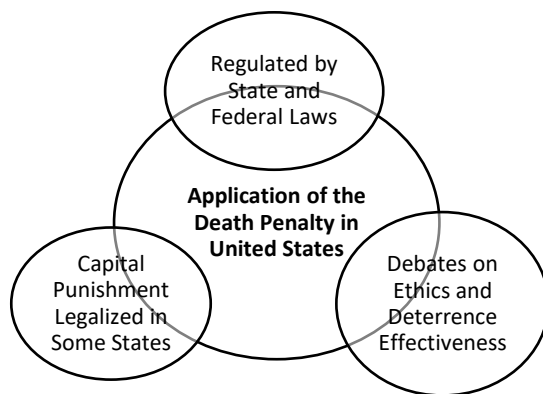
²⁴ Parth Singh, "Determination of Sentences in India: Policy and Practice," 61 *International Annals of Criminology* 314–27.

²⁵ Anshu Sharma, "Understanding the Importance of Rehabilitation Centers for Juveniles Under the JJ Act" Jus Scriptum, 2024 available at: <https://www.jusscriptumlaw.com/post/rehabilitation-centre-for-juvenile-under-jj-act>

Civil law systems, especially Germany and France, are believed to operate on the idea of rehabilitation as the core goal of sentencing. This is why education and vocational training programs in prison are more common there in an effort to have a crime-free reintegration into society. Rehabilitation finds a significant role in Islamic law, but that's still on moral education to restore the criminal back to the productive life in society.

(F) Death Penalty and Other Capital Punishments

Application of the death penalty as well as other capital punishments is one of the most controversial issues experienced in criminal justice systems. In the United States, capital punishment is legalized in some states, and its procedures are regulated by state and federal laws, and this keeps on sparking arguments regarding its ethics and its effectiveness as a deterrence tool.²⁶



(Figure 5: Application of the Death Penalty in United States)

Instead, most civil law countries have outlawed the death penalty as a practice that has been shown to be not compatible with modern standards on human rights. This practice is manifest in that France outlawed capital punishment back in 1981 as indicated by a rehabilitation rather than retribution purpose. Various jurisdictions for Islamic law enact the practice of the death penalty differently; some have made use of it for a given type of crime: Iran and Saudi Arabia for example. But within the systems, there are provisions for mercy and alternate punishment, however contradictory to the practice in question.²⁷

IV. CASE STUDIES

It stands on the top of much litigation in U.S. legal history-the most famous case being *Miranda*

(last visited October 28, 2024).

²⁶ “Scholarly Articles on the Death Penalty: History & Journal Articles,” available at: <https://www.gale.com/open-access/death-penalty> (last visited October 29, 2024).

²⁷ “Abolition of the death penalty,” France ONU available at: <https://onu.delegfrance.org/abolition-of-the-death-penalty> (last visited October 29, 2024).

*v. Arizona*²⁸-case that established the rights declared as Miranda rights to compel law enforcement officers to caution suspects of their right of silence and right of consulting lawyers before any questioning took place. Ernesto Miranda's confession was used for getting him convicted when his interrogation was conducted without even showing him his rights. The U.S. Supreme Court held that the Fifth Amendment privilege against self-incrimination requires such warnings so that confessions given should be voluntary and conscious.

In the case of *R v. Dudley and Stephens*²⁹, it was an issue before the Court of Appeal in England whether the defense of necessity exists in criminal law or not. The facts revolved around two mariners who murdered and ate a cabin boy to survive following a ship sinking. The case held that necessity cannot provide a defense for murder. This case is important in the discussion of moral dilemmas in criminal law and has implications for the understanding of defenses available in extreme circumstances.

The landmark *Roe v. Wade*³⁰ represents one of the foundational cases on reproductive rights within the United States. Through it, the Supreme Court of the United States determined a constitutional right to privacy which defines the right of choice on whether or not a woman should have an abortion. In this ruling, the court declared that any limitation by the states over an abortion during the first trimester is unreasonable, creating a precedent which would, and does, affect and be referenced in all related discussions over reproductive rights and health care access.

In *Brown v. Board of Education*³¹, the U.S. Supreme Court decided whether segregation in public schools based on race was legal or illegal. The landmark case established that "separate but equal" educational facilities for racial minorities were inherently unequal and unconstitutional under the Equal Protection Clause of the Fourteenth Amendment. Such a decision has had a profound impact on civil rights and social justice, indicating a complex interplay between law and social norms.

One such landmark ruling in UK criminal law over the defense of duress is *C v. Director of Public Prosecutions*³². The decision was in the House of Lords whereby it held that a convicted person cannot make a claim of duress as his defense for the crime of murder. Such judgment served the purpose of providing crystal clear legal boundaries to defense claims of criminal law as well as underlined that no act can be regarded as easy when it pertains to taking someone's

²⁸ Miranda v. Arizona, 384 U.S. 436 (1966)

²⁹ R v. Dudley and Stephens (1884) 14 QBD 273

³⁰ Roe v. Wade case 410 U.S. 113 (1973)

³¹ Brown v. Board of Education, 347 U.S. 483 (1954)

³² C v. Director of Public Prosecutions [1995] 2 AC 513

life in any circumstances.

In *Oren Harris v. The State of Arkansas*³³, the Arkansas Supreme Court decided whether double jeopardy applied to the case. The Supreme Court ruled that a man cannot be twice put in jeopardy for the same offence when acquitted; therefore, the Fifth Amendment is constitutional right against double jeopardy. This is very fundamental in protecting citizens from abuse by the government and preventing finality in the dispensation of justice.

It remains to be seen how a different application of the precedent cases, set by the international criminal law case of *ICTY's Prosecutor v. Tadić*³⁴, had led the tribunal to question and define war crimes, crimes against humanity during the Bosnian War period, but the international law had a clear say by the courts in confirming whether the application of international humanitarian law or not and putting in the legal framework where it decides the persons concerned in a case to put on trial for their various crimes they committed in terms of war and armed conflict, that is also seen to develop international criminal jurisprudence.

The House of Lords, lastly, weighed national security against freedom of speech in *R v. Secretary of State for the Home Department*³⁵. Here, the court ruled that the legislation that restricted prisoners' rights to communicate with the media was incompatible with the European Convention on Human Rights. This case really highlighted the importance of protecting basic rights, even when it comes to national security matters, and made clear that the rule of law should prevail.

One landmark case is *Kharak Singh v. State of U.P.*³⁶. The case involved the constitutionality of the "Preventive Detention Act," before the Supreme Court of India. Kharak Singh was under police surveillance with no charges against him. In the judgment, the court pronounced that such surveillance constituted violation of the right to privacy, which is also read into Article 21 of the Indian Constitution. It was that decision where, for the first time in its existence, the right to privacy was recognized and judgments which followed this judgment paved ways to freedom of persons within India.

Another landmark case is *Maneka Gandhi v. Union of India*³⁷. The Indian government without satisfactory reason confiscated the passport of Maneka Gandhi; the lady approached the Court with a question whether it was legally justified or not. The Supreme Court declared that the

³³ *Oren Harris v. The State of Arkansas*, 222 Ark. 30, 258 S.W.2d 653 (1953)

³⁴ *ICTY's Prosecutor v. Tadić*, IT-94-1-A (1999)

³⁵ *R v. Secretary of State for the Home Department*, ex parte Simms [2000] 2 AC 115

³⁶ *Kharak Singh v. State of U.P.*, AIR 1963 SC 1295

³⁷ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597

procedure established by law has to be just, fair, and reasonable. This judgment extended the scope of Article 21, holding that a fair procedure must precede the curtailment of the right to life and personal liberty.

The case that stands out in the workplace for sexual harassment is the *Vishaka v. State of Rajasthan*³⁸. While creating guidelines for prevention and redressal for sexual harassment, the court clarified how the conduct amounted to contravention of the guarantees of equality and dignity flowing out of Articles 14 and 21 for women. This case created the case of Vishaka Guidelines. The legislative moves that happened from this judgement finally created a way to the act of Sexual Harassment of Women at Workplace, 2013.

Lastly, in *Shayara Bano v. Union of India*³⁹, the Supreme Court was confronted with the issue of Muslim triple talaq. Shayara Bano assailed its constitutionality holding that it violated her fundamental rights. The Court rendered the practice of instant divorce unconstitutional as arbitrary and biased against women, reestablishing the importance of gender equity and justice within personal law in India. This momentous judgment marks a large step toward changing laws, which must come into proper conformation with constitutional doctrines.

V. IMPACT OF INTERNATIONAL ORGANIZATIONS AND HUMAN RIGHTS STANDARDS

International organizations and human rights standards have, therefore, been very crucial in shaping national criminal justice systems, directing reforms, and ensuring compliance with the basic rights.

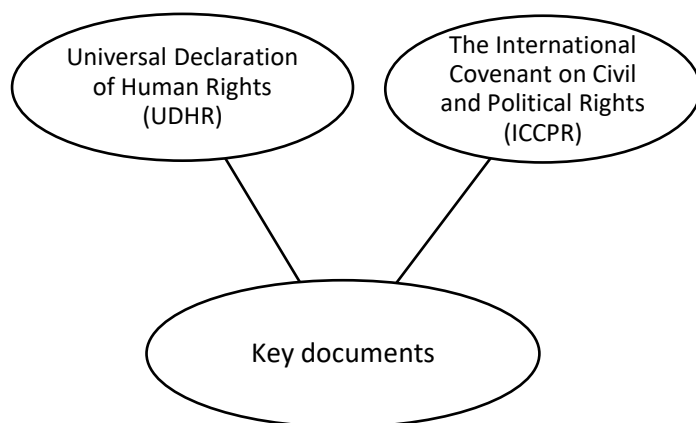
(A) United Nations Standards and Guidelines

The United Nations has promulgated various standards and guidelines to frame the national criminal justice systems. Such prominent documents are the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), which have defined certain human rights, including right to fair trial, protection from arbitrary detention, and forbiddance of torture. This also provides the opportunity to rate and assess the criminal practices of countries with a better view towards making improvements of the law on an international level to abide by those international norms for human rights.⁴⁰

³⁸ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011

³⁹ *Shayara Bano v. Union of India*, (2017) 9 SCC 1

⁴⁰ United Nations, "Universal Declaration of Human Rights" United Nations *available at*: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last visited November 1, 2024).



(Figure 6: Key documents of The United Nations)

(B) European Court of Human Rights and Its Influence

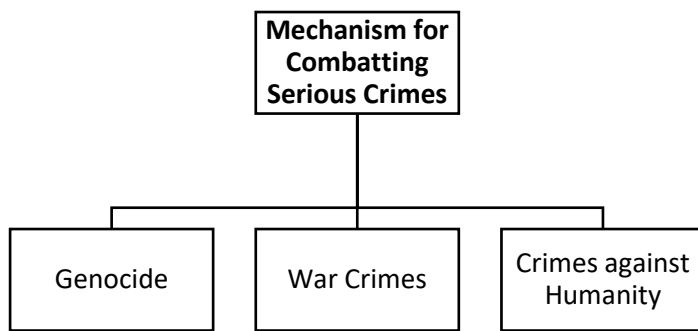
It played a very pivotal role in criminal justice systems within its jurisdiction, for it was in this court that it listened to the alleged violations of the European Convention on Human Rights. Such violations bind member states to specific precedents that will influence decisions made regarding their individual subjects. These are serious matters: a fair trial, the treatment of prisoners, and even the application of the death penalty. The ECHR promotes reform of the national systems to an extent that their level of protection of individual rights would be improved significantly through enforcing compliance with the human rights standards.⁴¹

(C) The Role of the International Criminal Court

The ICC remains an important mechanism in combatting serious international crimes that include genocide, war crimes, and crimes against humanity. It upholds personal responsibility in international law and keeps individuals responsible for those grave offenses. The very existence of the ICC influences the efforts of nations toward developing better domestic legal infrastructures that will prevent the possibility of impunity for those crimes. In addition, the focus on justice and accountability tends to foster cooperation between States on penal matters and strengthen respect for international human rights standards in all countries.⁴²

⁴¹ “About the Court,” International Criminal Court *available at*: <https://www.icc-cpi.int/about/the-court> (last visited November 1, 2024).

⁴² “Doctors without borders,” The Practical Guide to Humanitarian Law *available at*: <https://guide-humanitarian-law.org/content/article/3/international-criminal-court-icc/> (last visited November 1, 2024).



(Figure 7: Mechanism for Combatting Serious Crimes)

VI. CONCLUSION

It is through this comparative study of criminal justice systems of different countries that one becomes aware of the abundance of complexities and nuances in the pursuit of justice. Societies and, as a result, their legal systems change with time, which is influenced by culture, history, and social values, which determine how the law is interpreted and applied. This discovery underlines the need to understand both similarity and differences in criminal justice systems since they are valuable sources of understanding how different nations handle crime, secure the rights of citizens, and ensure rule of law.

One of the important findings has been that many jurisdictions universally recognize core human rights. Most legal systems emphasize presumption of innocence, right to a fair trial, and protection against arbitrary detention as fundamental elements. All these concepts form the very foundation of justice with an aim to strike a balance between safety for society and individual freedoms. But the application of such rights may drastically vary according to the legal traditions, structures of governance, and socio-political contexts of a nation.

Countries whose systems of operation fall within common law traditions lay greater emphasis on individual rights and adversarial processes. Others operate in civil law traditions where the emphasis will be placed on judicial inquiry and state institutions. Here is where this variation decides not only how criminal trials take place procedurally, but also how the outcome for the accused might then be decided. For instance, in common law systems, the jury trial may introduce an element of unpredictability, while the very structure of civil law procedures itself often produces predictability.

It takes it further to the current challenges of the criminal justice systems across the globe. Overcrowding in the prisons, disparities based on race and classes, as well as violations of human rights, still remain valid indicators of a need to reform the said legal structures as a whole. At present, numerous states attempt to overcome the challenges above in such a manner that their legal infrastructure does not become distorted and maintains its significance and justice in it. Punishment is not what matters nowadays; rehabilitation over punishment, because the jurisdictions understand that dealing with the causes of crime is more sustainable than punishment.

International bodies and human rights standards have significantly shaped national criminal justice policies. In this case, for example, international guidance and framework set forth by the United Nations and European Court of Human Rights propel countries to change their national laws according to the adopted international norms. With accountability and improved protection of such fundamental rights, accountability as well as better protection are achieved since there is worldwide discussion of best practice as well as reform strategy.

It is impossible to develop a future for criminal justice without taking into account the role that technology has in it. Continuous improvements in data collection, surveillance, and evidence presentation are actually changing the administration of justice. Is there a comfortable place to balance improved efficiency, access, and accessibility with ethics like privacy and potential misuse against individual rights?

In conclusion, comparing criminal justice systems will certainly give ample insight into this dynamic relation between law and society concerning human rights. Success stories and failures provide important insights for the making of policies and improvement of justice through reforms. Where all the countries are grappling at their best to fathom the intricacies of the criminal justice system, adherence to the rule of law and protection of individual rights should be at the very heart of legal discussion. The purpose of any criminal justice system should therefore always be to deliver justice, not only to victims but also to the accused; thereby creating a society wherein fairness, equality, and dignity are upheld for everyone.

(A) Suggestions/limitations

A comparative study of different criminal justice systems will set up opportunities for improvement and crucial limitations. One major implication is that international cooperation on the exchange of knowledge through mutual understanding among nations has to be pursued. By seeking to learn from the right reform efforts and best practice examples, countries can complement their systems, especially in regard to rehabilitation, mental support, and

community policing to heal and further reduce recidivism through restorative justice practices toward both offenders and victims alike.

However, there is still room for improvement, especially with the implementation of universal human rights standards. The cultural, social, and political environments have a say in the interpretation and implementation of the laws, and this will be reflected in the way justice is dispensed. There is also a risk that reliance on existing legal frameworks may inhibit innovative crime prevention and resolution approaches.

One more important challenge is to achieve equilibrium between the use of technology and privacy. Because these digital tools are increasing nowadays in criminal justice systems, ethical guidelines need to be established to avoid the abuse of this technology and individual accountability. Ultimately, studying comparative criminal justice systems certainly provides insightful knowledge; but critical reflection and adaptation, in order to fully appreciate the complexities of justice within a changing world, can be necessary.

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