

The importance and legal regulation of the witness in criminal proceedings: between rights and obligations

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ABSTRACT

The role of the witness in criminal proceedings is fundamental to achieving justice, as witnesses contribute essential factual information that can influence the outcome of trials. This paper examines the dual nature of the witness's status, situated between legal rights and procedural obligations. On one hand, witnesses are entitled to protection, privacy, and respectful treatment, ensuring their physical and psychological well-being throughout the judicial process. On the other hand, they are bound by obligations such as appearing in court, telling the truth under oath, and complying with procedural requirements. The study explores the legal frameworks governing these rights and duties across various jurisdictions, highlighting both universal principles and national differences. Furthermore, it analyzes the potential conflicts arising when safeguarding witness rights may clash with the defendant's right to a fair trial, especially concerning anonymity, cross-examination, and the disclosure of sensitive information. Special focus is given to vulnerable categories of witnesses who require tailored legal measures to balance their protection with procedural integrity. Understanding the legal regulation of witnesses and the interplay between their rights and duties is critical for practitioners aiming to uphold justice while minimizing harm. Future developments should focus on harmonizing legal standards and enhancing support mechanisms for witnesses in criminal proceedings.

Keywords: procedural fairness, witness protection, legal obligations, judicial integrity, cross-examination