1. Record Nr. UNINA9910484056903321 Autore Marchuk Iryna Titolo The fundamental concept of a crime in international criminal law: a comparative law analysis / / Iryna Marchuk Heidelberg;; New York,: Springer, c2014 Pubbl/distr/stampa **ISBN** 3-642-28246-6 Edizione [1st ed. 2014.] Descrizione fisica 1 online resource (311 p.) 345 Disciplina Soggetti International crimes Comparative law Lingua di pubblicazione Inglese **Formato** Materiale a stampa Livello bibliografico Monografia Note generali Description based upon print version of record. Nota di bibliografia Includes bibliographical references. Acknowledgements: Contents: Chapter 1: Introduction: 1.1 Relevance Nota di contenuto and Significance of Comparative Method; 1.2 Shaping International Criminal Law Through General Principles of Law Derivative from National Jurisdictions; 1.3 Structure; Chapter 2: The Concept of Crime in Common Law Jurisdictions; 2.1 The Concept of Crime in English Criminal Law; 2.1.1 Actus Reus; 2.1.2 Mens Rea; 2.1.2.1 The Concept of Culpability (Blameworthiness); 2.1.2.2 Intention; 2.1.2.3 Recklessness; 2.1.2.4 Negligence; 2.2 The Concept of Crime in American Criminal Law; 2.2.1 Actus Reus; 2.2.2 Mens Rea; 2.2.2.1 2.2.2.1.1 Specific Intent2.2.2.1.2 General Intent; 2.2.2.2 Recklessness; 2.2.2.3 Negligence; 2.3 Interim Conclusions; Chapter 3: The Concept of Crime in Continental Law Jurisdictions; 3.1 The Concept of Crime (Strafrechtliche Systembildung) in German Criminal Law; 3.1.1 Statutory Elements of Criminal Offence (Tatbestandsmaßigkeit); 3.1.2 Unlawfulness (Rechtwidrigkeit); 3.1.3 Culpability (Schuld); 3.1.3.1 Intent (Vorsatz); 3.1.3.2 Negligence (Fahrlassigkeit); 3.2 The Concept of Crime in French Criminal Law; 3.2.1 Intention (Le Dol) 3.2.2 Dol Eventuel: An Intermediate Mens Rea Standard Between Intention and Negligence 3.2.3 Negligence (La Faute Penale); 3.3 The Concept of Crime in Russian Criminal Law; 3.3.1 Constitutive Elements

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Sommario/riassunto

This book examines the rapid development of the fundamental concept of a crime in international criminal law from a comparative law perspective. In this context, particular thought has been given to the catalyzing impact of the criminal law theory that has developed in major world legal systems upon the crystallization of the substantive part of international criminal law. This study offers a critical overview of international and domestic jurisprudence with regard to the construal of the concept of a crime (actus reus, mens rea, defences, modes of liability) and exposes roots of confusion in international criminal law through a comprehensive comparative analysis of substantive criminal laws in selected legal jurisdictions.