

LA PERSONNALISATION DE LA PEINE DANS LE CODE PÉNAL

La psychocriminologie contribue à de nouvelles représentations du droit pénal. Cette nouvelle discipline permet de développer une approche épistémologique de la norme sanctionnatrice permettant ainsi de repenser la peine avec une nouvelle rationalité contemporaine qui fait une place grandissante à la subjectivité.

Le passage national de l'individualisation à la personnalisation de la peine opéré par le Code pénal de 1994 constitue l'exemple le plus illustratif permettant de révéler le sens et la fonction de la norme pénale.

Dans ce cadre, le principe de personnalisation s'analyse alors sous deux angles : les interactions entre les intervenants judiciaires (dimension multi-personnelle de la personnalisation) et l'influence du cadre institutionnel dans lequel s'élabore la peine (dimension institutionnelle de la personnalisation).

L'approche psychocriminologique vient révéler qu'il n'est désormais plus possible en droit pénal positif de faire l'économie de l'étude de ces multiples interactions traduisant toute la complexité de l'acte de juger. Ce n'est que dans ce cadre que la peine prononcée tendra à plus d'intelligibilité.

Individualisation — Personnalisation — Epistémologie — Sanction — Psychocriminologie —
Norme pénale — Peine.

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La Personnalisation De La Peine Dans Le Code Peacutenal

Isabelle Drean-Rivette



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