

Criminal Law II

Code: 102246
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	1	2

Contact

Name: Margarita Bonet Esteva
Email: Margarita.Bonet@uab.cat

Use of languages

Principal working language: catalan (cat)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: Yes

Other comments on languages

Groups in Catalan 1 and 70 (M.Bonet), 2 and 2 (M.J. Guardiola) and Groups in Spanish 51 (F .Morales) and (M.Aguilar)

Teachers

Fermín Morales Prats
Maria Jesus Guardiola Lago
Monica Aguilar Romo

Prerequisites

There are not prerequisites for this course. It is recommended having done Criminal Law I and Constitutional organization of the State

Objectives and Contextualisation

The general objective of this course is set out as follows: "to understand the concept and elements of crimes, their classification and the legal definition of offences in order to be able of Criminal Law III achieve and also the optional criminal law courses like "Business Criminal Law",

Skills

- Acquiring the basic knowledge from the several legal dogmas and presenting them in public.
- Arguing and laying the foundation for the implementation of legal standards.
- Carrying out an approximation to a legal problem by using the appropriate research methods (authorities, legal databases, instruction websites...).
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up and formalising works, reports, documents, rulings.
- Drawing up legal texts (contracts, judgements, sentences, writs, rulings, wills, legislation...).
- Identifying and solving problems.

- Identifying the underlying conflicts of interest in disputes and real cases.
- Identifying, assessing and putting into practice changes in jurisprudence.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Mastering the computing techniques when it comes to obtaining legal information (legislation databases, jurisprudence, bibliography...) and in data communication.
- Memorising and utilising legal terminology.
- Orally and clearly defending ideas, works, reports, documents and rulings in a structured way.
- Planning and organising: managing of time, resources, etc.
- Searching, interpreting and applying legal standards, arguing every case.
- Students must be capable of demonstrating a critical awareness of the analysis of the legal system and development of legal dialectics.
- Students must be capable of demonstrating the unitary nature of the legal system and of the necessary interdisciplinary view of legal problems.
- Students must be capable of learning autonomously and having an entrepreneurial spirit.
- Students must be capable of making decisions.
- Students must be capable of perceiving the impact and implications of the decisions taken.
- Students must prove they know and comprehend the main public and private institutions in its genesis and as a whole.
- Using the main constitutional principles and values as a working tool in the interpretation of the legal system.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning outcomes

1. Acquiring the basic knowledge of criminal law.
2. Arguing the implementation of criminal laws in the resolution of criminal problems.
3. Carrying out an approximation to a legal problem by using the appropriate research methods (authorities, legal databases, instruction websites...).
4. Defining defence strategies of the criminal legal interests.
5. Defining the link between the criminal law and the constitutional principles and values.
6. Defining the main criminal institutions.
7. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
8. Distinguishing the dependence and autonomy relations between criminal law and the rest of branches of the legal system (civil, labour, administration, finances).
9. Drawing up and formalising works, reports, documents, rulings.
10. Drawing up resolutions of criminal cases.
11. Finding the applicable legislation between the criminal code and special criminal laws.
12. Identifying and assessing the jurisprudence of Provincial Courts and the Supreme Court in criminal matters.
13. Identifying and knowing the limiting principles of labour law.
14. Identifying and solving problems.
15. Identifying the conflicts of interest underlying in a concrete criminal law suit.
16. Identifying the conflicts of interest underlying in a general criminal law suit.
17. Identifying, knowing and applying the interpretative principles of criminal law.
18. Interpreting the criminal laws as criminal policy decisions.
19. Laying the foundation for the implementation of criminal laws in the resolution of criminal problems.
20. Memorising and using the criminal specific terminology.
21. Orally and clearly defending ideas, works, reports, documents and rulings in a structured way.
22. Planning and organising: managing of time, resources, etc.
23. Searching criminal sentences in databases.
24. Solving interpretation and application problems of criminal laws.
25. Students must be capable of learning autonomously and having an entrepreneurial spirit.
26. Students must be capable of making decisions.
27. Students must be capable of perceiving the impact and implications of the decisions taken.
28. Using the arguments of criminal and constitutional jurisprudence for the resolution of criminal problems.
29. Using the main constitutional principles and values as a working tool in the interpretation of the legal system.

30. Verbally explaining the resolution of problems related to criminal laws.
31. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

CRIMINAL LAW II: THE GENERAL PART OF THE CRIMINAL LAW

TOPIC 1: Concept and elements of crimes. Classification of criminal offenses in the Spanish Penal Code. The harm principle as an interpretation tool; The legal definition of offences.

TOPIC 2: Human behaviour in specific offences. Outcome offences: causality and "imputación objetiva" (risk and outcomes predictably)

TOPIC 3: The crime of omission. a) Concept of omission; b) Types of omission

TOPIC 4: The intentional crimes: a) Concept and structure of the intentional element; b) Types of intention; c) Mistake 2 1. The intentional crimes: a) Concept and structure of the intentional element; b) Types of intention; c) Mistake with respect to the elements of the crime.

TOPIC 5: Involuntary crimes. A) Concept of negligence; b) Types of negligent crimes.

TOPIC 6: Justification for crimes: introducción and overview.

TOPIC 7: Self-defence; b) Necessity; c) Legal rights and duties.

TOPIC 8: Guilty: concept and elements. Excuses for crimes: a) Insanity; b) Intoxication; c) Sensorial malfunctions; d) Duress; e) Ignorance of the law. .

TOPIC 9: Other legal causes that avoid conviction. The extinction of Criminal responsibility.

TOPIC 10: Criminal responsibility of juridical person.

TOPIC 11: Principals and accomplices in criminal law. 2. Concept of types of principals. 3 Concept and types of complicity.

TOPIC 12: Inchoate offences. 2) The crime of preparing a criminal offence: conspiracy, incitement and proposition; 3) The concept and elements of criminal attempt.

TOPIC 13: Aggravating and mitigating circumstances in criminal law; a) concept and types and effects in sentencing.

TOPIC 14: The sentencing process: legal constraints and discretion for courts and judges.

TOPIC 15: Multiple offenders: modalities and effects in sentencing.

Methodology

Methodology

v **Directed activities:** which will be done in the classroom, consisting of:

- Master classes
- Resolution of cases and problems in class

v **Supervised activities and tutorials:** Following lectures, cases of the topics

- of the course. In order of reading and critical understanding of texts and court rulings and sentencing. In other hand, Avs doing.

v **Autonomus working:**

- Comprehensive reading of legislation and case law.
- Preparation of diagrams, concept maps, glossaries and summaries.
- Preparation of judgements and case analysis sheets
- Reviews, bibliographic essays (individual or group) from a guide

for its realization.

- Search for bibliography, databases and jurisprudence to its realization.

Activities

Title	Hours	ECTS	Learning outcomes
Type: Directed			
Directed activities 1: Resolution of cases and problems in class	5.5	0.22	2, 7, 19, 13, 17, 9, 24, 29
Directed activities 2: Master classes	17	0.68	1, 30, 13, 17, 29
Supervised activities 2: tutorials	16.5	0.66	23, 6, 30, 19, 18
Type: Supervised			
Supervised activities 1 : Following lectures, cases and sentencing of the topics of the course in classroom. .	1.5	0.06	22, 14, 26
Type: Autonomus			
Autonomus working	100	4	1, 2, 23, 21, 7, 30, 19, 13, 17, 22, 24, 11, 29

Evaluation

CONTINUOUS ASSESSMENT SYSTEM

The evaluation system contains two parts: evaluation activities (Av) and review

- § Principles:
 - Teachers of the subject published in their respective classrooms moodle an approximate timeline with dates of evaluation activities in accordance with the following tasks:
 - § Evaluation Activity (Av1-practice): between 5th and 7th week of the semester.
 - § Evaluation Activity (Av2- Not liberating test): between 9th and 11th week of the semester, in any case, once the top 5 themes.
 - § Evaluation Activity (Av3-practice): between 13th and 15th week of the semester
 - Teachers of the subject published in their respective classrooms moodle the concretion of the characteristics of each assessable activity within the following types:
 - Evaluationactivity (Av1-practice): consists of the analysis of one or more case studies and/or judgments where it is necessary to determine what are the elements of fact relevant, what are the institutions of the theory of the offence applicable, which is the core of the controversy. Interpret, subsume and argue with grounds and evidences.
 - Evaluation Activity (Av2-liberating not test): consists of a series of questions with multiple answers pre-built kernel that allow to evaluate the acquisition of basic knowledge of the provision as ground of Legal definition of offences.
 - Evaluation Activity (Av3-practice): consists of the analysis of one or more case studies and/or

judgments where it is necessary to determine what are the elements of fact relevant, what are the institutions of the theory of the offence applicable, which is the core of the dispute. Interpret, subsume and argue with ground and evidences. In this case, will allow us to explore much of the sequence of the dogmatic definition of offences and start to approach to his effects in sentencing

-
- **Review:** consists of a variable development questions that aim to evaluate the acquisition of knowledge and the ability to express them in a technique in writing.
- **continuous assessment:** 50% of the note (up to 5 points) in
- Av1-practice (15% or 1.5 points)
- Av2- Not liberating test (20% or 2 points)
- Av3-practice (15% or 1.5 points)
 - **exam:** with a weight of 50% of the final grade (up to 5 points) on the date fixed by the academic management

Ø REAPPRAISAL SYSTEM:

Principles:

- can only be re-evaluated those items that have been evaluated and suspended.
- as a result, it cannot be re-evaluated to note one or more than one item already managed and not suspended.
- you do not need minimum note for reappraisal whenever the item is suspended.
- There is No maximum limit on the score obtained in reappraisal.

Assessment activities (Av1 on Av3):

- The revaluation of the Avs will take place on the day fixed for the final exam.
- consists of an assessable activity (Rev.) of the same type of suspended.
- as a result, the teacher will prepare two types of activity of revaluation (Rev):

Reappraisal practice: Rev-practice (15%)

Reappraisal liberating not test: Rev-test (20%)

- The note of the activity of revaluation (Rev.), if it higher, will replace the suspended note.
- Who has suspended two Avs of the same value (15% or 1.5 points), if the note is higher, will replace the lowest of the suspended.
- Who has suspended two Avs of types, that is to say, with a weight or valorde 15% and 20% (or, in other words, 1.5 points and 2 points) will be able to choose the type of activity of reappraisal that you want to perform. If the note is more alta will replace the corresponding to the Av. ...

§ Of the exam:

- will be held on the date fixed by the academic management.

§ Final note:

Will be the result of the sum of all items of evaluation carried out (or revaluats in your case).

§ the approved will be obtained by adding 5 points of the items exposed

§ **Review:** publishing notes the teacher will specify the system review of the exam or final note (date, time, space and if it is necessary to register on a previous list and their deadlines)

Evaluation activities

Title	Weighting	Hours	ECTS	Learning outcomes
Av 1 (case)	15%	1.5	0.06	1, 6, 17, 20, 22, 14, 27, 26
Av 2 (test)	20%	1.5	0.06	2, 23, 21, 4, 5, 6, 7, 8, 30, 19, 15, 16, 13, 12, 17, 20, 22, 3, 14, 9, 10, 24, 25, 27, 26, 31, 11, 28, 29
Av3 (case)	15%	1.5	0.06	2, 23, 21, 4, 5, 6, 7, 8, 30, 19, 15, 16, 13, 12, 17, 18, 20, 22, 3, 14, 9, 10, 24, 25, 27, 26, 31, 11, 28, 29
Exam	50%	5	0.2	1, 2, 23, 21, 4, 5, 6, 7, 8, 30, 19, 15, 16, 13, 12, 17, 18, 20, 22, 3, 14, 9, 10,

Bibliography

MUÑOZ CONDE, Francisco/GARCÍA ARÁN, Mercedes: "Derecho penal. Parte General", Tirant lo blanch, Valencia 2017