

The Concept of “Possession” in Criminal Law

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Abstract

The purpose of this article was to clarify the concept of possession in criminal law, which plays a key role in discussing the offences against personal property. The author argued that possession can be defined as the possibility to use things, which is recognized under the social viewpoint. Therefore, possession appears as a social institution. The social viewpoint has the function of orientation, which helps people to decide how they treat objects in daily life. Its legitimacy comes from the voluntary participation of individuals in this institution. Many difficult cases can be solved consistently by the definition of possession proposed above.

Keywords: possession, offenses against property, offenses of larceny, offences of misappropriation, larceny by finder

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