

## Sentencing Procedures

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Even though sentencing is a hot topic among academics, very few authors embark on analysing procedural rules that guide the sentencing process. The question of sentencing procedure, the part of the criminal procedure specifically poised to determine the circumstances relevant to producing a just sentence, is not merely an afterthought. Often enough, it is the procedure that (at least partly) determines the outcome. This paper questions some of the more important issues with regard to different systems of sentencing procedures. The key difference between common law and continental systems, the question of a bifurcated or a uniform procedure, with or without the separation of the verdict and sentencing phases, are most thoroughly analysed. However, other issues seem relevant as well, such as the question of standards of proof, the judgment's substantiation, and of legal remedies.

**Key words:** sentencing, procedure, punishment, mitigating and aggravating circumstances, substantiation, standard of proof

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