

PUBLICITY AS ONE OF THE SAFEGUARDS OF FAIR TRIAL IN CRIMINAL PROCEDURE

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ABSTRACT: *The primary aim of my paper is to examine the questions related to the institute of public hearing. As we know, publicity is one of the most important safeguards of fair trial in criminal procedure. In my opinion, it is necessary to examine these procedural questions in a scientific depth in the light of both the case decisions of the High Courts and the practice of the European Court of Human Rights. The study examines one of the important pledges of a fair trial, the effectiveness of the basic principle of publicity in the criminal procedure. It explores the principle from a dogmatic point of view, and also in the light of both the European standards and the regulations currently in force. It mentions the limitation and exclusion of publicity, and the legal consequences of violating publicity in a great detail. Classic legal institutes are shifted into new dimensions by the technical improvements of the modern world and the media broadcasts from courts, and the paper points it out that for the sake of having an undisturbed court hearing and verification, some modifications on certain legal regulations may be justified. The study also mentions the standpoints of legal literature regarding the notion of publicity in detail, and by summarizing them it attempts to define the notion of the given basic principle as per aspects of law science, considering the characteristics of the 21st century. After the establishment of law theory principles, besides introducing the regulation in force and touching upon court practice, my paper analyzes questions that are more and more current, especially due to the reports by the electronic media, which sometimes cannot only disturb the order of the court, but also the procedure of verification. So, after the examination of basic hypotheses and the legal institute, it draws the conclusion that the development of the legal institute justifies the modification of the procedural law in the future, especially in connection with informing the press.*

KEYWORDS: *criminal procedure, public hearing, publicity, basic principle, fair trial, decisions of High Courts, European Court of Human Rights, guarantees, violation of publicity, informing the press, electronic media, procedural offences*

JEL CODE: *K 14*

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