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# The Role of Accurate Legal Characterization of Facts in Strengthening Fair Trial Guarantees

## El papel de la correcta calificación jurídica de los hechos en el fortalecimiento de las garantías del juicio justo

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**Abstract**
The accurate legal characterization of facts is a fundamental judicial function that connects the factual circumstances of a case with the applicable legal rules. This article examines its role in strengthening fair trial guarantees, with particular attention to the principle of legality, the rights of the defence, and the limits of judicial discretion. Legal characterization requires judges to identify the legally relevant elements of the facts, assess the evidence, and determine the legal provisions governing the dispute. Its significance extends beyond the formal classification of conduct, as it shapes the rights and obligations of the parties and, in criminal proceedings, the determination of criminal liability. The analysis highlights the relationship between legal interpretation and factual assessment, emphasizing that interpretative flexibility must remain consistent with statutory limits and procedural safeguards. In criminal matters, interpretation must respect the prohibition of extending criminal liability by analogy. Although judicial discretion enables legal rules to be applied to complex and evolving circumstances, insufficiently constrained discretion may lead to inconsistent classifications and undermine legal certainty. The article therefore emphasizes the importance of clear legislative guidance, reasoned judicial decisions, and effective procedural safeguards, particularly where a change in legal characterization may affect the defence. Accurate and transparent legal characterization is presented as an essential condition for balancing effective adjudication with the protection of fair trial rights.
**Keywords:** legal characterization; fair trial; principle of legality; rights of the defence; judicial discretion; criminal justice.
**Resumen**
La correcta calificación jurídica de los hechos constituye una función judicial fundamental que vincula las circunstancias fácticas de un caso con las normas jurídicas aplicables. Este artículo examina su papel en el fortalecimiento de las garantías del juicio justo, prestando especial atención al principio de legalidad, los derechos de la defensa y los límites de la discrecionalidad judicial. La calificación jurídica exige que los jueces identifiquen los elementos jurídicamente relevantes de los hechos, valoren las pruebas y determinen las disposiciones que rigen la controversia. Su importancia trasciende la clasificación formal de las conductas, pues configura los derechos y las obligaciones de las partes y, en los procesos penales, la determinación de la responsabilidad penal. El análisis destaca la relación entre la interpretación jurídica y la valoración de los hechos, subrayando que la flexibilidad interpretativa debe respetar los límites legales y las garantías procesales. En materia penal, la interpretación debe observar la prohibición de ampliar la responsabilidad penal mediante la analogía. Aunque la discrecionalidad judicial permite aplicar las normas a circunstancias complejas y cambiantes, su ejercicio insuficientemente delimitado puede generar calificaciones inconsistentes y debilitar la seguridad jurídica. Por ello, el artículo destaca la importancia de una orientación legislativa clara, resoluciones judiciales motivadas y garantías procesales efectivas, especialmente cuando una modificación de la calificación jurídica pueda afectar a la defensa. La calificación jurídica precisa y transparente se presenta como una condición esencial para conciliar la eficacia de la función jurisdiccional con la protección del derecho a un juicio justo.
**Palabras clave:** calificación jurídica; juicio justo; principio de legalidad; derechos de la defensa; discrecionalidad judicial; justicia penal.

## Introduction:

Legal characterization is one of the fundamental issues in legal scholarship and judicial practice. It is the instrument through which legal status is attributed to the facts presented to the court, transforming them from mere material events into legal situations capable of producing legal effects. Its role is not limited to identifying the applicable legal rule; it also extends to ensuring consistency in the application of legal provisions and achieving fairness between

litigants. Understanding legal characterization and identifying its features therefore constitute an essential starting point for any study of legal issues, whether in civil or criminal law.
This study addresses the following research problem: How does legal characterization operate as a means of securing a fair trial? Can the legal characterization of an offence change after criminal proceedings have been instituted? Are judicial authorities bound by the initial characterization of facts received from the different judicial authorities, including the investigating authorities and the Public Prosecution, or in cases in which the accused is summoned to appear?

The study concludes that legal characterization is a cornerstone of criminal judicial practice because of its decisive role in achieving justice and ensuring respect for legal provisions. Its scope is confined to concepts relating to the characterization of facts at the commencement of proceedings; the characterization of sentences, which generally falls within the remit of the sentence-enforcement judge, is outside the scope of this study.
Part One: The Theoretical Foundations of the Legal Characterization of Offences:
The legal characterization of offences is one of the most important stages of criminal proceedings. It determines the correct legal description of the act committed by subsuming it under the relevant provisions that criminalize it. Characterization is not merely a description of conduct; it connects the material facts to the legal model established by the legislature, making it possible to determine the nature of the offence, its constituent elements, and the penalty prescribed for it. It is a technical operation performed by the judge or the investigating authority, based on the factual elements established in the case file. This procedure is particularly important because it ensures the proper application of the law, protects the rights of the accused, and gives effect to the principle of criminal legality. It may directly affect the course of criminal proceedings, including jurisdiction, prosecution procedures, and the nature of the penalty. A change in characterization may transform an offence from a felony into a misdemeanour or a contravention, with corresponding consequences for its seriousness and the penalty applicable.
1. The Concept of Legal Characterization:
Linguistically, the Arabic term for characterization derives from the verb meaning “to describe the manner, nature, or form of something.” In legal terminology, it means subsuming a particular fact under the legal provision appropriate to it, that is, assigning it the correct legal description so that it becomes subject to the rules of that provision.

Henri Capitant defines qualification in his dictionary of legal terminology as “the intellectual operation which consists in bringing a fact or an act within a specific legal category.” In other words, characterization is the mental process by which a fact or act is placed in a defined legal category. It may also be described as determining the legal relationship between the criminal incident and the provisions of law applicable to it.

It is likewise defined as the intellectual process through which a judge matches the facts with an offence defined by law. This process is essential to identifying the applicable legal framework, including the nature of the offence and the competent jurisdiction. Abd al-Razzaq al-Sanhuri describes characterization as assigning a fact its correct legal description so that it is governed by the legal regime appropriate to it. Sulayman Marqus similarly defines it as identifying the correct legal description of a fact or legal act in preparation for applying the legal provisions governing it.
At the judicial level, characterization is the process by which a judge examines a dispute, places it within one of the situations regulated by law, and assigns it a specific legal name so that the appropriate rule can be applied. For example, does an act constitute theft or breach of trust? Is a contract a sale, lease, or deposit? Characterization is therefore the link between the facts presented and the law; without it, a fair legal judgment cannot be reached. In criminal law, characterization means assigning the conduct constituting an offence its correct legal description and determining its legal nature under the relevant provision, including whether it constitutes a felony, misdemeanour, contravention, or no criminal offence at all. Recharacterization, as a legally permissible procedure, aims to assign the charge its correct legal description. It may result in a more serious or a less serious charge. However, recharacterizing a fully constituted felony as a misdemeanour may violate the law because of its connection with the rules governing criminal jurisdiction. (Capitant, n.d.; Garraud, 1907; Vicentini et al., 2015; Al-Sanhuri, 1952; Marqus, 1977).
2. Forms of Legal Characterization:
Legal characterization rests on two foundations. First, the conduct must correspond to the model set out in the criminalizing provision. Such a provision establishes abstract legislative models of conduct that harms the social

interests protected by criminal law. For unlawfulness to be established, the conduct must contain all the elements required by the legislative model of the offence. This is the positive element of unlawfulness: characterization is valid only where the actual conduct corresponds to the statutory model.

Second, the conduct must not be covered by a ground of justification. The act must fall outside the scope of a provision permitting it. Homicide, for example, falls within the scope of criminalization; however, if committed in lawful self-defence of oneself or one's property, it may be justified and cannot be matched to the legislative model of the offence. Grounds of justification constitute the negative element of unlawfulness: they must not apply to the conduct. Since legal characterization is closely associated with unlawfulness, it is objective in nature. Unlawfulness is a description attached to the act and results from the relationship between the conduct and the legal provision. The offender's personal beliefs do not determine this description: an act may be classified as a crime regardless of whether the offender believes it to be criminal.

Characterization may be legal or non-legal. Legal characterization results from applying a legal concept to the facts under examination. Examples include characterizing movable property as belonging to another person, characterizing the relationship between an offender and a victim as contractual—such as a lease, employment, or agency relationship—in a breach-of-trust offence, and characterizing the facts underlying an offence as unlawful under the Penal Code. This form of characterization presupposes the application of rules governing ownership, contract, or criminalization.
The offender's knowledge of legal characterization raises the question whether criminal intent requires the offender to be aware of that characterization. The presumption of knowledge of the law is governed by a number of rules. Knowledge of the Penal Code and its supplementary legislation is presumed in relation to all criminal provisions, regardless of the type or seriousness of the offence and, subject to exceptions, regardless of whether the offence was committed inside or outside the country. The presumption applies to all persons subject to the law, nationals and foreigners alike, and does not distinguish between persons with full criminal capacity and those whose capacity is incomplete, such as a minor who has passed the age of seven but has not reached the age of criminal majority.

Ignorance of the law is not accepted as an excuse. Nor may a person who knows of the law plead ignorance on the ground that it has not been published or that the period required for it to enter into force has not elapsed. Most legal systems adopt this presumption, and criminal legislation treats publication of the law in the Official Gazette as evidence of public knowledge. Publication, followed by the prescribed period, creates an irrebuttable presumption that everyone knows the law.
Knowledge is presumed to extend to the law's correct meaning and precise wording. An accused person cannot claim that they acted on the belief that the law should be interpreted in a way that permitted the conduct. A mistake of law is therefore treated like ignorance of the law, and neither ordinarily excludes criminal intent. This applies even where the mistake is widespread throughout society. The maxim *error communis facit jus* ("common error makes law") is not recognized by the criminal legislature: once legislation enters into force, it retains its binding force until expressly or impliedly repealed by subsequent legislation.
Non-legal characterization, by contrast, depends on applying concepts that are not inherently legal. Examples include characterizing conduct as indecent or offensive to public modesty, determining whether an allegation in a defamation case would expose the victim to contempt among members of their community, and assessing the victim's condition as insanity. Such assessments may derive from moral standards, society's judgment of the facts, or the application of non-legal standards to the victim's condition.

This form of characterization arises when the legislature uses broad or imprecise expressions in criminal provisions, capable of covering numerous forms of criminal conduct. Examples include the expression "an act contrary to public decency" in Articles 333, 334, and 335 of the Algerian Penal Code, and the expression "indecent assault" in Articles 336 and 337. Many acts that offend public morals may fall within the concept of a public indecent act. The interpreter must therefore refer to the relevant standards of public morality to determine whether the conduct violates public decency. The same applies to indecent assault, which involves conduct affecting the victim's intimate parts; social and moral standards help determine what constitutes such parts. (Qoura, n.d.; Bouchliq, n.d.).

3. Elements of Legal Characterization:
Legal characterization is essentially an intellectual process. It begins with major premises and minor premises and culminates in a conclusion embodied in a judgment or decision issued by the court. It proceeds through several stages: understanding the facts, understanding the law, and then applying one to the other. The final result is the legal description. Its principal elements are
as follows.
3.1. The Criminal Incident

The criminal incident is the starting point for applying the law. The key to judicial work generally, and to characterization in particular, lies in the incident submitted to the criminal judge. The judge must therefore set out and analyse the facts in detail, since the soundness of the judgment is closely connected to an accurate statement of the facts of the case.

The question arises as to which facts bind the judge. One view in legal scholarship considers the relevant incident to be the material element of the offence. Another view argues that this position conflates two distinct meanings of “act”: an act as a bodily movement and an act as an offence. According to the latter view, the incident cannot be reduced to a purely material aspect. It may be understood in two ways. The first encompasses all facts making up the incident, including its material and mental elements, whether principal or ancillary. The second refers to the act in the sense of the offence: the act or acts attributed to the accused, criminalized by law, and made punishable under a statutory provision.

3.2. Identifying the Applicable Law (Determining the Legal Model of the Offence)

Legal characterization requires a legal provision that determines the legal treatment of the incident and whether it falls within the scope of criminalization. An incident cannot be classified as a crime without understanding the legal provision that criminalizes it. The legal text is the foundation of the charge and the reference against which the facts are assessed, because it distinguishes permissible conduct from criminal conduct.

The provision must be explicit, clear, comprehensive, and precise in defining the elements of the prohibited act. It must also be consistent with constitutional provisions protecting public freedoms. It must define all the elements of the offence and specify the applicable penalty; this is what is known as the statutory model.

The legal model of an offence comprises the legal form of the offence and all the elements required for its establishment. If any one of those elements is absent, the offence is not constituted. Other circumstances may not form part of the incident itself but may nevertheless be required by law, such as particular characteristics that the offender must possess.

Once the elements of the incident have been identified through an understanding of the facts, the judge may characterize it only after determining the elements of its legal model. This requires understanding both the incident and the law, then matching the incident to the legal model in order to reach the appropriate legal description. Legal characterization is therefore possible only through a combined understanding of fact and law. Their relationship can be understood only by applying the legal provision.

“Law” here refers to written provisions containing abstract and general rules issued by the competent legislative authority. These provisions constitute the legal model of the offence. The theory of the legal model holds that a criminalizing provision contains all the elements necessary to constitute the model of an offence. Criminal provisions may be divided into primary provisions and directive provisions. Directive provisions guide the judiciary in exercising its adjudicative authority, such as provisions regulating judicial discretion in determining penalties. Primary provisions define the model of the offence and its penalty, establish binding rules, identify prohibited forms of conduct, and prescribe criminal penalties for those who commit the offence.
Provisions relevant to characterization comprise two parts. The first is the prescriptive or criminalizing part, which establishes the command or prohibition intended by the legislature. It describes a hypothetical event that may occur in the future and attaches legal consequences to it; the hypothesis is thus connected to the facts. The second is the

sanction part, which sets out the consequence of violating the command or prohibition. The Penal Code prescribes the relevant criminal sanctions, thereby providing the legal solution for the event contemplated by the rule. Subsidiary provisions supplement the primary provision by clarifying the limits and scope of the command or prohibition.

3.3. Correspondence between the Incident and Its Legal Model

The final condition for legal characterization is correspondence between the elements of the legal model of the offence and the elements constituting the incident. This correspondence is verified by first examining the conduct and all its aspects and legally relevant characteristics, and then examining the law and identifying its constituent elements. The facts must then be matched to the legal provision.

Matching is a relatively recent term in legal terminology and is one of the fundamental pillars of legal characterization. It represents the interaction between facts and law. It is an intellectual and logical process that enables the judge to reach a correct judgment consistent with both the facts and the law. (Al-Shatibi, 2011; Azar, 1967; Bouchliq, n.d.; Hasani, 2006).

Part Two: The Importance of Legal Characterization:

Legal characterization is not a mere formality; it is the foundation of every sound legal judgment. Any error in characterization may result in injustice or the incorrect application of the law. It is therefore a fundamental component of legal study and practice, since it assigns the correct legal description to a particular incident in order to identify the legal rule applicable to it. An error may also lead to a judgment liable to be quashed on appeal, returning the dispute to its starting point and prolonging the proceedings, thereby producing delayed justice.

Judicial characterization is one of the pillars of the legal system. It helps achieve vital objectives, including the equal and fair application of the law. Through the analysis of legal facts and the interpretation of legislative provisions in light of changing circumstances and the requirements of justice, judicial characterization facilitates interaction between law and social development and enables the judiciary to provide appropriate legal solutions.

The importance of legal characterization is reflected in the following aspects. (Jarab, n.d.; Bouchliq, n.d.).

1. Respect for the Rules of a Fair Trial:

After the judicial police identify a criminal incident, the Public Prosecution examines it and assigns it a legal characterization. The investigating or trial authority subsequently considers the matter. The initial criminal description may, however, prove incorrect. This may result in the accused being tried for an offence that was never committed, for an offence whose constituent elements differ from those of the act actually committed, or for an offence carrying a penalty more severe or more lenient than the penalty prescribed for the correct characterization.

Incorrect characterization inevitably leads to an error in the application of the law and may have serious consequences for the substance of criminal justice, including the loss of litigants' rights. This may occur where the limitation period for asserting a right expires because proceedings were not brought under the correct characterization, or where a court dismisses a claim for lack of a proper legal basis. In either situation, the claimant loses the opportunity to obtain judicial protection of their right.

Although judicial characterization is important to the achievement of justice, it raises questions about the limits of its function and the risks of personal judicial assessment affecting decisions. Regulatory frameworks and legislative amendments are therefore necessary to guide judges without restricting their flexibility and to maintain a fair balance between statutory provisions and confidence in the judicial system. Characterization is also indispensable when judges deal with particular cases that legislation may not have addressed in detail; it enables them to combine general legal principles with the circumstances of the specific case and clarify the rights and obligations of the parties.

The legislature has provided a safeguard to prevent judicial authorities from departing from the proper characterization of the facts: the criminal court is bound by the personal and objective limits of the case brought before it, while retaining the authority to examine the correct legal characterization of the charge.

The court is bound by both the objective and personal limits of the criminal action. The objective aspect is expressed

through the principle of the objective identity of the criminal action: the court may not attribute to the accused a factual incident different from the one on which the action was brought, even if the alternative incident is supported by the investigation. The personal aspect is expressed through the principle of the personal identity of the criminal action: the court may not convict persons other than those against whom proceedings were instituted, even if their participation in the offence under consideration is established.

The criminal court is bound by the objective limits of the public prosecution brought before it and by the claims of the authority responsible for instituting and conducting criminal proceedings, namely the Public Prosecution. Since the criminal action is the means by which the Public Prosecution submits the criminal dispute to the court, the court must examine the case as presented, with respect to its facts. It may not adjudicate facts for which no proceedings have been instituted. This is the principle of the objective identity of the action. Accordingly, a criminal judge may not address facts that do not appear in the Public Prosecution's accusation, the private claimant's complaint, or the committal order issued by the investigating judiciary.

The rule restricting the court to the objective limits of the public prosecution is also considered a practical consequence of the presumption of innocence. Since accusing a person of an offence is an exception to the presumption of innocence, the accusation must not be extended beyond its proper scope. The prosecution bears the burden of proving the charge, and the judge must not convict the accused unless convinced beyond doubt of their guilt in respect of the conduct attributed to them. The judge may not extend the conviction to other acts, amend or distort the charge in a way that further departs from this principle, or try the accused for an incident not included in the committal order or summons.

Characterization is also crucial in determining the legal consequences of applying a provision. It is the first step in the application of law and determines whether the relevant provision is civil, criminal, or commercial. In criminal matters, the judgment of acquittal or conviction is built upon it.

Several factors influence judicial characterization, particularly judicial precedents, which provide judges with an effective reference when deciding cases. Precedents enable judges to rely on earlier decisions concerning the same case or similar legal issues, thereby supporting continuity in the administration of justice. When issuing a new judgment, a judge should consider how similar cases were previously resolved and the positions adopted by the courts. This helps prevent individual decisions based solely on personal opinions, preserves general principles of justice, reduces inconsistency, and contributes to judicial stability.

In addition to precedents, legislation provides a clear framework of legal rules and standards that judges must follow. Legislative amendments may expressly state the legislature's intentions, requiring judges to use the relevant provisions as a principal reference in their decisions. This direct influence of legislation highlights the importance of continuously updating laws to adapt to social and economic changes that may affect the concept of justice. (Taha, 2003; Takoudju, n.d.; Bakkar, n.d.; Algeria, 2025).

2. Identifying the Role of Criminal Intent:

Criminal intent is not limited to knowledge of particular facts; it may also require awareness that certain facts possess a particular characterization. In some offences, the elements are not confined to facts considered independently of their characterization. Rather, the characterization acquired by those facts is itself one of the essential elements. Consequently, the offender's mental state plays a fundamental role in bringing the established facts within the appropriate statutory model.

In such offences, characterization has legal significance equal to that of the material facts themselves. Since criminal intent requires knowledge of all the elements of the offence, the offender's knowledge must extend to the characterization as well as to the facts.

Several authorities may participate in the initial characterization of facts. A victim may suggest a charge when filing a complaint on the basis of their experience. The police station receiving the facts may assign a preliminary technical characterization to guide the investigation. The Public Prosecution then plays a significant role in legally characterizing the charge in order to decide whether to dismiss the case, summon the accused, or open a preliminary investigation. Trial courts, appellate courts, and, most importantly, the Court of Cassation may also recharacterize the facts in the course of reviewing whether the law has been correctly applied to the final charge.

Some legal scholars, including German scholars, refer to knowledge of a characterization associated with the facts as the "normative elements of the legal element of the offence." These are elements that cannot be understood from the facts alone and require legal characterization, such as the status of a public official, public decency, or public funds. A public indecency offence presupposes that the offender's conduct is characterized as indecent. Defamation requires the allegation concerning the victim to be characterized as one that exposes the victim to contempt among members of their community or in the place where they ordinarily reside. Breach of trust requires the relationship between the offender and victim to be characterized as one based on a trust contract.

Furthermore, the concept of an offence requires the underlying facts to be characterized as criminal and unlawful in the eyes of the legislature. Criminal intent therefore requires awareness of the non-legal characterization where the facts must acquire that characterization in order to constitute an offence. The rationale is that characterization itself forms an element of the offence; without it, one of the elements is absent and the facts stripped of that characterization have no legal significance in establishing the offence. Characterization is a normative element because it involves a value judgment concerning the facts. Since the general rule requires knowledge of all the elements of an offence, knowledge must extend to this characterization for criminal intent to exist.

Thus, a person committing a public indecency offence must know that their conduct is indecent and violates public decency. A person committing defamation must know that the allegation attributed to the victim exposes them to contempt in their community. If such awareness is absent, criminal intent in these offences is not established. By contrast, knowledge of legal characterization—often described as knowledge of the law—is governed by a presumption established by the legislature. Knowledge of the Penal Code and its supplementary laws is presumed in relation to all criminal provisions, regardless of the type or seriousness of the offence, the place where it was committed, or whether the person subject to the law is a national or a foreigner. The presumption also applies irrespective of whether the person has full or incomplete criminal capacity.

Where the law requires the accused to know a particular characterization, that knowledge is assessed according to the way the characterization is understood in the social environment to which the accused belongs. It is sufficient that the accused understands it within the limits of their intellectual abilities and in the way a person from the same social class would understand it. Each characterization required by law is assumed to have an ordinary meaning determined by the ideas, values, and experiences prevailing in the accused's environment. If the accused understands the characterization in this manner, the required criminal intent may be established.

The law does not require the accused to understand the characterization in the technical or scientific sense used by specialists who formulate its rules and principles, since accused persons rarely possess the expertise necessary to do so. On the other hand, mere awareness of some manifestations or effects of the characterization is insufficient where the accused cannot infer their significance. For example, if the law requires knowledge of the victim's insanity, it does not require the accused to understand insanity as psychiatrists understand it, nor is mere knowledge of symptoms sufficient if the accused cannot infer insanity from them. Rather, the accused must understand insanity according to the standard used by their social environment to describe a person's thinking or behaviour as insane.

Similarly, where the law requires knowledge that an act is indecent and contrary to public decency, it does not require the accused to understand the concept as defined by moral or social scientists. Nor is mere awareness of the physical form or effects of the act sufficient if the accused cannot draw a conclusion from them. The accused must understand that the conduct offends the sense of modesty as defined by the traditions and customs of the environment in which the act occurred. (Hasani, 2006; Ranieri, 1952).

3. Legal Characterization as Support for the Principles of Criminal Psychology:

Criminal psychology plays an important role in determining whether an act results from conscious will or from psychological disorders, such as mania, epilepsy, or uncontrollable impulses. An individual who commits homicide under the influence of a sudden psychological shock may, for example, be considered to have acted without full awareness; the homicide may consequently be characterized as unintentional or as occurring in a legally recognized state of anger, depending on the applicable legal system. The offender's psychological factors are also decisive in shaping the mental element of the offence. This demonstrates the close relationship between the psychological

dimension and the role of psychological factors in directing the legal characterization of an offence. Psychological illnesses, insanity, and behavioural disorders may therefore alter its legal characterization.

An example is the legislature's treatment of cases in which a husband kills his wife after finding her in the act of adultery. Discovering a spouse in such circumstances may cause a state of psychological agitation that leads to homicide without full awareness. In some legal systems, this is treated as a mitigating excuse. The legislature thereby takes account of the husband's psychological state when he discovers his wife committing the act. (Azar, 1967; Algeria, 1966; Egypt, 2009).

4. Soundness of Judicial Reasoning:

The proper legal determination of a criminal charge is an effective instrument for administering justice at trial and in subsequent proceedings. Difficulties may arise when a criminal charge is determined during precautionary or preliminary proceedings, since at that procedural stage the court may be unable to formulate a charge different from the one presented by the Public Prosecutor. Legal characterization is therefore at the heart of judicial reasoning.

Judicial reasoning rests on two foundations that make it possible to review the soundness of judicial logic:

(a) Compliance with the law and its proper interpretation and application. The minor premise identifies the incident giving rise to the dispute, while the major premise identifies the legal rule applicable to that incident and interprets and understands it according to a sound legal method.

(b) Proper assessment by the trial court of the evidence, in accordance with the procedures prescribed by law and the principle of procedural legality.

This means that unsound reasoning in establishing the facts leads to the incorrect application of the law. An error in assessing the facts necessarily leads to an error of law, because judicial work combines factual and legal analysis. For example, the offence of intentional assault and battery with a weapon may be established where a ring worn on the hand causes injury to the victim and is considered a weapon by use. The material element of the offence consists of the actual physical assault on the victim's body by the hand wearing the ring, resulting in a wound or bodily injury. Treating the incident merely as an assault with a bare hand, without applying the aggravating rules associated with the use of a tool or weapon, would amount to incorrect characterization resulting from unsound reasoning in establishing the facts.

Judicial logic is realized through a particular intellectual method used to reach a legal solution. It is governed by a legal methodology, namely the set of means followed to reach a particular result. Legal methodology charts the course that judicial reasoning must follow in applying the rule of law to the facts. Legal methodology focuses on interpreting the legal rule, whereas judicial reasoning focuses on applying that rule.

Sound legal methodology derives from the interest protected by law rather than from the form of the law itself. The judge interprets the law in a manner that protects the legally recognized interest and follows the procedure adopted in accordance with the applicable legal rules. Judicial reasoning is therefore constrained by procedural rules and principles, including the adversarial principle, which requires proceedings to take place in the presence of the parties; the principle of oral pleadings; guarantees of personal liberty; and the prohibition on a judge deciding a case on the basis of personal knowledge.

The importance of logical reasoning in judicial proceedings appears in several respects:

1. Convincing the parties of the fairness of the judiciary: sound reasoning helps convince the litigants and the public that the judgment delivered by the judge is fair.
2. Judicial reasoning as a means of resolving disputes: every judicial action consists of facts and law. The judge identifies the points of disagreement between the parties and then determines the legal rules applicable to the dispute. Logic is therefore the means by which the dispute is resolved.
3. Judicial reasoning as a means of reviewing judgments: logic has recognized principles and methods. A departure by the trial court from sound reasoning may be detected by the court hearing the appeal through an examination of the judicial reasoning.
4. Judicial reasoning as a tool for achieving legal certainty: legal certainty is promoted when judgments are delivered according to a defined judicial logic that enables individuals to anticipate judicial decisions within a

given framework, based on their knowledge and experience of previous facts and the judgments rendered in relation to them. This generates public confidence in the law, the judiciary, and the state as a whole.

5. Safeguarding the right of defence: judgments are based on judicial reasoning and set out written reasons that lead logically to the operative part of the judgment. This enables the interested party to assess whether an appeal is appropriate.

In addition, correct characterization of legal disputes enables persons seeking legal remedies to take steps on a clear and sound basis. Once a dispute has been correctly classified, individuals can make use of the most appropriate legal options to defend their rights. These include alternative dispute-resolution mechanisms, such as arbitration, and alternatives to public criminal proceedings recognized by the legislature, such as warnings and mediation. Such mechanisms may often be more effective than conventional litigation. They facilitate access to justice and may help individuals avoid lengthy and complex procedures that could lead to unsatisfactory or frustrating outcomes. (Al-Dahham, 2026; Sorour, 2018; Takoudju, n.d.).

Conclusion:

This study has demonstrated that the judicial characterization of an offence is not merely a legal operation intended to identify the provision applicable to the facts submitted to the court. Rather, it is one of the most important mechanisms contributing to the achievement of criminal justice and the guarantee of a fair trial. Characterization determines the legal description of the conduct and directly affects the identification of the constituent elements of the offence and the penalty prescribed for it. It also determines the scope of the rights of the defence and the guarantees afforded to the accused throughout the stages of criminal proceedings. Focusing on judicial characterization therefore means strengthening access to justice.

The study has concluded that sound judicial characterization is based primarily on reconciling the facts established in the case file with the applicable legal rules. A judge may not subject the facts to a predetermined characterization or interpret the law expansively beyond the limits of the criminal provision, since the principle of criminal legality requires respect for the boundaries established by the legislature for criminalization and punishment. The study has also shown that a judge's authority to characterize facts is not absolute. It is subject to restrictions arising from the principle of legality, the presumption of innocence, the rights of the defence, the adversarial principle, and the requirement not to surprise the accused with a new legal description without giving them an opportunity to discuss it and present their defence.

Accordingly, the legitimacy of characterization is measured not only by its conformity with the legal text but also by its respect for the procedural guarantees associated with a fair trial. The study has further demonstrated that judicial characterization plays an important role in achieving equality before the courts and legal certainty by ensuring, as far as possible, that similar facts are governed by similar legal rules and by limiting unjustified inconsistencies in judicial decisions. Review of characterization by appellate bodies, particularly the Supreme Court, is an essential safeguard for harmonizing the application of the law and correcting errors that may affect the characterization process.

Recharacterization or alteration of the legal description of facts must not become a means of undermining the rights of the accused. Such authority must remain connected to the facts discussed before the trial court, while the defence must be given a genuine and effective opportunity to address the new characterization and respond to it. A fair trial is not achieved merely by applying the law correctly; it also requires that the law be applied transparently, adversarially, and with respect for the rights of all parties to the proceedings.

Logical reasoning in legal characterization also contributes to the soundness and truthfulness of judgments. Justice is founded on logical reasoning because disputes submitted to a judge contain a combination of facts and law. In performing the judicial function through legal characterization, the judge identifies the applicable legal rule, interprets it, and applies it to the facts before the court. Logical reasoning assists in resolving cases and avoiding undue delay.

In light of these findings, the study recommends strengthening the legal and procedural safeguards governing judicial characterization, particularly in relation to recharacterization and changes to the legal description of an offence. It emphasizes that the accused and their defence counsel must be informed of any new characterization and enabled to discuss it effectively. It also recommends strengthening the role of the Supreme Court in harmonizing the

principles governing judicial characterization, thereby promoting consistency in judicial precedent and enhancing legal certainty. (Bouchliq, n.d.; Jarab, n.d.; Al-Dahham, 2026).

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