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VIOLATION OF THE PRESUMPTION OF INNOCENCE - A PROBLEM OF MODERN SOCIETY

Summary

In this article, the author presents the current problem in criminal proceedings, namely the violation of the presumption of innocence. This legal principle is a fundamental human right proclaimed by the Constitution of the Republic of Serbia and also the principle of a criminal proceeding that places the burden of the proof on the Prosecutor. The author's aim is to examine how the presumption of innocence is frequently violated in modern society and to explain the protection mechanisms against it. Therefore, the first part of the article describes the term and purpose of the presumption of innocence and then presents the most common way of its violation. Current practice indicates that the media are the ones who violate this presumption the most. The importance of media is well-known in modern society, so the fact that they are the most common violators is dangerous. Besides the fact that this behavior represents a violation of human rights, it could also make a prohibited impact on the judges in the criminal proceeding. Additionally, it could jeopardize legal certainty.

Key words: *a presumption of innocence, media, criminal trial, freedom of expression, inviolability of human dignity.*

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