

Criminal Law (Principles)

Code: 100459
ECTS Credits: 6

Degree	Type	Year	Semester
2500257 Criminology	OB	2	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

Other comments on languages

Lectures will be in Catalan. Students may attend seminars in Spanish or in Catalan

Teachers

Antonio Cardona Barber
Maria Jesus Guardiola Lago

Prerequisites

There are not prerequisites for this course.

Objectives and Contextualisation

The general objective of this course is set out as follows: "to familiarize both specialists and public with rational responses to the problems of criminality and social conflict. These responses should take into account the rights and the interests of all those involved, and the values of conflict resolution, social integration and prevention of new conflicts."

In this context, the subject of Criminal Law I has the following specific objectives:

1. To know the principles of the criminal law
2. To know the positive and negative elements of the crime
3. To be able to understand and make a grounded opinion on judgements of judges and courts.

Competences

- Ability to analyse and summarise.
- Clearly explaining and arguing a carried out analysis about a conflict or crime problem and its responses in front of specialised and non-specialised audiences.
- Drawing up an academic text.
- Identifying the most appropriate and effective penal intervention for each particular case.

- Properly using the legal, psychological, pedagogical and sociological language.
- Respectfully interacting with other people.
- Students must demonstrate they know the legal framework and operating model of the crime control agents.
- Students must demonstrate they know the legal/penal response framework to criminality (constitutional law, police law, procedural law and criminal law).
- Using non-discriminatory and respectful language when referring to the several parties involved in conflict and criminality.
- Verbally transmitting ideas to an audience.
- Working autonomously.

Learning Outcomes

1. Ability to analyse and summarise.
2. Applying effectiveness criteria when using law in the field of criminology.
3. Applying the constitutional law in the criminological field.
4. Arguing criminality arguments in a verbal and polite way and without bias.
5. Arguing with accuracy legal concepts at a forum.
6. Drawing up an academic text.
7. Effectively communicating by using specific law terms.
8. Respectfully interacting with other people.
9. Using the legislation and its means of implementation to the criminal act.
10. Verbally transmitting ideas to an audience.
11. Working autonomously.

Content

PART ONE

AIMS AND PRINCIPLES OF CRIMINAL LAW

TOPIC 1

1. Concept of law and legal norms. 2. Relationship between criminal law and other branches of the legal system, with special reference to administrative and procedural law. 3. The interpretation of the law. 4. The principles of the criminal law: a) the harm principle; b) the principle of minimum intervention; c) the principle of means rea; d) the principle of humanity.

TOPIC 2

The principle of legality: a) the criminal law as a parliamentary law; b) legal definition of crimes and punishments. Prohibition of analogical interpretation; c) prohibition of retroactive application of the criminal law; d) Procedural guarantees.

TOPIC 3

1. Aims of criminal law; 2. Justification of punishment: a) retributivism; b) utilitarianism (general and specific deterrence); c) mixed theories

PART TWO

THE GENERAL PART OF THE CRIMINAL LAW

TOPIC 4

1. Concept and elements of crimes. 2. Classification of criminal offenses in the Spanish Penal Code. 3. The harm principle as an interpretation tool; 4: The legal definition of offences.

TOPIC 5

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. 2. Involuntary crimes. A) Concept of negligence; b) Types of negligent crimes. 3. The crime of omission. a) Concept of omission; b) Types of omission.

TOPIC 6

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

TOPIC 7

1. Principals and accomplices in criminal law. 2. Concept of types of principals. 3. Concept and types of complicity.

TOPIC 8

1. Justification for crimes: a) Self-defence; b) Necessity; c) Legal rights and duties.

TOPIC 9

1. Excuses for crimes: a) Insanity; b) Intoxication; c) Sensorial malfunctions; d) Duress; e) Ignorance of the law. 2. Other legal causes that avoid conviction.

TOPIC 10

1. Aggravating and mitigating circumstances in criminal law: a) concept, types and effects in sentencing. 2. Multiple offenders: modalities and effects in sentencing.

PART THREE

LEGAL CONSEQUENCES OF CRIME

TOPIC 11

1. The sentencing system. 2. Concept and types of punishments; 3. Custodial sentences: imprisonment and home detention curfew; 4. Non-custodial sentences: a) disqualifications; b) Community service; c) Fines; 5. Back-up sanctions for fine default; 6. Prevention measures.

TOPIC 12

1. The sentencing process: legal constraints and discretion for courts and judges. Civil liability as a consequence of a criminal act. 3. The extinction of criminal responsibility

Methodology

Students must participate in two types of activities.

1.- Directed activities, which will be done in the classroom, consisting of:

- Lectures given by the professor, in which the theoretical contents of the course will be examined
- Seminars. Following the lectures, seminars will be devoted to work on each of the topics of the course through activities consisting of discussion on readings and case law.

2.- Autonomous activities: As a complement to the directed activities, students will work individually and in a group, through:

- a. Group work on criminal cases that will be presented in seminars.
- b. Individual essays that will be presented in seminars.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Lectures	19.5	0.78	2, 3, 5, 4, 7, 8, 1, 10, 9
Seminars	19.5	0.78	5, 7, 8, 1, 10
Type: Autonomous			
Individual work (reading of case law, elaboration of conceptual maps)	106	4.24	2, 3, 5, 4, 7, 6, 1, 10, 11, 9

Assessment

Basis of the evaluation

Evaluation will be carried out continuously throughout the course. Therefore, the regular attendance to the classes (80%) and the accomplishment of the activities detailed below is mandatory.

Conditions to be evaluated

In order to pass the course, students need to attend classes regularly(80%), present all the assignments and pass two final examinations on basic contents

Assessment activities

Exams, one on the first part (20% of the final grade), through short questions, and another, on the second part of the course, will consist of a multiple choice exam (30% of the final grade).

Work in groups and present the results in the seminars (20% of the final grade)

Individual essays Two that will be carried out at home and corrected in the seminars, the other will be done and corrected in the classroom (30%).

Demonstrating learning of the contents of the course, through active participation in class, will be used to adjust the final mark by up to 0.5 points.

Requirement to pass and resit

Students need to obtain a minimum of 5 in each of the three assessment activities (group work, individual essay and exams). Otherwise, the teacher will offer the students the chance to repeat those individual activities in which they have not reached the required minimum. Group activities can not be repeated.

Students will also have the opportunity to repeat other activities.

Fraudulent conduct

Students who are found cheating or attempting to cheat during the exams will receive a mark of 0, losing the right or reassessment.

Cases of plagiarism in essays will be individually evaluated and may be subject to fail and losing the right of reassessment, depending on the seriousness of the plagiarism made.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Exams	50%	5	0.2	2, 3, 5, 4, 7, 1, 11, 9
Individual work	30%	0	0	2, 3, 6, 8, 1, 11, 9
group work	20%	0	0	2, 3, 5, 4, 7, 6, 8, 1, 10, 9

Bibliography

Students can choose one of these handbooks

Muñoz Conde, Francisco y García Arán, Mercedes (2017). *Derecho penal. Parte general*. Valencia: Tirant Lo Blanch.

AAVV (2018). *Esquemas de teoría jurídica del delito y de la pena*. Valencia: Tirant lo Blanch.

Note: The specific material to prepare each of the topics will be facilitated through Moodle.