

Criminal Law I

Code: 102252
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	1	1

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: Yes
Some groups entirely in Spanish: Yes

Teachers

María José Cuenca García
Margarita Bonet Esteva
Fermín Morales Prats
Jaume Antich Soler
Antonio Cardona Barber
Eduardo Celma Hernandez

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.

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.

- Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
- 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.
- Planning and organising: managing of time, resources, etc.
- Presenting in front of an audience the problems of a concrete law suit, the applicable legal regulations, and the most consistent solutions.
- Searching, interpreting and applying legal standards, arguing every case.
- Using the main constitutional principles and values as a working tool in the interpretation of the legal system.

Learning Outcomes

1. Arguing the implementation of criminal laws in the resolution of criminal problems.
2. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
3. Distinguishing the applicable legislation between the criminal code and special criminal laws.
4. Distinguishing the basic knowledge of criminal law.
5. Drawing up and formalising works, reports, documents, rulings.
6. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
7. Identifying and knowing the main principles of criminal law.
8. Identifying, knowing and applying the legislation and criminal principles to a concrete case.
9. Introducing in the classroom the defence or accusation of criminal cases.
10. Laying the foundation for the implementation of criminal laws in the resolution of criminal problems.
11. Managing bibliographic and documentary resources: databases, browsing, etc.
12. Planning and organising: managing of time, resources, etc.
13. Searching criminal sentences in databases.
14. Solving interpretation and application problems of criminal laws.
15. Using the main constitutional principles and values as a working tool in the interpretation of the legal system.
16. Verbally explaining the resolution of problems related to criminal laws.

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

. International Criminal Court 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 . The juvenile justice system in Spain (L.O. 5/2000).

Methodology

1) Directed activities (seminars, theoretical classes. work in the classroom). 2) Tutorials. 3) Autonomous activities. Attendance at seminars, except in some case of justified reason, will be compulsory for students

During the health risk, the theoretical classes will be virtual, the practical classes, face-to-face. The methodology may change due to sanitary norms

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Practical classes	2.5	0.1	1, 2, 3, 10, 7, 8, 5, 14, 15
Theoretical classes	20	0.8	4, 7, 8, 15
Work in the classroom	16.5	0.66	1, 2, 16, 10, 6, 11, 12, 5, 14
Type: Supervised			
Tutorials	1.5	0.06	12
Type: Autonomous			
Study and preparation of Works	100	4	1, 13, 2, 3, 10, 11, 7, 8, 12, 14, 15

Assessment

Continuous evaluation and overall final score. The continuous evaluation and course activities represent 50% of the final grade. The overall final score in another 50%

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final content test	50%	5	0.2	2, 4, 16, 6, 11, 7, 8, 12, 5, 15
First activity. Theoretical questions	25%	2	0.08	4, 3, 7, 12
Second. Test	25%	2.5	0.1	1, 13, 10, 7, 8, 9, 14, 15

Bibliography

MUÑOZ CONDE, Francisco-GARCIA ARAN, Mercedes. Derecho Penal. Parte General. Tirant lo Blanch, 2019

QUINTERO OLIVARES (con la colaboración de MORALES PRATS). Parte General del Derecho Penal. Aranzadi, 2015