

Criminal Law II

Code: 102246
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	1	2

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

Contact

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Use of Languages

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

Other comments on languages

There are no lessons in english.

Teachers

Joan Baucells Lladós
Rafael Rebollo Vargas
Margarita Bonet Esteva
Fermín Morales Prats
Maria Jose Rodriguez Puerta
Maria Jesus Guardiola Lago
Maria Rosa Carrillo Ruiz

Prerequisites

Even if it's not an official requirement, it's recommended to have passed "Criminal Law I".

The following teachers teach in catalan: Joan Baucells and Margarita Bonet

The following teachers teach in spanish: Fermín Morales, Rafael Rebollo, María José Rodríguez, Rosa Carrillo and María Jesús Guardiola.

There are no lessons in english.

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. Principals and accomplices in criminal law.

Topic 8. *Iter criminis*.

Topic 9. Criminal responsibility of legal persons.

Topic 10. Disagreement between criminal behaviour and the law: a) Formal and material aspects

Topic 11. Specific legal defences based on lack of disagreement between criminal behaviour and the law: a) Self-defence; b) Necessity; c) Others.

Topic 12. Guilt and accountability: a) General view; b) Specific legal defences based on lack of guilt.

Topic 13. Punishability: a) General conditions; b) Specific requirements and situations.

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. The first hour and half of class will consist of master classes.

1.2. Seminars. Resolution of cases and problems. The second hour and half of class will consist of seminars where students solve criminal cases or comment legal texts or news.

Attendance at seminars, except in some case of justified reason, will be compulsory for students.

2. Tutorials.

3. Autonomous working.

Important note: The teaching methodology and the evaluation may undergo some modification depending on the restrictions on attendance that the health authorities impose.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Directed activities 2: Master classes	19.5	0.78	1, 12, 16, 20, 29
Seminars	19.5	0.78	1, 2, 3, 4, 6, 7, 30, 18, 19, 14, 15, 12, 11, 16, 20, 21, 13, 8, 9, 23, 24, 25, 31, 10, 27, 29
Type: Supervised			
tutorship	1	0.04	21, 13, 25
Type: Autonomous			
Autonomus working	103.5	4.14	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: resolution of criminal cases 15 % , 6th-7th week.

Second activity: other 20% , 9th-10th week.

Third activity: resolution of criminal cases 15 % , 12th-13th week

c) Exam: (50%)

The responsible teacher will be able to award up to 0.5 extra points assessing the student's interventions in the theoretical classes and seminars.

d) Reappraisal system: The students can access the revaluation if they have suspended or who, having approved, wants to improve grade.

If the note obtained in the revaluation is lower, the previous one will be maintained. Both the part corresponding to the final overall test and the continuous evaluation activities can be re-evaluated.

The re-evaluation of the final group test will consist of an exam of the same class as the one carried out previously, and allows obtaining up to 5 points. The reevaluation of the continued activity will consist of the resolution of practical cases. With this you can get a maximum of 2.5 points.

It is an essential requirement to obtain a minimum of 3 points out of 10 in the final test so that you can do average with the rest of the evaluable activities. In case of not reaching 3/10 in the final test, the maximum grade for the course will be 4.5.

Note: A student who cheats or tries to cheat in an exam will be given a 0. A student who submits a paper or a practical exercise in which evidence of plagiarism can be identified will be given a 0 and will receive a warning. In case of repetition, the students will fail the subject.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Av 1	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
Av 2	20%	1.5	0.06	1, 4, 5, 7, 12, 20, 21, 25, 10
Av 3	15%	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
Exam	50%	2	0.08	1, 2, 22, 3, 4, 5, 6, 7, 30, 18, 19, 14, 15, 12, 11, 16, 17, 20, 21, 13, 8, 9, 23, 26, 25, 31, 10, 27, 28, 29

Bibliography

Compulsory:

GARCIA ARAN, Mercedes; MUÑOZ CONDE, Francisco, *Derecho Penal. Parte General*, Tirant lo Blanch, 10ª ed., 2019.

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

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