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From in-person proceedings to technological mediation: a cognitive reconstruction of orality in virtual justice

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Abstract

This study examines the transformation of the principle of orality and its corollaries in contemporary criminal procedure, focusing on the impact of digital technologies and, in particular, the use of videoconferencing for evidentiary hearings. It adopts the premise that orality is not merely the performance of spoken acts but an institutional arrangement that ensures adequate cognitive conditions for the production and assessment of oral evidence (Araújo, 2021). Drawing on an analytical and interpretative bibliographic approach, and engaging with empirical research from cognitive psychology and interactional linguistics, the study investigates how technological mediation affects cognitive processes such as shared attention, multimodal perception, discursive processing, and memory, thereby altering the functioning of orality as an evidentiary technique. The research thus seeks to formulate cognitively informed criteria for the normative reconstruction of orality in digital contexts, contributing to forms of procedural innovation that are attentive to the affordances and limits of human cognition.

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