

Causes of Irresponsibility and Justification in Criminal Law

Criminal law does not only define offences and establish liability; it also provides situations in which an act that appears criminal may not give rise to responsibility. These situations are known as causes of irresponsibility and justification. From a doctrinal perspective, they play a fundamental role in limiting the scope of criminal liability and ensuring that punishment is only imposed where it is legally justified. They therefore constitute a central legal qualification issue, as they directly affect the existence or absence of criminal responsibility.

A fundamental distinction must be drawn between objective justifications and subjective excuses. Objective justifications remove the unlawful nature of the act itself. In such cases, the act is considered lawful, and no criminal offence exists. Subjective excuses, on the other hand, do not remove the unlawfulness of the act but eliminate or reduce the responsibility of the offender due to personal circumstances. The doctrine strongly emphasizes this distinction, as it determines whether liability is excluded entirely or merely attenuated.

One of the most important objective justifications is self-defense (*légitime défense*). From a legal standpoint, self-defense requires the existence of an unjustified attack, the necessity of the defensive response, and proportionality between the attack and the defense. The jurisprudential approach consistently verifies these conditions, particularly the proportionality requirement. Courts tend to reject self-defense where the response exceeds what is strictly necessary to repel the attack, thereby transforming a justified act into a punishable one.

Another essential justification is the state of necessity (*état de nécessité*). This situation arises when an individual commits an offence in order to avoid a greater harm. The doctrinal analysis focuses on the balancing of interests, requiring that the harm avoided be greater than the harm caused. The jurisprudential tendency accepts necessity only under strict conditions, ensuring that it does not become a general excuse for unlawful behavior.

The execution of a legal order or the command of a lawful authority also constitutes a justification. When an individual acts in compliance with the law or under a legitimate order, their conduct is considered lawful. However, the doctrine and jurisprudence agree that this justification applies only when the order is not manifestly illegal. Courts tend to exclude this defense when the illegality of the order is evident.

Subjective excuses, by contrast, relate to the personal situation of the offender. These include situations such as coercion or certain forms of psychological pressure. In these cases, the act remains unlawful, but the offender's responsibility is reduced or eliminated due to the absence of free will. The doctrine emphasizes that criminal

responsibility presupposes freedom of choice, and where such freedom is absent, punishment loses its justification.

A complex issue concerns the role of the victim's consent. In some cases, consent may exclude criminal liability, particularly in matters involving personal rights. However, the jurisprudential approach remains restrictive, especially where fundamental rights such as life or physical integrity are concerned. Courts generally refuse to recognize consent as a justification for serious harm.

The application of these causes of irresponsibility requires a rigorous legal analysis. The judge must first determine whether the conditions of justification or excuse are met, then assess their legal consequences. This process illustrates the importance of legal reasoning and qualification in criminal law.

Causes of irresponsibility and justification illustrate the limits of criminal liability and reflect the principle that not all harmful acts are punishable. By distinguishing between lawful conduct and excusable behavior, criminal law ensures both fairness and coherence in the application of sanctions. The doctrinal and jurisprudential analysis of these mechanisms demonstrates the complexity of criminal responsibility and highlights the importance of precise legal reasoning in determining whether an act should ultimately be punished.