

Criminal Law I

Code: 102252
 ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	1	1

Contact

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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

Prerequisites

There are not prerequisites for this course. However, students will understand it more appropriately if they have already taken and passed the courses on Constitutional Organization of State and Theory of Law.

Objectives and Contextualisation

The objective of this course is to familiarize students with the specificity of Criminal Law as an instrument of conflict resolution. The course mainly aims to make students knowledgeable about concepts such as: criminal norms, constitutional basics of criminal law, sentencing and security measures. Moreover, it is intended for enabling students in using the concepts and terminology of criminal law in a proper way. In order to do this, the reading of legal texts and the working out of practical cases will be carried out.

Content

- . Criminal Law: Criminal Law as an instrument of social control. Norms of criminal law: structure, elements and functions. Relationship between criminal law and administrative law penalties.
- . Sciences of Criminal Law and other related disciplines: Criminology, Crime Policy, Dogmatic of Criminal Law, and so on. Relationship between substantive and procedural criminal law.
- . Sources of criminal law and their interpretation: direct and indirect sources. Interpretation and subsumption. Conceptual tools for interpretation, especially analogy.
- . Legitimacy of Criminal Law. Theories of punishment: absolute, relative and mixed theories. State of play in the Spanish criminal system.
- . Constraints to the punitive power of the State. Principle of minimum intervention. Principle of exclusive protection of legal goods. Principle of equality. Principle of liability. Principle of humanity. Principle of legality.
- . Principle of legality: foundations. Constitutional guarantees derived from the principle of legality. Principle of reservation to "ley orgánica". Legal certainty. "Non bis in idem". Legislative techniques in criminal law.
- . Time in criminal law. Principle of non-retroactivity. Reforms of criminal law and transitional situations.
- . Space in criminal law. The principle of territoriality. Exceptions: extraterritoriality cases. Prosecution of crime within European Union. International criminal law and national criminal law in the international context . Extradition.
- . Individuals in criminal law. Principles of equality, inviolability, immunity, privileged jurisdiction.
- . Sanctioning in the Spanish criminal system. Principles and classification. Capital punishment. Civil liability as a result of a crime.

- . Sentencing implementation. Basic principles of the Spanish prison system. Phasing in model in penitentiary regime and rehabilitation programs. Judicial control on sentencing implementation.
- . Alternative sentencing: conditional sentences, strangers, conditional release. Mediation
- . Security measures in the Spanish criminal system. Regime, typology, implementation (finalization, substitution, suspension). The juvenile justice system in Spain (L.O. 5/2000).