

Circumstances for excluding unlawfulness and the legal institute of necessary defense

PhD (C.) Albulena U. Ukimeraj

Bar Chamber of Kosovo

Abstract

There are reasons or circumstances provided for by the legal-criminal norms which in the concrete case and situation due to coexistence of certain circumstances make the offence permissible despite the fact that it contains all the traits of a criminal offence. The need for self-defense, remains present considering the scale in which terrorism has spread, and considering that there are criminal individuals and organizations which endanger public safety by attacking people and buildings for the purpose of perpetrating a robbery, retaliation or other acts in pursuit of economic or political ends. The necessary defense is a lawful action of every individual or group in protection of itself from undue attacks which pose a threat to social order, life, health, property or other rights and interests, whereby the criminal liability and guilt is suspended as defense is considered as a "right" of a person whose rights were under attack. Alongside the punishments and measures imposed by the state against perpetrators of crimes, the criminal law also provides for individual defense, which can be done by citizens themselves under certain conditions and circumstances, a defense that is in line with the fundamental principles of a democratic state, international law and fundamental human rights and freedoms.

Keywords: Unlawfulness, Necessary Defense, Circumstances for Excluding.

Full Text: [PDF](#)



This work is licensed under [Creative Commons Attribution 3.0 License](#).

Academic Journal of Business, Administration, Law and Social Sciences ISSN 2410-3918 (print)

ISSN 2410-8693 (online)

Copyright © IIPCCCL-International Institute for Private, Commercial and Competition law