

Cesare Beccaria a ochrona praw człowieka w procesie karnym

Cesare Beccaria – protection of human rights in criminal proceedings

SUMMARY

In his famous treatise *Dei delitti e delle pene* Cesare Beccaria, the leading representative of the humanitarian theory in criminal law, has presented the program of a reform of criminal procedure and organization of jurisdiction.

In order to secure to accused their fundamental rights, and namely security and personal inviolability in criminal procedure (traditionally, in England known as “*habeas corpus*” principle. He strongly criticized the inquisitional procedure, the arbitrariness and cruelty of criminal jurisdiction, especially in heresy and witch-hunt proceedings.

He criticized also the legal theory of proofs and principle *confessio est regina probationum*. These principles have led to cruel practices coercing the individuals to plead guilty through tortures.

C. Beccaria insisted on the treatment of the accused as a person not a thing. A person had a right fair trial. Among others, C. Beccaria supported the presumption of the accused innocence, that meant recognition of the accused as innocent, as long as the guilty has not been proved.

Moreover, C. Beccaria declared himself for the reform of criminal jurisdiction following the English solutions. He was supporter of the jury system and *iudicium parium* principle. Fundamental human rights to personal security should be guaranteed by the legalism principle, later on they were recognized as *nullum crimen sine lege* principle. Judges were to be bound by the law, and to be restricted to direct application of the law: Many of C. Beccaria ideas were later included to constitutional principles of the Declarations of the Man and the Citizen.

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