

Introduction to Criminal Law

Criminal law constitutes a fundamental branch of the legal system, distinct from private law in both its purpose and its mechanisms. While private law governs relationships between individuals, criminal law is concerned with the protection of society as a whole. It defines conduct that is considered harmful to social order and establishes the sanctions applicable to those who engage in such conduct.

Criminal law can be defined as the set of legal rules that determine which acts are prohibited and prescribe the penalties applicable to offenders. Its primary objective is not only to punish wrongdoing, but also to prevent it, deter potential offenders, and maintain public order. In this sense, criminal law serves both a repressive and a preventive function.

A fundamental aspect of criminal law is the classification of offenses according to their seriousness. Legal systems generally distinguish between three categories: crimes, delicts, and contraventions. Crimes represent the most serious offenses and are subject to the most severe penalties. Delicts occupy an intermediate position and correspond to less serious but still significant violations. Contraventions are minor offenses, typically punished by lighter sanctions. This classification reflects the principle of proportionality, according to which the severity of the penalty must correspond to the seriousness of the offense.

At the heart of criminal law lies the principle of legality, which states that there can be no offense and no punishment without a prior legal provision. This principle ensures that individuals are not subjected to arbitrary punishment and that only conduct clearly defined by law may be sanctioned. It guarantees legal certainty by requiring that criminal rules be precise and accessible.

Another essential principle is that of personal responsibility. Criminal liability is individual, meaning that a person can only be punished for their own actions. One cannot be held criminally responsible for the acts of another, except in specific situations provided by law. This principle reinforces the idea that punishment must be linked to personal conduct and individual fault.

Criminal law also distinguishes itself from civil liability by its objectives. While civil liability seeks to repair harm suffered by a victim, criminal law aims to sanction behavior that threatens society. However, the same act may give rise to both criminal and civil consequences. For example, an act of violence may lead to criminal prosecution while also giving rise to a civil claim for compensation.

The functioning of criminal law is closely linked to the role of the State. Unlike private law disputes, which are initiated by individuals, criminal proceedings are generally brought by public authorities in the name of society. The State, through its institutions, investigates offenses, prosecutes offenders, and enforces penalties. This

public dimension reflects the idea that crime is not only an injury to an individual, but also a disturbance of social order.

In conclusion, criminal law plays a crucial role in maintaining order and protecting fundamental values within society. By defining offenses, establishing penalties, and enforcing legal rules, it ensures that conduct harmful to the community is addressed. Its principles, particularly legality and personal responsibility, provide essential safeguards against arbitrary punishment while reinforcing the authority of the legal system.