



Efecto disuasorio del enjuiciamiento rápido: un estudio en el País Vasco [

2023

text (article)

Analítica

All potentially criminal people are intimidated by the threat of a legal provision consisting of their prosecution and, where appropriate, the imposition of a sentence, without actually experiencing it personally; but those who have already committed a crime are also intimidated -in this case, palpably perceived- with their effective prosecution and their case, imposition and effective execution of the legally provided punishment. These are basically the postulates -referring to the concepts of general prevention and special prevention, respectively- of the theories of deterrence or prevention, whose origins go back to the works of the Classical School of Criminology; it established the parameters that define the effectiveness of the punishment: certainty, speed and severity. The first two (certainty, celerity) basically depend on the effectiveness of the police and the speed of the judicial procedure; the last (severity) of criminal law. In the present work, starting from the configuration of the current police and penal regulatory framework in Spain, and based on a case study, an attempt will be made to verify the celerity factor, and more specifically, the speed of prosecution. In this sense, the recidivism of subjects investigated for the minor crime of flagrant theft (Art. 234.2 and 3 of the Penal Code) will be analyzed, distinguishing that they have been prosecuted in application of the procedure for a minor crime popularly known as "Quick Trial" (strictly legal-procedural proceedings, Proceedings for minor offenses for immediate prosecution, ex Arts 962 to 964 LECrim) where the punishment is imposed by the Investigating Courts in a matter of hours or days, or by the procedure for minor offenses for ordinary prosecution (ex Art. 965 LECrim) which means postponing the issuance of the punishment for weeks or even months. In other words, it would be a matter of unraveling and reaching a conclusion about whether the specific efficacy of the punishment on the offend

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Editorial: 2023

Tipo Audiovisual: Deterrence Recidivism Punishment variables Celerity Immediate criminal trial Theft Disuasión Reincidencia Variables de la pena Celeridad Juicio rápido Hurto Dissuasão reincidência variáveis de sentença velocidade julgamento rápido roubo

Documento fuente: Misión Jurídica: Revista de derecho y ciencias sociales, ISSN 1794-600X, Vol. 16, N°. 24, 2023, pags. 43-70

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