The Penal Case

When the crime occurred arose society's right to punish, by a prosecution undertaken by the public prosecution on behalf of the society, called the penal case or the public lawsuit. It is public because it raises on behalf of the society generally, which is a penal because the it’s objective is to assign a penalty on the offender. As a requirement of this right, it is the reason behind the entire judicial system, and behind giving the public prosecutor (as the attorney for the community) the right to move those cases and submit them to the judiciary and to embrace it until the issuance of related judgment.

The Definition of the Penal Case

As the federal state's right to punish the offender, exercised by the public prosecution on behalf of the society to take certain actions & procedures based on the crime to ensure that there are no convicted innocent and no criminal escaped from punishment.

Because those actions & procedures may requires compromising individual freedom or the sanctity of the accommodation, as well as indictment. Therefore, it was necessary to have leading stage (Inference Stage) prior moving the criminal case aiming to prepare and collect the necessary elements to enable the public prosecution measure the case to be judicially moved or not appreciated.

Inference Stage

It is the stage prior moving the criminal case judicially and it is undertaken by policemen and others who have the status of law enforcement officers in a certain range like health and labor inspectors.

Inference procedures basically, receiving calls and complaints of crimes, conducting investigations of the known facts, finding the necessary clarifications about the crimes, collecting physical evidence and reserving crime evidence or the accused persons or defendants sometimes in accordance to the prescribed conditions defined in the law. In addition to other things that aims to collect necessary proofing elements to facilitate investigation and the transferring an honest and accurate picture of the whole matter to the public prosecution.

The 3 Stages of the Penal Case:

1. Judicial Move Stage: It is the atrting point where the penal case is used; it lies first of the procedures, undertaken by the public prosecution as a judicial organ. This stage includes verification of the reported act constitutes a criminal offense, and there was sufficient evidence attributed to the accused or not.
2. Indictment Stage: Providing the criminal suit to the judicial authority and embrace it until the issuance of the final judgment. It is done by commissioning the defendant to comply with a competent court based on the misdemeanors and infractions materials and referral decision based on the felonies materials.
3. Trial Stage**:** It includes all action & procedures proceeded in court, since entering the criminal case the possession of the court until the issuance of the final judgment. Therefore, it include all action & procedures in the First instance courts, Appellate courts and Cassation courts (Union Supreme Court).