

General Principles in Criminal Law

General Principles

Crime is the commission or omission by a person having capacity, of any act, which is either prohibited or compelled by law and the commission or omission of which is punishable by a proceeding brought in the name of the government whose law has been violated. (Wharton's Criminal Law, Vol. 1, p.11)

If the crime is punished by the **Revised Penal Code (RPC)**, it is called a **felony**;

If by a special law, it is called an **offense**; and

If by an ordinance, it is called an **infraction** of an ordinance.

Distinction:

Felonies (RPC)	Offense (Special Law)
1. Criminal liability is based on <i>mens rea</i> or <i>in dolo</i> (deceit) or <i>culpa</i> (fault).	1. It is enough that the prohibited act was voluntary perpetrated.
2. Good faith or lack of criminal intent is a valid defense.	2. Good faith or lack of criminal intent is not a defense.
3. Degree of accomplishment are considered, i.e., frustrated, etc.	3. Acts give rise to crime only when consummated.
4. Mitigating and aggravating circumstances are taken into account in imposing the penalty.	4. Mitigating and aggravating circumstances are not considered.

Felonies (RPC)	Offense (Special Law)
5. Degree of participation is considered, i.e., accomplice, etc.	5. All who perpetrated prohibited act are penalized to the same extent.

LIMITATIONS ON THE POWER OF CONGRESS TO ENACT PENAL LAWS

The law must not: (CODE-VEBI)

1. Violate the equal protection clause of the Constitution.
2. Partake the nature of an "ex post facto law".
3. Partake of the nature of a "bill of attainder".
4. Impose cruel and unusual punishment nor excessive fines.

CHARACTERISTICS OF CRIMINAL LAW:

1. Generality

The statutes must apply to all persons within the country, whether they reside or sojourn or are merely transients, regardless of nationality, color, sex, age, social position, and other personal circumstances.

EXCEPTIONS:

- a. public international law (i.e., sovereigns and other chiefs of state, ambassadors, ministers plenipotentiary, ministers resident, and their charges d'affaires. But consuls, vice-consuls and other commercial representatives of foreign nations cannot claim the same privileges and immunities.
- b. Treaty Stipulations
- c. Laws of Preferential Application.

2. Territoriality - criminal laws of the Philippines are enforceable only within its territory.

It applies only to offenses committed within the territorial jurisdiction of the country, except those against who:

Principles On Criminal Law

Harvey Wallace, Cliff Roberson



Principles On Criminal Law:

General Principles of Criminal Law Jerome Hall, 2010 The Most Important Treatise on Criminal Law Produced by American Legal Scholarship First published to great acclaim in 1947 Hall's General Principles of Criminal Law is one of the undisputed classics in its field It provides more than a broad overview Drawing on his expertise in jurisprudence and the work of the legal realists it analyzes the principles that comprise criminal activity with an emphasis on its creation and definition by officials This process is explored in the chapters on criminology criminal theory and penal theory and in more specific terms the chapters on legality mens rea harm causation punishment strict liability ignorance and mistake necessity and coercion mental disease intoxication and criminal attempt For many years our standard work on criminal law has been Bishop's First published in 1856 Bishop's is the only American book in the field that has conspicuously influenced our criminal law When Jerome Hall's General Principles of Criminal Law 1947 appeared it represented the first significant effort to articulate the principles of criminal law since Bishop's era Hall's work may in fact represent the most important treatise on criminal law produced by American legal scholarship Fred Cohen Journal of Legal Education 16 1963 64 260

Distributive Principles of Criminal Law Paul H Robinson, 2008-09-10 The rules governing who will be punished and how much determine a society's success in two of its most fundamental functions doing justice and protecting citizens from crime Drawing from the existing theoretical literature and adding to it recent insights from the social sciences Paul Robinson describes the nature of the practical challenge in setting rational punishment principles how past efforts have failed and the alternatives that have been tried He ultimately proposes a principle for distributing criminal liability and punishment that will be most likely to do justice and control crime Paul Robinson is one of the world's leading criminal law experts He has been writing about criminal liability and punishment issues for three decades and has published dozens of influential articles in the best scholarly journals This long awaited volume is a brilliant synthesis of social science research and legal reasoning that brings together three decades of work in a compelling line of argument that addresses all of the important issues in assessing liability and punishment

Principles of Criminal Law Seymour Frederick Harris, 1880 **Principles of Criminal Law** Andrew Simester, Warren Brookbanks, 2019-03-08 LAWS798 Criminal Law THIS IS A FULL YEAR PAPER RECOMMENDED Semester One 2019 AUT City Principles of Criminal Law offers a sophisticated account of New Zealand criminal law combining theoretical depth with an authoritative exposition of the substantive areas of law encountered in the study and practice of criminal law It remains the only book title offering in depth analysis of the topic in the New Zealand market The analysis is complemented by extensive citations of case law and articles By offering an in depth exploration of the rules underlying principles and policies governing criminal liability the book is of value to students academics and practitioners alike The chapters are organised by topic addressing criminal law generally and also the specific offences defences taught at universities The practical way in which it is written also appeals to practitioners who need a current discursive analysis of

criminal law principles and developments Incorporating major changes to case law and legislation since 2012 the new edition discusses important legislative and case law developments *Criminal Law* Charles W. Thomas, Donna M. Bishop, 1987 In *Criminal Law* Thomas and Bishop clearly argue that criminal law is an essential but much neglected component in the training of criminologists and criminal justice professionals Written by and for academics and professionals in the fields of criminal justice and criminology this book is an introduction to the seminal principles of criminal law *Ashworth's Principles of Criminal Law* Jeremy Horder, 2019 Ashworth's *Principles of Criminal Law* now in its ninth edition takes a distinctive approach to the subject of criminal law whilst still covering all of the vital topics found on criminal law courses Uniquely theoretical it seeks to enlighten the reader as to the underlying principles and theoretical foundations of the criminal law critically engaging readers by contextualizing and analysing the law This is essential reading for students seeking a sophisticated and critically engaging exploration of the subject Online Resources The text is accompanied by online resources housing a full bibliography as well as a selection of useful web links **Criminal Law** David Brody, James Acker, 2010 The highly anticipated Second Edition of *Criminal Law* introduces students to the underlying principles legal doctrine and rules regarding crimes defenses and punishment in substantive criminal law Innovative in its case study approach this thoroughly updated revision will help students develop analytical skills while learning the content and context of substantive criminal law Now with a more student friendly format this text guides students through theory and practice using a blend of old and new materials to foster understanding of what the law is how it evolved the principles on which it is based and how it applies to various circumstances *Principles of Criminal Law 3/e* Duncan Bloy, Philip Parry, 2013-03-04 First Published in 1997 Routledge is an imprint of Taylor Francis an informa company **Principles of Criminal Law** Harvey Wallace, Cliff Roberson, 2001 This paperback text which is briefer than most of its competitors presents the basic concepts and principles of criminal law The authors present the prevailing positions on specific issues without going into lengthy explanations of majority and minority positions This clarity of presentation allows them to include material not often found in other criminal law texts such as white collar crime victimless crime political crime and non political crimes against the government *Principles of Criminal Law* Seymour F. Harris, 1883 **General Principles of Criminal Law (2nd Ed.)**, 1960 **Principles of Criminology** Edwin H. Sutherland, Donald R. Cressey, David F. Luckenbill, 1992-01-01 This classic has been the most authoritative text in the field since 1924 The thoroughly revised Eleventh Edition continues to provide a sound sophisticated sociological treatment of the principal issues in criminology *Criminal Law* David C. Brody, James R. Acker, Wayne A. Logan, 2001 *Criminal Justice Law Enforcement* **Principles of Criminal Law** Harvey Wallace, Cliff Roberson, 2005-05 *Principles of Criminal Law* 3rd edition is a brief text that is ideal for survey courses The text uses a narrative approach that presents background information necessary to understand the principles involved in criminal law and set forth the elements of the major crimes Short succinct edited cases in certain chapters help readers improve their

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The Permanent International Criminal Court Dominic McGoldrick, Peter Rowe, Eric Donnelly, 2004-03

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Principles of the Criminal Law of Scotland Archibald Alison, 1832

Research Handbook on International Criminal Law Bartram S. Brown, 2011-01-01

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politics international organization or public policy analysis will also find this book invaluable *Principles of International Criminal Law* Gerhard Werle, Florian Jessberger, 2014 *Principles of International Criminal Law* is one of the leading textbooks in the field This third edition builds on the highly successful work of the previous editions setting out the general principles governing international crimes as well as the fundamentals of both substantive and procedural international criminal law

Criminal Law in South Africa Shannon Vaughn Hootor, 2017-06-20 Derived from the renowned multi volume International Encyclopaedia of Laws this book provides a practical analysis of criminal law in South Africa An introduction presents the necessary background information about the framework and sources of the criminal justice system and then proceeds to a detailed examination of the grounds for criminal liability the justification of criminal offences the defences that diminish or excuse criminal liability the classification of criminal offences and the sanctions system Coverage of criminal procedure focuses on the organization of investigations pre trial proceedings trial stage and legal remedies A final part describes the execution of sentences and orders the prison system and the extinction of custodial sanctions or sentences Its succinct yet scholarly nature as well as the practical quality of the information it provides make this book a valuable resource for criminal lawyers prosecutors law enforcement officers and criminal court judges handling cases connected with South Africa Academics and researchers as well as the various international organizations in the field will welcome this very useful guide and will appreciate its value in the study of comparative criminal law

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