

Foundations of Criminal Law

- Criminal Offences
- Penal Laws
- The Subject of a Criminal Offence

Criminal Offences

- Criminal offences are acts or omissions prohibited by law and punishable by the state.

Criminal vs Civil Wrongs

Aspect	Criminal Law	Civil Law
Nature	Public wrong	Private wrong
Party initiating action	The State	The individual wronged
Purpose	Punishment / deterrence	Compensation / restitution
Standard of proof	Beyond reasonable doubt	Balance of probabilities

Definition of a Criminal Offence

- “L’infrazione della legge dello Stato, promulgata per proteggere la sicurezza dei cittadini, risultante da un atto esterno dell’uomo, positivo o negativo, moralmente imputabile”
- “The violation of the law of the State, promulgated for the protection of the safety of the subjects, by an external act of man whether of omission for which the agent is morally responsible”

Classification of Criminal Offences

- Commission vs Omission
- Formal vs Material
- Simple vs Complex
- Instantaneous vs Continuing
- Crimes vs Contraventions

Penal Laws

Theories of Punishment

- Four Theories of Punishment:
 - Retribution
 - Incapacitation
 - Deterrence
 - Rehabilitation

Penal Laws

Interpretation

- Doctrinal
- Authentic Interpretation
- Judicial Interpretation

Rules Pertaining to Criminal Law

- Legality
- Non-Retroactivity
- Presumption of innocence
- *In dubio pro reo*
- *Actus non facit reum nisi mens sit rea*
- Burden of proof
- *Ne bis in idem*

The Subject of a Criminal Offence

- Who can commit a crime?
 - Natural persons
 - Age
 - Mental Capacity
 - Legal persons