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The Applicability of the Cameroon Penal Code: Problems and Perspectives

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Abstract:
The need for a general theory of African criminal law raises questions about the real scope of the penal code system in Cameroon with regards to its contextualization. These questions stem from a substantial and consubstantial observation of the difficulty of reconciling the spirit of criminalization and the context in which it unfolds. Without really being revolutionary or peremptory, this study postulates that as far as the "spirit of law" is concerned, there is a relative gap between the context of its elaboration, its theoretical-practical foundations, and the context in which it applies. It follows from this observation that the Cameroonian penal system is the product of an authoritarian political system, itself heir to a mainly repressive colonial policy. This reality reflects the difficulty in applying certain provisions characterized by a repressive and punitive logic. It would therefore be interesting to develop a contextual penal architecture that would be more applicable and effective.

Keywords: *Cameroon, Criminalization, Jurisdiction, Law, Penal code*

1. Introduction

The Cameroonian penal system, as in other French-speaking black African countries, stems from a cohabitation and opposition between traditional and modern-day values. To say that the criminal law is the legal framework governed by the penal code and which applies to any act committed on the national territory, is to intimate that it is one of the pillars society. That is, it is one of the legal frameworks for representing societal values and patterns of behaviour. It is clear that its duty is not to introduce a system of social values, but to protect it and ensure its application without discrimination. The penal protection of social values in Cameroon proves problematic because, within the penal system, there are many aspects that are hardly applicable in a society in constant mutation.

The penal system is considered as a set of legal mechanisms by which society structures responses to criminal and marginal phenomena. In Cameroon, these legal mechanisms intervene in a particular colonial and postcolonial context, marked by repression due to the existence of socio-political cleavages and their consequences on national stability. This context has made it possible to develop instruments that are still subject to many influences stemming from the meeting, as well as tensions between the penal system of traditional societies and that resulting from so-called modern societies. Talking about this, Mvogo Dieudonné explains that there is a contradiction or even a conflict between traditional and modern social values even at the level of philosophical conception.[1] Therefore, one can understand why the idea of "conciliation"[2] that innervates the spirit of the traditional penal system is no longer at the centre of the current penal law in force in Cameroon.

It is worthy to note that the traditional penal system is now being influenced by the modern model of inspiration and this strong influence has led to a criminal system whose main feature is structured around the notion of "public order".[3] This role, which established the authority of the colonial powers, subsisted in the aftermath of independence with the perpetuation of a criminal discretionary system that can be found in both the substantive and the procedural aspects (Penal Code and Code of Criminal Procedure). Obviously, one can understand the existence of the difficulty in applying certain provisions of the Cameroonian criminal law because the spirit which guides it is that of repression and public power in conformity with the

[1] See MVOGO Dieudonné Célestin, (1982) La politique criminelle au Cameroun: De la confrontation des modèles traditionnel et moderne à la recherche de solutions adaptées à un processus de développement, Paris 1 - Panthéon Sorbonne, PhD Thesis, p.172.
[2] MOUNYOL A MBOUSSI Emmanuel, (2006) « la justice et les procès pour pratiques de sorcellerie : une nécessaire relecture de la législation sur la sorcellerie au Cameroun », in justice et sorcellerie ; Colloque international de Yaoundé, Paris, Karthala.
[3] MINKOA SHE Adolphe, Essai sur l'évolution de la politique criminelle au Cameroun depuis l'indépendance, PhD Thesis in Law, Vol. 1, Université de Strasbourg, 1987, pp. 27-70. Cited in BIKIE Fabrice Roland, « Le droit pénal à l'aune du paradigme de l'ennemi », La Revue des droits de l'homme, janvier 2017, pp. 1 -22.

doctrine which founded the modern criminal law introduced to Cameroon by colonization. Bertrand Badie refers to this as the "pure import product" of the state system.

Thus, after having freed itself from the artifacts of colonization, Cameroon has opted in addition to the penal code of 1967 resulting from laws n° 65-LF-24 of November 12, 1965, 67-LF-1 of June 1967 (replaced today by the law n° 2016-007 of July 12th, 2016, for a code of procedure resulting from the code of French criminal instruction, applicable in the eastern part of Cameroon by the decree of May 22nd 1924 extending the application of the French ordinance of February 18, 1938, and the criminal procedure ordinance extracted from the "laws of Nigeria" applicable in the western part of Cameroon,[4] specific texts that are supposed to organize and structure the Cameroonian society. Despite all these legislative measures that tend to protect the state and indirectly the citizens, the problems they raise are numerous especially those that have to do with their effectiveness and applicability. This is all about the problem but we still have to make it precise by asking the following questions; Are the regulatory penal measures applicable to Cameroon not sometimes excessive? To what extent are some of these provisions not consubstantially applicable and effective? Can we really envisage a serenity of justice when the applicability of the texts is jeopardized and therefore problematic? These are the many questions that will remain derisory if we do not focus on them resolutely.

From these interrogations arise fratricides, expressions sometimes of subversion, sometimes of a systematic dispersion, of a penal doctrine which unfolds in different, sometimes contradictory figures: the figure of the order and that of the dynamics of the rights of the individual corollary of the logic of freedom and equality.

It is in this legal "melting pot" that Cameroon embarked on a balancing act between the repressive imperial and the humanistic and individualistic requirement of the offender having violated the penal norm. However, this dynamic both procedural and substantial has been completed among other things, by the promulgation of Law No. 2005/007 of July 27, 2005 on the Code of Criminal Procedure and law No. 2016-007 of July 12, 2016 passing by that of 19 December 1990, amending certain provisions of the Penal Code, including the penalty of detention and replacing it with the penalty of imprisonment. As a result, the "all prisoner"[5] recognized in Cameroonian criminal law comes to devote a repressive character in the sense that it will also in the same vein, the mission of strengthening the principle of "public power" and " monopoly of legitimate violence "dear to Max Weber.

It is in this context that this work is limited to analyzing the essential points that allow us to understand the difficulty in applying certain provisions of the Cameroonian criminal system. To do this, we adopt a cross-sectional analysis, insofar as it takes into account the socio-historical and contemporary aspects of critical sociology. This normally should consist in drawing attention to certain aspects of Cameroon's criminal logic in a particular social context and should explore some tracks of socio-economic, political, legal and cultural repercussions.

For this purpose, the determinants of our analysis tend to demonstrate the peculiarities of the founding principles of the Cameroonian penal system while exposing the distance of the values of modern criminal law to those of traditional law (I). This therefore leads us to raise the fundamental problem it poses in its daily practice which is the inapplicability of certain provisions resulting to the necessity of its reconsideration to conceptualize an autonomous notion: that of the socialization of the penalty (II)

1.1. The foundations of the penal code in Cameroon

Every human society lives according to a social conception, a vision of the world, as well as a normative system ordered according to a certain hierarchy. It defines principles which it respects and also respects the limits it imposes and the space it provides for freedom. Born from liberal doctrines that institutionalized criminal action and representation, Cameroonian criminal law remained ambiguous.[6] From this observation, it is clear that the evolution of criminal law on the historical level will not have been an easy struggle. Indeed, to seek the effectiveness of the penal law and to wonder about its genesis and its evolution is to go back to the sources of the penal doctrine which is not a creation of the Cameroonian society.

1.2. Doctrinal Origins of the Cameroon Penal Code

It is a truism to assert that the principles underpinning criminal law (legality, equality, and moderation of punishment) come from local sources. These principles, according to André Laingui, derive from the criminal law doctrine of Anselm von Feuerbach of the nineteenth century. This doctrine was then inscribed in turn in the Declaration of Human Rights and of the Citizen, then in the following constitutions or in their preamble, in the substantive rules (Cameroon Penal Code of 1967, revised in 2016), and in the procedural rules (Code of Cameroonian Criminal Procedure of 2005) and in many other texts and laws. Admittedly, like every notion that has known a universal triumph, we cannot claim a detailed and definitive chronology of the penal system in general, and Cameroon in a particular way. It is known, however, that it is the fruit of doctrinal and philosophical principles on which modern law is founded.

[4] BIKIE Fabrice Roland, (2017) « Le droit pénal à l'aune du paradigme de l'ennemi », La Revue des droits de l'homme, URL : /2789. Accessed on 7 July 2017.

[5] NGONO BOUNOUNGOU Régine, (2012) « La réforme du système pénitentiaire camerounais : entre héritage colonial et traditions culturelles ». Law. Université de Grenoble, 2012, PhD Thesis.

[6] NKOU MVONDO Prosper, (2000) «la privation de liberté au suspect : droit de l'homme et sécurité du justiciable dans la procédure pénale camerounaise », RADIC. n° 3, Tome 12, Bikie 2017, Mounyol 2006, Ngono 2012, *op.cit*.

These doctrinal and philosophical principles of modern penal law were (re) discovered in doctrinal and philosophical principles expressed during the French Revolution of 1789 and a little later in the penal code of 1810. This doctrine which builds the contemporary criminal law comes from the political translation of the paradigms of the social contract (Voltaire, Diderot, Montesquieu, Rousseau ...), applied to repressive law by Beccaria, the Italian author, in his Treatise on Offenses and Punishments (1764, Flammarion, 1979, coll.). It thus confirmed the moderation of the penalties to fight against the serenity and the cruelty of the repression, the legality of the offenses and the punishments to fight this time against the arbitrary one, emphasizing two essential preoccupations: the social defense and the defense of the 'individual.

A few years later, that is to say in 1895, the penalist Rene Garraud, in his book *Anarchy and Punishment*, caricatured the sentence as being the one that strikes the bases of the social organization, the property, and assimilated it to the common law. Thus, philosophers of the enlightenment period such as Emmanuel Kant and Nietzche have in turn specified that punishment is a categorical imperative and therefore a moral obligation to punish. According to them, punishment as a system of protection of society can be apprehended either as "retributive", sometimes as "punitive" and / or "repressive". The sentence must therefore be able to incapacitate, prevent further damage, isolate the disorder or seditious element, maintain order but also impose a type of order through a social type and thus to confirm itself as power but still, to eliminate acts of revenge by giving them a substitute for amendment and to prevent the breach of the common rule.[7] According to Alexendre Kojeve, the certainty of repression on the basis of the formation of a repressive jurisdiction, is a crucial point of defense of the social order.[8] The parallel that can be drawn between the criminal law of the French Ancient Regime and the Cameroonian penal system relates to the provisions of incrimination, the sometimes special rules of procedure, derogations and the restriction of penalties, which sometimes aim at eliminating (see Article 18 of the Penal Code on the principal penalties), sometimes the repression or the intimidation (the law n ° 90/060 of December 19, 1990 for a specific text to organize the referral, the procedure and the repression of these infringement before the State Security Court, the law n ° 2014/028 of 23 December 2014 repressing the acts of terrorism and sometimes the excessive amendment (the existence of the sentences of up to 10 million frs CFA for slaughter or capture of a so-called protected animal species).

Arising from this doctrine, modern penalization prohibits or prescribes behaviour that generally forms a juxtaposed system of behavioural and sanctioning norms or law enforcement.[9] This system pays particular attention to penalties or sanctions structured around death, imprisonment or fines (see Article 18 and 21 of the Cameroon Penal Code devoted to the classification of offenses). This punitive and punitive or even subversive tendency comes down to a feature: the function of obligation and the function of suffering. This means that the logic of punishment, punishment and punishment prevailing in the Cameroonian penal system stems from an act of will that directly and intentionally seeks to punish marginal behavior. In concrete terms, the Cameroonian penal system, a carrier of rationalities of contemporary law (retributive by imprisonment, intimidation by the fine and elimination by death), no longer gives itself as its main object conciliation and social cohesion. He is now seeking to punish the one who has broken the law and to identify the one who could rape her again.

Contrary to contemporary penal doctrine, the traditional penal system mobilized the repressive and exclusion mechanisms of the offender in the last resort, aiming instead at conciliation and dialogue (through palaver). In this regard, Mbaye asserts that the law was considered in traditional societies, "as a set of protective rules of the community of which the individual is a part".[10] As for Dotse Alosse, "It is not a question of denying the part of freedom that an individual can enjoy in the African community, but of questioning this individualistic conception of the right conveyed by human rights and the collectivist conception of the law that emerges ultimately in African cultures. The focus is on the relationship of the individual to society "[11] This report from criminal law to society can only be clearly understood through the construction of Cameroonian society.

1.3. Colonial Traces in the Structure of the Cameroonian Penal Code

It is difficult to ignore the colonial traces in the Cameroon penal system because the politics of colonization has a huge impact on the legal framework of the country especially as far as the repressive and assimilationist policies of the colonizer are concerned. The link between the expression of contemporary criminal law in Cameroon and colonization is based on the trajectories or process of codification of the norms of the national penal system. It is clear that the epistemological difficulties relating to the penalization in Cameroon during colonization are visible. Thus, it is necessary to widen the milestone by convening the more global history of the colonial policy. This socio-historical approach is necessary and important in that there are debates on the objectives of colonial policy, which can be described as supposed or real.

Indeed, colonial policy in a prosaic manner was the object of a logic of conquest, putting into prism two contradictory civilizations.[12] The first period of conquest, marked by the presence of the Germans in Cameroon (from 1884 to 1916), implemented a judicial organization structured around the magistrate's court of first instance created in 1892; Ordinance of

[7] NIETZSCHE, (1974) Généalogie de la morale, coll. 10-8, Paris, p. 189.

[8] KOJEVE Alexandre, (1981) Esquisse d'une phénoménologie du droit, Paris : Gallimard.

[9] PIRES Alvaro, (2001) « La rationalité pénale moderne, la société du risque et la juridicisation de l'opinion publique », Sociologie et sociétés, vol. 33, n°l, pp. 179-204.

[10] See MBAYE Keba, (2002) Les droits de l'homme en Afrique, Paris, Pédone, p. 187.

[11] DOTSE ALOSSE Charles-Grégoire, (2015) « La norme du droit en Afrique entre la tradition et la modernité », Germivoire, pp 44-61.

[12] BALANDIER Georges, (1971) Sens et puissance, Paris, P.U.F.

April 7th, 1900 determining the offenses, the disciplinary and correctional penalties; ordinance of December 25, 1900; Ordinance of July 28, 1895, for labour force as punishment; against the slave trade "[13]

During the second period which is that of France and Great Britain (1916 to 1960), Great Britain, had to worry about maintaining and organizing the traditional legal system. France, for its part, had applied its own legislation[14] which was mainly repressive. Punishment in this context indicates "reprimand or blame by taking punitive measures against the behavior opposing the political power in place, preventing, by constraint or by violence, any protest and collective uprising".[15]This repressive policy was imposed during the period of domination and occupation, to the point where it was established in legislation implemented in particular in the eastern part.

It is in this context that different antinomic rationing of penalization in the service of colonial politics have been applied in Cameroon. A code of indigénat was applied on the territory administered by France whereas, the traditions in penalization continued to apply (through the creation of Native Authority prisons), as for the territory administered by the British because of the Vindirect rule system. The system of penalization in "French Cameroon" was organized by the Decree of 8 July 1933, according to which the enforcement of custodial sentences was exclusively administrative and discriminatory. The native regime instituted in March 1917 was considered a legal benchmark. It constituted "a set of legislative and regulatory texts whose function was to organize in the French colonies the control and the repression of so - called native populations"[16]

Despite the independence, a continuation of repressive policy is still persistent in the Cameroonian criminal law that came into force in 1967. Although penalized in the criminal register, the Cameroonian penal code does not sufficiently integrate the values of "traditional law". African "[17], allowing him to better apply. However, one can think that the objective and the result is simply the culmination of a legal cosmopolitanism, through the adaptation to an exogenous penal doctrine allowing to repress the marginal behaviors.[18]

The fact is that the Cameroonian Penal Code, drafted in 1967, appeared as an oath to question the endogenous structural and cultural mechanisms of the criminal code, following the proposals of the two federal commissions for the reform of Cameroonian law established in 1964 and strongly inspired by the Code. This special consideration of modern penal doctrine limits the integration, at least, of social realities, thus making the applicability of certain "restitutive" and "repressive" penal provisions (corporal punishment, elimination of the individual and his remoteness).[19] This situation may render the criminal law ineffective to the point where one could say that the modern criminalization casts anathema on the prescriptive character of the penalty considered as "fetishist".[20]

However, the contingent elements that structure the Cameroonian penal system are more like a reproduction of the colonial logic, especially French and mainly repressive and punitive.

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At the national level, the provisions of the current Cameroonian penal system, as we have mentioned, result mainly from colonial policy. It has evolved in time and space, at the rate of the rhythm of the nature of the state, with the aim of harmonizing this legal heritage. But, in a systematic way, certain provisions conceal operating logics specific to the discriminatory field, mainly eradicated by taking into account the principle of equality. By examining penalization and its application in the Cameroonian context from the angle of critical sociology, this study attempts at the same time to identify avenues for a re-reading of the penal system.

2. Contemporary Experiences of the Cameroonian Penalization

Every society operates according to a social conception, a vision, as well as a system of normative values ordered according to a certain hierarchy. At the same time as it develops this system of values, it produces and reproduces an applicable penal practice, intended not only for social regulation but also for the protection of citizens. Certain provisions of the Cameroonian penal system seem to be difficult to apply, in that they establish themselves as disconnected from the socio-cultural reality and thus, reveal very little, if not, no interest or efficiency in terms of purpose. (social regulation).

To better understand this situation, it is necessary to return briefly to the nature of the legislative project led by the monolithic system that inherited colonization in the 1960s. Thus, there is almost always a homogenization of the Cameroonian society in order to be able to better domesticate it. At that time, too, "social heterogeneity in terms of varieties of lifestyle, behavior, beliefs and opinions is denied in so far as it contradicts the image of a unified Cameroonian society (by the party), standardized by the State and standardized by the level of development, the image of a Cameroonian society plowed by the principle of cohesion set in motion by the identification between power and society, homogenization from the social space, the

[13] NGONGO Louis Paul, (1987) Histoire des Institutions et des faits sociaux du Cameroun, Tome I, Nancy, Berger-Levrault.

[14] See NGANDO B. A., « Cinquantenaire de l'indépendance camerounaise : Regard sur le sens de la présence coloniale au Cameroun en matières juridiques », in Quotidien mutations, Communication of 12 January 2010

[15] Ngono 2012 : 105, *op.cit.*

[16] MERLE Isabelle (2005) « Un code pour les indigènes. Le redécouvrir fait scandale : la justice n'était pas la même pour les indigènes », L'Histoire n°302, pp. 1-21.

[17] NGONO BOUNOUNGOU Régine, (2012) « La réforme du système pénitentiaire camerounais : entre héritage colonial et traditions culturelles ». Droit. Université de Grenoble, 660p. PhD Thesis.

[18] Bikie, 2017, *op.cit.*

[19] Ngono Bounoungou 2012, 102.

[20] Mounyol, *op.cit.*

closure of society by power, this order magnitude "nature" does not tolerate any hierarchy of functions and standards of living "[21]

While this period has particularly contributed to the development of penal standards (the penal code was adopted in 1967, i.e. one year after the establishment of the single party), it is because of this strategy of societal emasculation that the system Cameroonian criminal law could only be part of a logical continuity of colonial policy of a repressive nature. This normative strategy was mainly aimed at guaranteeing a dominant political order and hegemon. Today, and in the same way, its role seems eminently similar to knowing, to ensure the maintenance of social order, especially in the face of problems of public and security order. As a result, this tendency towards normative obsolescence can, to a certain extent, expose the efficiency of penalization and, consequently, compromise its existence in society.

The review of the 2014 law on the suppression of terrorism seems to reveal a sort of discriminatory repression in the sense that this provision tends to crystallize the repressive paradigm as the guiding principle of judicial practice, favoring retributive rather than retributive punishment.

The non-payment of rent (Article 322 in this case, clearly sanctioning the non-payment of rent, "a fine of 100,000 FCFA to 300,000 FCFA and imprisonment firm from 06 months to 03 years of prison, any tenant debtor of more than 02 months of rent unpaid "), follows from a contractual obligation and a breach. It would be difficult to consider it a crime. Montesquieu then pointed out in the spirit of law that, to be justifiable, any system of punishment must allow the greatest possible extension of freedom, by only criminalizing actions that undermine peace and public order, by protecting the rights of the accused, by moderating the sentences, so that they accord to the degree corresponding to the gravity of the crime. It is a concept that is both "utilitarian", "retributivist" and liberal on the issue of sentences based on "solidarity" and "social cohesion"[22] as exclusion.

Retributive because it allows to see the essence of punishment, utilitarian and liberal because it allows to highlight the scale of the sentences and justify the need to protect the rights of the accused. To seek to criminalize an individual, to deprive him of liberty or to amend him because he has not been able to pay a housing debt, proves to be less utilitarian than repressive. Penalization indexes at this level should be sought elsewhere. An excellent starting point would be the examination of its nature, which would take better social form if one favors the eviction of the tenant altogether and the fine for damages. This would be more like a proper relationship between crime and punishment.[23]

Similarly, Law No. 94/01 of 20 January 1994 on the Forest, Wildlife and Fisheries Regime provides for penalties for offenses relating to so-called protected species. It stipulates in article 155 that: "a fine of 50,000 to 200,000 Francs CFA and / or imprisonment of twenty days to two months". In Article 158, it specifies that "a fine of 3,000,000 to 10,000,000 FCFA and / or imprisonment of one to three years or one of these penalties, the author of one of the offenses (...) concerning the slaughter or capture of protected animals (...) ". A deeper look from the point of view of socio-economic and even anthropological reflection would better reflect the environmental context of the alleged offender. The exception principle of the law could be better applied at this level.

This situation is characterized, among other things, by the restriction of sentences, undermining the necessity of proportionality, by the decline of the guarantees of the principles of individualization and justiciability of the sentence, dear to Montesquieu. If the law, as an expression of the general will, aims at avoiding arbitrariness by warning what is allowed or not, one can, from a careful reading, make the observation of a criminalization that is subject to and exploded, and Increased imprudent incrimination. Imprudent because reflecting a possibility of a relative applicability, correlatively to its object. We will talk about an exploded criminalization.

The bursting of the criminalization or the incrimination is thus very vaque. The consequence is that society does not really recognize it. Not only because the law at this level is not very applicable and therefore ineffective, but especially because the criminalization, by its exuberance is still misunderstood. This causes the phenomena of resistance, flight and even sidelined by society. As a result, the project to improve the Cameroonian penal system gives rise to a necessary societalization. This intention does not disappear, but is rather problematized by the need for a reading of certain provisions.

3. In search of a suitable penalty

The aim is to reflect on a model of criminalization adapted to Cameroon based on the impact of normative dynamics on social practice and practice, proves that the reflection on the penal doctrine shows the need for a state dynamic to set up a penal system capable of being applicable. It is for this reason that a contextual penalty should be respectful of the diversity of peoples, values and civilizations specific to each. Mbaye very opportunely says that "the right (...) is considered as a set of rules producing the society of which the individual is a part".[24] The general principle of this way of thinking will be based on the development of a dynamic, interactive and interacting link between local forces and the values of the modern world, while integrating effective regulatory reforms adapted to local cultural identities. through new types of social mechanisms imbued with a scholarly dose of tradition. Bridging these mechanisms is putting them side by side. That is to say harmonize them. This

[21] See ETEKI-OTABELA, Marie-Louise., (1987). Misère et grandeur de la démocratie au Cameroun, Paris, l'Harmattan, p. 128.
[22] See MBAYA Etienne Richard, (1990) « Le passé et l'avenir et l'avenir des droits africains », Rabat, RJPEM, n° 24 (Spécial) pp. 13-27.
[23] FOUCAULT Michel, (1975) Surveiller et punir, Paris, Gallimard, p.106-134.
[24] Mbaye 2002: 187, *op.cit*.

harmonization will make a new system from different systems. Because the traditional penal system is opposed in many aspects to the modern system of origin, it would be important to integrate the values of the system of rules forming the traditional criminal law whose applicability would be more obvious in the sense that he would better take into account certain local realities. It is in fact the only way to develop a consensual right symbolizing a criminal system reflecting real aspirations and societal constraints.

From this point of view, it is the restitutive sanction that will structure the penal system, based on the close relationship of the social bond, even societal. It will be structured around "living together"[25] and "structuring society".[26] It will be a question of recovering the euphoria compromised but also, to reintroduce within the community, the one who deviated from it by the fact of antisocial behavior. It would therefore be for the legislator to bet on the subsidiarity of the penal repression, treating this particularly prejudicial form of criminality from its causes.

Given the complexity of the societal structure such as that of Cameroon, should the penal logic of societal protection not go beyond a hyper because punitive ceremonies sometimes excessive of the offender, and privilege conciliation? The functioning of the penal system should be the result of mimicry, production and contextual reproduction. Moreover, in this regard, Benoit and Ost specify that the good "legislative performance" requires that a standard, be it administrative or penal, must be improved throughout its existence.

This logic therefore calls for an important dialectic that is not indispensable to know, the relationship between penalization and societalization. It is clear that the current penal norm was elaborated in a context marked by a hegemonic and repressive regime of the "first republic" of Cameroon. Clearly, the evolution of the socio-political context towards a much more open system requires a refoundation and an adaptability that would make the norm equally applicable and effective. This normative dynamic is part of the construction of a penal system that improves the social field, even if it is true that repression remains a privileged measure to assess properly, the values and practices of criminal law. This dynamic should perhaps be structured around the following points:

- The implementation of diligent actions to take control of the penal system as a national priority based on the enhancement of our cultural heritage, in order to meet the challenges of the emergence of a conscious and qualified human resource in the face of challenges of an increasingly globalized world.
- The establishment an uncompromising diagnosis of the criminal situation, together with an assessment of the short, medium and long-term social, sociological and cultural impacts on society and communities.
- The adjustment and adaptation of legal and regulatory institutions (the substantive and procedural rules) inspired by our cultural values and resources to enrich the modes and mechanisms of criminalization to ensure balance and justice for all.

4. Conclusion

The Cameroonian penal system is strongly tinged with the colours of the authoritarian context in which it was developed (between 1060 and 1982), itself inspired by the colonial policy that preceded and inherited it (this colonial policy was marked by the contract social justice applied to repressive law). From this fact, the criminal norm (namely the penal code and the criminal procedure code) will seize this logic which becomes quickly fundamental. However, the evolution of the Cameroonian society reveals the need for a rereading of the code in order to guarantee not only its efficiency but also its applicability. Apart from the debates on the assimilationist nature of the Cameroonian penal system, this work aims at extracting repressive sequels which remain and constitute up to now, real flaws in its effectiveness with regards to the existence of certain misunderstandings or applicationdifficulties. By analyzing the problematic of the Cameroonian penal system and its implementation from the point of view of a critical sociology based on a constructivist approach, this work also attempts, in a subtle way, to identify the underlying model and political context. Thus, the question, far from knowing the degree of applicability of certain incriminations, should also examine the social value of such a penal system. Does the criminalization of the non-payment of rents, the amendment (sometimes excessive on the consumption of certain species), the penal hardening with the introduction of the law no 2014/028 of December 23rd, 2014 relating to the repression of the acts of terrorism, really contribute do justice? Does the tendency to the inapplicability of these provisions not contribute to render the sanction ineffective, when we know that the effectiveness of a criminal sanction often depends on its nature? Are not the relative inadequacies or internal contradictions contained in these provisions actually the mark of "helplessness of criminal power"?

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