

La victime d'infraction pénale : de la réparation à la restauration

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Victime Dinfraction P Nale R Paration Restauration

Aissaoui Kamel



Victime D'infraction P Nale R Paration Restauration:

La victime d'infraction pénale : de la réparation à la restauration Aissaoui Kamel, 2015-10-19 Le terme victime renvoie à un état de faiblesse consécutif à une infraction. Il envahit le champ pénal politique, social et banalise la mise en mouvement du procès pénal au point d'en dénaturer son essence même. La société se judiciaireise un peu plus chaque jour et le dépôt de plainte devient un réflexe quasi naturel. Au fil des réformes, le rôle accordé à la victime sur la scène pénale donne l'opportunité de s'interroger sur l'avenir du système pénal français et sur la valeur de la sanction pénale. Avec une sur-pénalisation des conflits intersubjectifs, les personnes oscillent entre victime réelle, victime instrumentalisée et victime pathologique. Dans ce contexte, une nouvelle approche du droit pénal où tous les acteurs de l'infraction seraient restaurés ou les valeurs essentielles du droit pénal seraient préservées est-elle possible ? L'enjeu se résume alors à appréhender différemment la victime d'infraction pénale et à l'inscrire dans un nouveau paradigme où l'indemnisation ne représenterait pas toute sa restauration.

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