

TEMAS DE DERECHO PROCESAL PENAL I.

- 1. SISTEMAS PROCESALES.**
- 2. SUJETOS DEL PROCESO PENAL.**
- 3. ACTOS INTRODUCTORIOS.**

1. SISTEMAS PROCESALES.

Comenzaremos explicando que es un sistema penal y para el efecto se dice que es un conjunto de actuaciones desarrolladas por instituciones del Estado y por particulares que tienen sustento en normas sustanciales y procesales, con la finalidad de solucionar un problema concreto.-

El problema en este caso, es aquél que tiene que ver con el conflicto que genera el delito, o mejor dicho, con aquellos hechos que revisten las características de una conducta punible.-

Varias maneras de solucionar los conflictos se muestran diáfanas:

Aquellas formas de solución que buscan respuestas punitivas (sistema penal)

Aquellas formas que pretenden reparar los perjuicios (sistema civil)

Aquellas formas que tienen como fundamento los estudios de las enfermedades mentales y las respuestas a esas enfermedades (sistema terapéutico), muy estudiado por la criminología, ciencia ésta que busca responder a la pregunta por qué delinque el ser humano;

Aquellas formas que tienden a la solución pacífica de los conflictos (sistema conciliatorio).-

Ahora bien, la prevalencia de cualquiera de los sistemas mencionados, depende de las circunstancias temporo-espaciales de cada caso en particular. En algunos, el sistema penal se constituye en la única respuesta al conflicto generado por los hechos que constituyen conductas punibles, en otros tantos, la conciliación y por ende la reparación son el cometido de las actuaciones.-

En Colombia, la normatividad penal permite, sobre todo en delitos querrelables, la conjugación por decirlo de alguna manera, de los sistemas punitivos y conciliatorios. Claro está, que si los problemas resultan conciliados, la respuesta punitiva no se materializa.-

De lo anterior concluimos, que el sistema penal busca una respuesta punitiva que no es ilimitada, ni descontrolada. Por el contrario, todo sistema tiene su control y sus límites. El control social y los derechos humanos establecen una barrera infranqueable a todo sistema punitivo.-

Por último diremos que, un sistema penal depende en su estructuración concreta, de las tensiones que se generan en determinado momento histórico y de las respuestas políticas imperantes en ese entorno. Por ende, el poder institucionalizado

Temas De Derecho Procesal Penal

José Fernández de Cevallos y Torres

A red circular graphic with a gradient, appearing as a partial circle or a stylized 'C' shape, located to the right of the author's name.

Temas De Derecho Procesal Penal:

Temas de derecho procesal penal José I. Cafferata Nores, 1988 **Temas Actuales de Derecho Procesal Penal**, 2003

Compilación de temas de derecho procesal para estudiantes de derecho Osvaldo Manuel Álvarez Torres, María Caridad Bertot Yero, Maday Cabrera Santiago, 2020-08-05 El Derecho Procesal es la rama del ordenamiento jurídico que se relaciona de manera muy estrecha con el Derecho Sustantivo por cuanto establece los procesos que sirven y permiten la instrumentalización de derecho material. En tanto el Derecho Procesal Civil es el conjunto de normas e instituciones jurídicas que regulan el proceso civil, es el instrumento que provee el mismo ordenamiento jurídico para la realización de las normas sustantivas de derecho civil.

Temas selectos de derecho procesal penal José Fernández de Cevallos y Torres, 2022-08-09 Para comprender el modelo de justicia acusatorio es indispensable conocer el nuevo marco procesal en materia de justicia penal y seguridad así como las figuras jurídicas que participan en este. En la presente obra cinco especialistas en la materia profundizan en el análisis del nuevo sistema desde una perspectiva basada en la protección de los derechos humanos y ofrecen una reflexión y crítica de su aplicación en la legislación actual. Como parte del estudio se analizan la evolución del sistema acusatorio y las etapas que lo conforman, el papel de la víctima en el procedimiento penal a partir de los aportes de la victimología, la reinserción social y sus ejes rectores previstos en la legislación así como los desafíos a los que se enfrenta la justicia transicional como mecanismo de paz abordada desde la perspectiva de género y por último la figura del principio de congruencia y la reclasificación jurídica dentro del proceso penal.

Temas de derecho penal y de derecho procesal penal Ricardo C. Núñez, 1958 **Delito político, terrorismo y temas de derecho penal** Ricardo Posada Maya, 2010-01-01 La obra científica intitulada Delito político terrorismo y temas de derecho penal de la Biblioteca Jurídica Uniandina elaborada por los profesores del rea de Derecho Penal Procesal Penal y Criminología y algunos profesores invitados busca explorar, debatir y analizar difíciles y complejos temas de Derecho Penal nacional e internacional relacionados estrechamente con la dinámica de la práctica jurídica, la discusión académica y la elaboración dogmática y política criminal de Colombia durante los últimos años. Precisamente en el texto se abordan temas tan importantes como el concepto de delito político, la prescripción de los crímenes internacionales, la complementariedad de la Corte Penal Internacional, las causales de justificación y el principio de oportunidad entre otros problemas vitales para dinamizar la cultura jurídica.

Derecho Procesal Penal. Un análisis Comparado. Jorge Alberto Silva, 2016-06-18 La actual edición es un nuevo libro, no nueva edición. Lo que antes estaba en vigor ha cambiado. La legislación actual es novedosa y diferente a la anterior. Hoy ha cambiado la organización de cada tribunal y el sistema es diferente. Todo se inicia a partir de un cambio a nivel constitucional en 2008 con cambios en 2015 y 2016. Prologa Jos Ovalle Favela. La obra no se dedica exclusivamente a estudios de mera dogmática simple, explicación de artículos legales, pues incluye aportaciones técnicas y conceptuales. El nuevo objeto de conocimiento es analizado a partir de la ciencia construida. Incluyendo las aportaciones técnicas y conceptuales de los más grandes procesalistas que dan forma al

procesalismo actual no simple procedimentalismo La obra se caracteriza porque separa el proceso puramente penal del civil resarcitorio del da o Mantiene el est ndar de la dogm tica procesal explicando el ars iudicandi al amparo de la tradici n jur dica mexicana enriqueci ndola con una diversidad de ejemplos SOLO SE PRESENTAN PORCIONES DEL LIBRO **Temas actuales en derecho penal** Camilo Burbano Cifuentes, Vicente Emilio Gaviria Londoño, Carlos Arturo Gómez Pavajeau, Rafael Antonio López Iglesias, Cielo Mariño Rojas, Laura Tatiana Zambrano Ochoa, 2021-01-01 El derecho penal y la criminolog a son reas de estudio en constante crecimiento y desarrollo en las que nuevas preguntas se presentan con regularidad y su interacci n con otras disciplinas genera temas de discusi n que deben ser abordados desde la academia cuestiones pr cticas y te ricas exploradas con el fin de encontrar respuestas y ofrecer opiniones desde distintos enfoques a los nuevos problemas del derecho penal El derecho penal se enfrenta a posturas doctrinales modernas que desaf an sus concepciones tradicionales el derecho penal internacional y la justicia transicional se relacionan con el derecho penal dom stico para afrontar situaciones nuevas la criminolog a pone a prueba la consistencia del derecho penal y el actual contexto colombiano constituye un escenario especialmente favorable para que nuevos problemas afloren y soluciones pr cticas y originales sean propuestas Temas actuales en derecho penal es una obra colectiva de investigaci n que compila escritos variados acerca de estos cuastionamientos en los que presenta el estado de la discusi n y ofrece alternativas desde los m s diversos enfoques te ricos En esta edici n se proponen para estudio asuntos relacionados con el derecho procesal como el principio de oportunidad y la prescripci n de la acci n penal el derecho constitucional en lo que tiene que ver con la ilicitud del decreto excepcional de pruebas de oficio en el proceso penal colombiano la justicia restaurativa dentro del marco de la justicia juvenil y el derecho penal internacional como la discusi n en torno a la responsabilidad penal de antiguos ni os soldados **Derecho Procesal Penal** Rosalío Bailón Valdovinos, 2002 *Temas de Derecho Procesal Penal* Carlos Alberto Cháves Solera, José Daniel Hidalgo Murillo, 1992-01-01 *Temas penales* Juan Luis Modolell González, 2006 Temas de Derecho Procesal Penal de México y España David Cienfuegos Salgado, Carlos F. Natarén Nandayapa, Carlos Ríos Espinosa, 2005-01-01 Instituciones procesales penales consensuales. Tomo II Gómez Pavajeau, Carlos Arturo ,Guzmán Díaz, Carlos Andrés ,2020-08-31 El principio de oportunidad inherente a la naturaleza del sistema acusatorio ya estaba presente en la historia del proceso penal colombiano a partir de institutos consagrados en la Carta Pol tica de 1886 lo que comporta entender que no podemos aceptar que sea un mecanismo importado sin m s ni m s de otras latitudes ajenas a nuestra cultura A la par se hace necesario derrumbar mitos que se han construido artificial y falsamente en su entorno como que es una excepci n o que comporta intolerables grados de impunidad si se quieren mejorar las cifras de su aplicaci n hoy pr cticamente irrisorias por no decir inexistentes desde el punto de vista estad stico Este trabajo se ocupa de dicho caso y atiende adem s sus aspectos sustanciales y procesales de tal manera que nuestra generaci n actual y las futuras capten la importancia y significaci n de tan buen instrumento que no solo aporta a la eficacia eficiencia y celeridad procesal sino tambi

n a la justicia material en los casos concretos en los que se haga imperioso y necesario cumplir con el mandato constitucional de la justicia social *Investigación, desarrollo e innovación en disciplinas con contenidos normativos y sociales* Carlos María López Espadafor, 2024-07-29 Estamos ante una amplia obra colectiva de naturaleza multidisciplinar en la que se recogen numerosos trabajos de investigación en distintas ramas de las ciencias jurídicas y de otras disciplinas de corte social Se trata en muchos casos de trabajos propiamente de rigurosa investigación aunque algunos de ellos se publiquen en esta obra con la finalidad de trasladar fácilmente los resultados de esa investigación a las enseñanzas universitarias Paralelamente otros trabajos se ocupan de la innovación docente en disciplinas sociales y jurídicas o en otras que sin pertenecer propiamente al mundo del Derecho de todos modos tienen que recurrir a distintas normativas en sus enseñanzas De esta forma se intenta dar una visión actual lo más completa posible de la investigación desarrollo e innovación en las ciencias sociales y jurídicas **Ciencias penales, temas actuales**, 2003 Libro blanco del Ministerio Fiscal, 1996 **Temas de derecho procesal penal** José I. Cafferata Nores, Gustavo A. Arocena, 2001 **Responsabilidad penal de las personas jurídicas** Alicia Azzolini Bincaz, María Eloisa Quintero, 2020-04-09 Las personas jurídicas a diferencia de lo que pasaba antes en nuestro país pueden llegar a tener una responsabilidad penal En este libro las autoras describen la evolución dogmática del tema desde una perspectiva teórica y comparativa con un énfasis especial en el caso mexicano Se plantea que las sociedades modernas están compuestas por más elementos y dinámicas que a su vez generan una estructura más compleja de relaciones en las que participan las personas jurídicas Estas por acción u omisión tienen un impacto en la sociedad generan riesgo pagan impuestos crean empleo incluso pueden llegar a causar desastres naturales En ese sentido las autoras plantean que es pertinente preguntarnos cuáles son las responsabilidades de las personas jurídicas Las autoras explican cómo el derecho penal ha ido lidiando con la pregunta anterior Para hacerlo dan un recorrido sobre los antecedentes y detallan dónde se está actualmente Ahondan particularmente en la situación de México país en el que a partir de cambios recientes en el Código Nacional de Procedimientos Penales el Código Penal Federal y el Código Penal para el Distrito Federal las personas jurídicas pueden ser penalmente responsables **Problemas del Imputado en el proceso penal** M.^a Amparo Renedo Arenal, 2018-09-17 ¿Qué es un imputado El objetivo fundamental del presente estudio es contestar a esa pregunta Para ello es necesario determinar con claridad cuáles son sus derechos sus deberes su penosa situación las concretas actuaciones que por lo o sobre lo se pueden llevar a cabo tratar en definitiva la figura desde su aspecto dinámico La pregunta quedar a sin respuesta si el trabajo no contemplara la figura desde la otra perspectiva la estática y estructural que configura la situación en que se encuentra el sujeto imputado como un status determinado dentro del proceso indicando las características que le son propias Desde un estudio histórico sistemático del proceso penal nacional y comparado esta obra va profundizando en la figura del imputado contemplado desde las diversas leyes procesales que le han venido siendo de aplicación De forma exhaustiva analiza tanto el propio concepto de imputado como el status de esta figura **Legislación y disposiciones de la**

administración central Spain, 1906

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