The 2nd course

Private criminal law

**I/ The definition of special criminal law** :

Special criminal law is made up of all the offences that make up our repressive arsenal. Its purpose is to study the specific elements and specific sanctions that distinguish each of them. This work details offences directed against the person and against property.

II. **The distinction between special criminal law and public criminal law**

1. Special criminal law, laying down the incriminations and penalties, would be subject to strict interpretation, and general criminal law would guide the interpreter, in accordance with this fundamental principle, in this particular area which is criminal law.

2. While general criminal law deals with the principles governing criminal liability, special criminal law allows us to go into the details of each incriminated behaviour in order to specify its definition, the sanction and, where appropriate, the specific features of the prosecution.

3. In contrast to general law, special law is the law applicable in specific situations. Indeed, common law often has in front of it a derogating law which is special law, in this case contract law...

The legislator classifies offences into three categories : crimes, misdemeanors and contraventions. This distinction is based on the nature of the penalty that can be imposed: An offence punishable by a criminal penalty is a felony.