

REGULATORY FRAMEWORK OF DIGITAL EVIDENCE
IN CRIMINAL PROCEEDINGS. CASE STUDY: ALBANIA

CAMI, GIOLA
PhD Student

University of Szeged

Academic supervisor: Prof. Dr. Krisztina Karsai university professor

Research field: Digital Evidence

E-mail: giolacami90@gmail.com

With the development of Communication and Information Technology digital evidence relativity in criminal proceedings has augmented, thus presenting the need to vest the current legislation with accurate legal provisions regarding the identification, acquisition, preservation, examination, and analysis of data stored in electronic devices. Understanding of the current regulatory framework and criminal proceedings practices are pre-requisites for pathing the way to identification and improvement of issues regarding the obtaining, seizure, analysis, and presentation of digital evidence. This paper provides an analysis of digital evidence management legislation under Budapest Convention and its Annexes, typologies & principles and identifies current challenges in the criminal proceedings related to digital evidence.

Providing an in-depth legal analysis on the Convention, its Annexes, data management provisions in the Criminal Procedural Code of the Republic of Albania, current literature, institutional capacities and procedural means, this paper addresses the nature of challenges and explains how the existing gaps in practice condition the effective implementation.

Keywords: digital evidence, legislation, challenges, data management