

## **An Explanation of the Concept and Status of Commission by Omission in the Law of France, Switzerland and Iran**

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Some lawyers believe that crimes, based on the way they are perpetrated, are categorized into crimes through action, omission, and Commission by Omission . It seems that the terms “Commission by Omission ” is a translation of the French terms “*commission par omission*” used in French and Swiss law. The terms deal with whether or not crimes such as murder, which are usually committed through positive material action, can be perpetrated through omission. The terms “Commission by Omission ” do not seem to be an accurate translation of the terms “*commission par omission*”; the terms should be correctly translated into “commission of actual crimes by omission”. In French criminal law, like in Iranian criminal law, the possibility of commission of actual crimes by omission is limited to the cases stipulated in the law, but in Swiss law such crimes are generally possible.

**Key words:** *Commission, Omission, Formal offense, Offense of result, Material element.*

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