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- Manuel de Jean Manuel Cabrasse : histoire du droit pénal et de la justice criminelle collection droit fondamental.
- Cour d'histoire du droit pénal : Yvonne Bongert.

Le droit pénal est une branche du droit qui a pour objet la prévention et la répression des infractions. Cette définition dans le droit recèle plusieurs questions

C'est une branche du droit donc c'est un domaine du droit. on peut se poser la question de savoir quel est son rattachement. Est-ce que le droit pénal est rattachable au Dprivé ou au DPublic. Ou est-ce que le Dpenal est une branche indépendante ?

Auj, on a tendance à rapprocher le DPénal du Dprivé. Il y a plusieurs raisons à cela :

- Le droit du pt de vue académique est divisé en plusieurs sections qui correspondent à des divisions du conseil national des universités.
 - o Section 01 : droit privé et sciences criminelles
 - o Section 02 : droit public
 - o Section 03 : histoire du droit

Ces 3 sections divisent les disciplines juridiques. De manière réglementaire, on rassemble droit privé et sciences criminelles.

- Liée à notre organisation judiciaire. Ce sont les mêmes magistrats qui ont le même statut qui statue en civil et en pénal. Les juridictions criminelles sont intégrées à l'ordre judiciaire

Pour autant, ce rattachement au droit privé n'est pas lié d'un pt de vue intellectuel

Auj, ça passe par la définition du comportement répréhensible : c'est un principe fondamental du droit, un principe même fondamental, celui de la légalité des délits et des peines

La légalité des délits : Toute infraction passe par la fixation, par la loi, ou par les règlements des termes de cette infraction

Si Loi ou règlement définit, c'est l'autorité publique, de l'état, qui intervient dans la prévention.

Les personnes privées sont amenées à intervenir lorsqu'on met en œuvre ce droit pénal

Ex : la victime d'un délit va dénoncer son agresseur, porter plainte contre lui, et se constituer parti civil pour obtenir des dommages et intérêts. néanmoins, au point de départ, c'est bien l'état qui est intervenu pour définir l'infraction mais au bout du processus, le principe de légalité va intervenir

Le juge ne peut pas prononcer n'importe quelle peine. Il faut qu'elle soit prévue par la loi, par le code pénal ou pour les contraventions, elle est fixée par le règlement

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L Darling-Hammond



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