



La Mediación Penal (Spanish Edition)

Juan Antonio Cruz

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La presente obra se configura como un trabajo panorámico sobre la mediación en su vertiente penal que, como indica el subtítulo, da respuesta a los principales interrogantes que despierta la inclusión de un mecanismo netamente autocompositivo en un sistema penal como el español, tradicionalmente marcado por los principios de legalidad y oficialidad, y, por tanto, poco permeable a la autonomía de la voluntad de las partes. Para ello ha partido de la incontestable realidad de la crisis del actual modelo penal, trazando su devenir desde su creación por los reformistas ilustrados hasta nuestros días. También se repasan los antecedentes históricos de los métodos colaborativos de justicia penal y se hace una descripción del movimiento, de origen anglosajón, conocido como justicia restaurativa, proponiendo la mediación penal como el mecanismo más adecuado a las peculiaridades de la cultura jurídica de la Europa continental. Asimismo se analiza el encaje de la mediación con los principios informadores de nuestro Derecho penal; esta obra no defiende un sistema de mediación penal ajeno al proceso oficial, sino que aboga por su integración en el mismo, como vía a seguir bajo la tutela de las autoridades públicas. De igual manera, se expone la regulación legal de la mediación penal a nivel internacional y se analiza la legislación proyectada en España. Por último, se describe la situación de la mediación penal en los Estados de nuestro entorno, así como de las experiencias piloto desarrolladas en nuestro suelo.

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