

General Principles of Law - The Role of the Judiciary; 9783319191805; 325 pages; Springer, 2015; Laura Pineschi; 2015

General Principles of Law and Transnational Judicial Communication. Pages 45-66. Mak, Elaine.Â Principle of Legality and Role of the Judiciary in Criminal Law: The Influence of the ECtHR Case Law on the Italian Legal System. Pages 311-325. Mazzacova, Francesco. Which role do general principles of law play in this developing transnational judicial communication? This chapter investigates this question on the basis of a comparative and socio-legal analysis of five legal systems (Canada, United States, United Kingdom, France, Netherlands), drawing information from constitutional theory and from interviews with judges in the highest courts of the selected systems. The analysis reveals that the use of foreign legal sources by the examined courts has become a common practice in the daily business of judging cases.Â This analysis will have, as an unavoidable implication, the questioning of the role of the judiciary in the process of detecting and upholding what amounts to general principles of international law. View. This principle is without prejudice to judicial review or to mitigation or commutation by competent authorities of sentences imposed by the judiciary, in accordance with the law. 5. Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals. 6. The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedin