

Rights of accused



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Rights of Accused Rights of Accused The law states that all the accused are innocent until proven guilty by a court of law. Until a criminal activity is not proven, the accused will have rights that have to be protected under law, and the investigations will take place by procedural code. These rights of the accused are based upon the human rights which were created in regard to the values and systems observed in the British colonial days. Since then, these rights have been amended slightly through legislature. Despite this, some inherent rights remained the same, and the rights of the accused are rights that cannot be revoked (Banaszak, 2002).

Due process refers to the legal principles that the state should respect the rights of all the individuals. It is used in the law to ensure the right of a free trial, and that the court has to listen to both the parties and their evidences before making a decision. The government cannot harm the accused until the exact course of law doesn't allow them to. The concept of due process has been written in the US constitution but it was originated before it was drafted in the constitution. The concept is older than the English Common Law (Ramen, 2001). It developed from the Magna Carta in England. In the early times, in some of the ancient private court, there was an appearance made at an unrecorded time. It was unofficially recognized by the councils that the accused person also needs some protection against the ruling authority to ensure his rights, life and possessions are protected. This was the time when rough justice was a normal thing, but there still were some leaders who would understand the basic rights.

There are many aspects that are covered under the concept of due process. The primary role of the due process is to ensure that the government does not take any action against an individual which could result in loss to life,

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property or liberty. They must provide the individual with a notice and give them the opportunity to be heard. As these legal requirements were tied up by law, any government officer violating the due process will be charged. Before the final verdict is given by the court, the government must make sure the individual is given fair, impartial measures to challenge the state action. Since all criminal cases are against the state, the state offers lawyers to the criminals who can speak their case (Siegel, 2011).

The government, at times, abuses the accused individuals and their property, for example by eminent domain for a public purpose without giving the fair value of land. Such abuse is against the statutory rule of due process and can be challenged by the accused individual. Due process states that the accused should be trialed under the laws enacted by the legislation in a non-discriminatory manner. The accused have the right to be heard, the right to challenge, the right to be represented by counsel during the proceedings, the right to cross examine the witnesses and a right to be heard by an impartial jury. Due process is enacted under the human rights and thus prohibits the violation of basic rights of the accused until proven guilty (Hartigan, 2003).

References

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