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THE APPEARANCE CONTEXTS OF PENAL POPULISM IN CRIMINAL PROCEDURE

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Abstract
Securing procedural justice as the basis of efficient criminal policymaking is indebted to that criminal procedure would be health and just. Furthermore, the interference of political structure in criminal policy is unavoidable. Politicians take the advantage of this intervention to get reputation and popularity by directing people’s attitude according to their own desires that has resulted to penal populism. Basically emerging the approach in criminal procedure requires specific contexts and utilizing their function in the adverse direction. Politicians misuse trans systemic contexts such as “Populist Punitiveness”, “Sence of fear and insecurity”, “The media reflection of crime” and “Weakening of the welfare state” and through which they render the existing and important context such as “Managerialism”, “Neglect of rehabilitation”, ”legal realism” and “Distrust of the criminal justice” their assistant for their own popular policies to hide their failure and bad policies. Not only criminal justice should not to contribute in emerging the approach but also it should try in favorite direction to self– contexts by preceding Politicians and ruling rationality and science in order to benefit from function of them and even it should make trans systemic context in the same way to avoid emerging the performance of the them at the unfavorable way. Therefor identifying these backgrounds and their functions is necessary, thus, to use them efficiently to repel popular approach and governing reason and science in criminal procedure.

Key words:
Criminal Policy - making, Penal Populism, criminal procedure, Public Opinion

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