

Economic and Business Crimes Law

Code: 102247
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

Contact

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Use of languages

Principal working language: spanish (spa)
Some groups entirely in English: No
Some groups entirely in Catalan: No
Some groups entirely in Spanish: Yes

Teachers

Jordi Casas Hervilla

Prerequisites

In order to understand and follow up this optional subject, it is highly recommended that the student has passed the core subjects of Criminal Law (Criminal Law I, II and III). Although not essential, it will also help you to better understand how to take the optional course "Criminal trials" at the same time.

Objectives and Contextualisation

- Learn about the basic characteristics of socio-economic crime and the business environment.
- Know how to determine the legal consequences impossible for these crimes.
- To develop the capacity for legal analysis and interpretation in this area of crime.
- Know how to articulate criminal protection in the socio-economic field with other areas of the legal order.
- To know the political-criminal context of these crimes and to develop an analytical and critical capacity.
- To know how to qualify proven facts related to material and to determine the impossible penalty.

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Content

1: INTRODUCTION TO ECONOMIC CRIMINAL LAW. 1. The emergence of "crimes against the socio-economic order" in the Criminal Code of 1995: background, scope of extension and controversy over their incrimination. 2. Basis, concept and purpose of economic criminal law. Sources of economic criminal law. The principle of ultima ratio and the necessary subsidiarity of economic criminal law. The ne bis in idem principle.

2. GENERAL ISSUES APPLIED TO THE ECONOMIC AND BUSINESS FIELD. 1. Dangerous crimes. 2. Blank criminal law regulations. 3. The objective imputation and the question of the permitted risk. 4. Omission. 5. Perpetration and participation in special offences and collegiate bodies. 6. Criminal liability of legal persons. 7. The error in economic criminal law.

3. BRIEF REFERENCE TO SOME BASIC PATRIMONIAL OFFENCES. 1. the scam. 2. Misappropriation. 3. Features common to both offences. 4. Delimitation in respect of other forms of crime.

4. PUNISHABLE INSOLVENCIES. Assets lifting and contests.

5. DOCUMENTAL FALSE. 1. Protected legal property. Classes of falsehood: material falsehood and ideological falsehood. New false modalities introduced in LO 5/2010: a) The use or trafficking of false identity documents, b) the trafficking of false certificates, c) the counterfeiting of credit, debit and traveller's cheques. 4. Bankruptcy problems: the difficult distinction between legal and criminal competition and the need to respect the principle of ne bis in idem.

6. CORPORATE CRIMES. 1. General questions: a) the concept of society, b) the conditions of persecution. 2. Unfair administration. Delimitation with the crime of misappropriation. 3. False accounting. 4. Obstruction of the inspecting or supervising action of the Administration.

7. CRIMES RELATING TO THE MARKET AND CONSUMERS. 1. Power of attorney and disclosure of company secrets. Delimitation with respect to crimes against privacy. 2. The offence of misleading advertising. Delimitation regarding the scam. 3. The crime of false billing. Delimitation with respect to documentary falsehoods. 4. The crime of price alteration. Persecution problems. New forms of crime: (a) so-called 'investment fraud', (b) corruption between private individuals.

8. CRIMES RELATING TO INTELLECTUAL PROPERTY. 1. the protected legal property. 2. Elements of the basic type. 3. The specific types. 4. Qualified types.

9. CAPITAL LAUNDERING OFFENCES, CRIMES AGAINST PUBLIC FINANCES AND AGAINST SOCIAL SECURITY. 1. the crime of money laundering. 2. The crime of tax fraud. 3. The crime of social security fraud. 4. The offence of subsidy fraud. 5. Community fraud offences. 6. The tax accounting offence.

10. THE DELINQUENCES RELATING TO TERRITORY MANAGEMENT, URBANISM AND THE PROTECTION OF THE ENVIRONMENT. 1. Town-planning crime. 2. Ecological crimes.