



Ordine internazionale e diritti umani

International Legal Order and Human Rights
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Bail or Not Bail: The Problem of the Defendant and of his Rights

The essay aims to provide an answer to the heated debate on the legitimacy in the application of pre-trial measures in the Italian legal system in comparative terms through an analysis of the general principles that support them. What are the critical points of the current regulatory system in the field of supervision and the impact on the mechanism of judicial appeal? This question mustn't exclude a legislative intervention on the institution of the bail in accordance with the right of defence and prosecution of the public interest. The principles of due process and a comparison with the American legal system could find a balance of the rights involved.