

JUSTIFICATION, IMPUTATION AND PUNISHMENT*

TUDOR AVRIGEANU**

Abstract: *The new legal definition of the offense as provided by the Romanian Penal Code (Art. 15) from 2009 refers to a deed that complies with a statutory description, is culpable, unjustified and imputable to the person who committed it. The initial Draft proposal to eliminate the mention about culpability was finally rejected, but the mention about the imputability – considered by the Draft Explanatory Note as covering the domain which is traditionally correlated with culpability – was also maintained in the final form of the legal text and indicates together with the mention about the lack of justification the new direction in that the Romanian criminal law theory should further be developed. The aim of this paper is to provide arguments for stopping this development, pleading in the same time for a new lecture of the traded definition in the Art. 17 of the vigent Penal Code from 1968. Other than the innovations from 2009, the text stemming from 1968 may be considered even today at the stand of the present achieving in the criminal law theory.*

Keywords: justification and excuse, imputation, natural law, person, punishment

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**Dr. iur., M. iur. comp. (Bonn), Romanian Academy, Legal Research Institute "Andrei Radulescu", Bucharest, Romania.