

Criminal Law II

Code: 102246
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	1	2

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

Groups in Catalan 02 (Dr. Bonet), 03 (Dra. Cugat), 52 (Dra. Cuenca) and 70 (Dr. Baucells) and groups in Spanish 01 (Mr. Celma), 51 (Dr. Morales) and 52 (Dra. Rodríguez)

Teachers

Joan Baucells Lladós
María José Cuenca García
Margarita Bonet Esteva
Fermín Morales Prats
Maria Jose Rodriguez Puerta
Eduardo Celma Hernandez

Prerequisites

Even if it is not an official requirement, it is recommended to have passed "Constitutional law I" and "Criminal Law I".

Objectives and Contextualisation

To understand the concept and elements of crimes, and achieve the necessary knowledge to be able to follow "Criminal Law III".

Competences

- 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.
- 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.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Mastering the computing techniques when it comes to obtaining legal information (legislation databases, jurisprudence, bibliography...) and in data communication.
- Memorising and utilising legal terminology.
- 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.
- Use different information and communication technologies.
- 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. Defining defence strategies of the criminal legal interests.
4. Defining the link between the criminal law and the constitutional principles and values.
5. Defining the main criminal institutions.
6. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
7. Distinguishing the dependence and autonomy relations between criminal law and the rest of branches of the legal system (civil, labour, administration, finances).
8. Drawing up and formalising works, reports, documents, rulings.
9. Drawing up resolutions of criminal cases.
10. Finding the applicable legislation between the criminal code and special criminal laws.
11. Identifying and assessing the jurisprudence of Provincial Courts and the Supreme Court in criminal matters.
12. Identifying and knowing the limiting principles of labour law.
13. Identifying and solving problems.
14. Identifying the conflicts of interest underlying in a concrete criminal law suit.
15. Identifying the conflicts of interest underlying in a general criminal law suit.
16. Identifying, knowing and applying the interpretative principles of criminal law.
17. Interpreting the criminal laws as criminal policy decisions.
18. Laying the foundation for the implementation of criminal laws in the resolution of criminal problems.
19. Managing bibliographic and documentary resources: databases, browsing, etc.
20. Memorising and using the criminal specific terminology.
21. Planning and organising: managing of time, resources, etc.
22. Searching criminal sentences in databases.
23. Solving interpretation and application problems of criminal laws.
24. Students must be capable of learning autonomously and having an entrepreneurial spirit.
25. Students must be capable of making decisions.
26. Students must be capable of perceiving the impact and implications of the decisions taken.
27. Use different information and communication technologies.
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

Topic 1. Introduction to the theory of criminal offenses.

Topic 2. The principle of rule of law and the legal description of criminal offences.

Topic 3. *Actus reus* (I): a) Lack of criminally relevant human behaviour; b) Rules for objective linking of the harm with the previous behaviour.

Topic 4. *Actus reus* (II): The crime of omission and its types.

Topic 5. *Mens rea* (I): a) General requirements of wilful behaviour; b) Absence of wilful behaviour c) Other subjective elements.

Topic 6. *Mens rea* (II) a) General requirements of imprudent behaviour; b) Concept, elements and types of imprudent behaviour; c) Fortuitous event; d) Risk crimes.

Topic 7. Disagreement between criminal behaviour and the law: a) Formal and material aspects; c) Legal defences.

Topic 8. Specific legal defences based on lack of disagreement between criminal behaviour and the law: a) Self-defence; b) Necessity; c) Others.

Topic 9. Guilt and accountability: a) General view; b) Specific legal defences based on lack of guilt.

Topic 10. Punishability: a) General conditions; b) Specific requirements and situations.

Topic 11. Criminal accountability of legal persons.

Topic 12. Principals and accomplices in criminal law.

Topic 13. *Iter criminis*.

Topic 14. Rules for fixing the criminal sanction (I): the "circumstances" of the offence.

Topic 15. Rules for fixing the criminal sanction (II): sanction *in abstracto* v. sanction *in concreto*

Topic 16. Rules for fixing the criminal sanction (III): rules for selecting the criminal sanction and its sanction.

Methodology

1. Directed activities

1.1. Master classes

1.2. Resolution of cases and problems.

2. Tutorials.

3. Autonomous working.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Directed activities 1: Resolution of cases and problems in class	5.5	0.22	2, 6, 18, 12, 16, 8, 23, 29
Directed activities 2: Master classes	17	0.68	1, 30, 12, 16, 29
Supervised activities 2: tutorials	16.5	0.66	22, 5, 30, 18, 17
Type: Supervised			
Supervised activities 1 : Following lectures, cases and sentencing of the topics of the course in classroom. .	1.5	0.06	21, 13, 25
Type: Autonomous			
Autonomus working	100	4	1, 2, 22, 6, 30, 18, 19, 12, 16, 21, 23, 10, 29

Assessment

a) Final grade: 50% exam; 50% continuous assessment system.

b) Continuous assessment system (50%):

First activity: 15 % , 3rd-5th week.

Second activity: 20% , 6th-9th week.

Third activity: 15%

10th-13th week.

d) Reappraisal system:

Exam: 50%

Continuous assessment system: 15%

Assessment Activities

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

Bibliography

Compulsory:

GARCIA ARAN, Mercedes; MUÑOZ CONDE, Francisco, *Derecho Penal. Parte General*, Tirant lo Blanch, 9ª ed., 2015. ISBN: 9788491190561.

QUINTERO OLIVARES, Gonzalo, *Parte general del derecho penal*, Thomson Reuters, 5ª ed., 2015. ISBN: 9788490988411.

Complementary:

BERDUGO GOMEZ DE LA TORRE, Ignacio; ARROYO ZAPATERO, Luís. *Lecciones de derecho penal: parte general*, Atelier, 1999. ISBN: 9788471975607.

CEREZO MIR, José, *Curso de Derecho Penal español. Parte General. Tomo II: Teoría jurídica del delito*, Tecnos, 6ª ed., 1998. ISBN: 9788430932214.

DIEZ RIPOLLES, José Luís, *Derecho Penal Español. Parte General*, Tirant lo Blanch, 4ª ed., 2016. ISBN: 9788491192381.

LUZON PEÑA, Diego Manuel, *Lecciones de derecho penal. Parte general*, Tirant lo Blanch, 3ª ed., 2016. ISBN: 9788491195627.

MIR PUIG, Santiago, *Derecho Penal. Parte General*, Dykinson, 10ª ed., 2015. ISBN: 9788460815822.

MORILLAS CUEVA, Lorenzo, *Sistema de Derecho Penal. Parte General*, Dykinson, 1ª ed., 2018. ISBN: 9788491489993.

QUINTERO OLIVARES, Gonzalo et al., *Esquemas de Teoría Jurídica del Delito y de la Pena*, Tirant lo Blanch, 4ª ed., 2018. ISBN: 9788491906735.

ROXIN, Claus, *Derecho Penal. Parte General*, Tomos I y II., Dykinson, 1ª ed., 2014. ISBN: 9788447050703.

Cases:

LUZON PEÑA, Diego Manuel, *Derecho Penal en Casos: Parte General. Estudio Analítico-práctico*, Tirant lo Blanch, 1ª ed., 2018. ISBN: 9788491698012.

MAQUEDA ABREU, María Luisa, *Derecho penal en casos. Parte General. Teoría y práctica*, Marcial Pons, 5ª ed., 2017. ISBN: 9788491435068