

Legal Classification of Offences Against Persons and Property

Legal classification, or qualification juridique, is one of the most fundamental operations in criminal law. It consists of determining the precise legal nature of a factual situation by subsuming it under a specific legal category. From a doctrinal perspective, classification is not a simple descriptive exercise but a true legal qualification issue, requiring the jurist to interpret facts through the lens of legal norms. The accuracy of this operation is essential, as it determines the applicable legal regime, the competent jurisdiction, and the severity of the penalty.

From a legal rule standpoint, offences are generally classified according to the legal interest they protect. A primary distinction exists between offences against persons and offences against property. Offences against persons aim to protect the physical and moral integrity of individuals. These include homicide, intentional violence, and other forms of personal harm. The seriousness of such offences is often evaluated in light of both the extent of the harm and the intent of the offender. The jurisprudential approach tends to emphasize the protection of human dignity and bodily integrity as fundamental legal values.

In contrast, offences against property concern the protection of ownership and possession rights. These offences include theft, fraud, and breach of trust. The legal analysis of such offences often focuses on the nature of possession and the conditions under which it was acquired. The distinction between these offences is not merely theoretical; it has direct implications for legal qualification and sentencing.

A particularly significant doctrinal issue arises in distinguishing between theft and breach of trust. Theft is defined as the fraudulent taking of property belonging to another without consent. It presupposes the absence of prior lawful possession. Breach of trust, on the other hand, involves the misappropriation of property that was initially entrusted to the offender lawfully. The jurisprudential approach consistently considers the origin of possession as the decisive criterion. Courts tend to examine whether the offender had legal control over the property at the initial stage in order to determine the correct classification.

Another complex issue concerns conflicts of qualification. In practice, a single factual situation may appear to correspond to multiple legal categories. In such cases, the judge must identify the most appropriate legal qualification by analyzing the dominant elements of the offence. The doctrine emphasizes the necessity of coherence and precision, as incorrect classification may lead to unjust outcomes or procedural errors.

Legal classification also plays a crucial role in the reasoning process known as legal syllogism. The jurist must first identify the applicable legal rule, then compare it with

the facts, and finally draw a conclusion regarding the appropriate qualification. This method ensures rigor and consistency in legal reasoning.

Legal classification is a central mechanism in criminal law that transforms factual situations into legal categories. Its accuracy ensures coherence, fairness, and legal certainty. Through doctrinal analysis and jurisprudential interpretation, it allows the law to respond precisely to the diversity of criminal conduct.