

*Commentary***Significance of criminal law and their major principles**

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Reviewed: 16-Dec-2022, QC No. GJSA-22-82147; Revised: 23-Dec-2022, Manuscript No. GJSA-22-82147 (R); Published: 30-Dec-2022.**DESCRIPTION**

A society composed of people with angelic qualities will not be free from violations of the norms of that society. The concept of crime is essentially related to public order. A sense of mutual respect and trust in the rights of others governs the behaviour of members of society. Although most people believe in peace and harmony, there are a few people who deviate from this normal pattern of behaviour. This imposes an obligation on the state to maintain a normal state in society, which it fulfils with the help of the law.

A crime is an offense that deserves public condemnation and punishment, usually in the form of a fine or imprisonment. This is different from a civil wrong (tort), which is an action against a person that requires compensation or restitution. Criminal offenses are usually prosecuted by the State or the Commonwealth, while a civil action in court is usually decided by an individual. A person can also initiate a criminal case, but this is very rare. Some cases, such as assault, can be both felonies and civil offenses at the same time. The police can prosecute the assault, and the victim can file a civil lawsuit to recover money (or other compensation) for any injury suffered. It is not always easy to determine what constitutes a crime. A person who takes money without permission commits a criminal offense and a person who does not return the money commits a civil wrong (not a crime). Although a civil action can be taken to recover the money, the borrower can only be prosecuted in the case of fraud.

Principles of the criminal law

Burden of proof: The task of the prosecution is to prove the guilt of the person accused of committing a crime (the defendant). For a defendant to be found guilty of an offense, it must be proven beyond a reasonable doubt. The accused does not have to prove his innocence. This rule applies in all criminal

trials, although sometimes the defendant must testify in a particular defense position. For example, in those offenses that prohibit certain acts “without reasonable cause,” the defendant must explain his justification; although the prosecution must prove that the excuse is not reasonable.

Right to remain silent: As a rule, a person is not obliged to answer questions from the police. However, there are some exceptions to this rule. The main exception is that a police officer may request the name and address of a person who has been found committing an offence, or whom the police officer has reasonable grounds to suspect has committed or is about to commit an offence, or of a person who may be able to assist in investigations of an offence or suspected offence. In these circumstances, a person who refuses to give their name and address or gives a false name and address commits an offence. Drivers of vehicles are also required to provide their name and address, as well as the address of the vehicle owner, as well as certain firearms related matters are arrest and questioning.

Double jeopardy: A principle of criminal law called the rule of double jeopardy is that no one should be punished more than once for the same crime and that no one should be twice in jeopardy (the risk) of being convicted. This means that a person who has been accused, tried and acquitted cannot be accused again in the same case. However, a new trial is often ordered when, for example, an appellate court overturns a conviction or when the first trial resulted in a mistrial or a mistrial.

Innocent until proven guilty: The basis of our criminal justice system is that a person, although charged with a crime, is presumed innocent until proven guilty. A magistrate, judge or jury, as the case may be, must be satisfied beyond reasonable doubt that the person is guilty. If there is reasonable doubt, the person must be acquitted (i.e, found not guilty of the crime).

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