

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
Míriam Cugat Mauri
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", is advisable to have it done to the effects to understand the principles, concepts and basic terminology of the asignatura.

Group 1. Theory. Rafael Rebollo (Spanish)

Seminar 11. Rafael Rebollo (Spanish)

Seminar 12, Maria Rosa Carrillo (Spanish)

Seminar 13, Miriam Cugat (Catalan)

Group 2. Theory. Margarita Bonet (Catalan)

Seminar 21. Margarita Bonet (Catalan)

Seminar 22. Miriam Cugat (Catalan)

Seminar 23. Joan Baucells (Catalan)

Group 51. Theory. Fermín Moral Prats (Spanish)

Seminar 51. Fermín Moral (Spanish)

Seminar 52. Rafael Rebollo (Spanish)

Seminar 53. María José Rodríguez Puerta (Spanish)

Group 70 (ADE+DRET). María Jesús Guardiola

The following teachers teach in catalan: Miriam Cugat, Margarita Bonet, Joan Baucells and Maria Jesús Guardiola.

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

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 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 resolutions of criminal cases.
9. Finding the applicable legislation between the criminal code and special criminal laws.
10. Identifying and assessing the jurisprudence of Provincial Courts and the Supreme Court in criminal matters.
11. Identifying and knowing the limiting principles of labour law.
12. Identifying and solving problems.
13. Identifying the conflicts of interest underlying in a concrete criminal law suit.
14. Identifying the conflicts of interest underlying in a general criminal law suit.
15. Identifying, knowing and applying the interpretative principles of criminal law.
16. Interpreting the criminal laws as criminal policy decisions.
17. Laying the foundation for the implementation of criminal laws in the resolution of criminal problems.
18. Managing bibliographic and documentary resources: databases, browsing, etc.
19. Memorising and using the criminal specific terminology.
20. Planning and organising: managing of time, resources, etc.
21. Searching criminal sentences in databases.
22. Solving interpretation and application problems of criminal laws.
23. Students must be capable of learning autonomously and having an entrepreneurial spirit.
24. Students must be capable of making decisions.
25. Students must be capable of perceiving the impact and implications of the decisions taken.
26. Use different information and communication technologies.
27. Using the arguments of criminal and constitutional jurisprudence for the resolution of criminal problems.
28. Using the main constitutional principles and values as a working tool in the interpretation of the legal system.
29. Verbally explaining the resolution of problems related to criminal laws.
30. 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.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Directed activities 2: Master classes	19.5	0.78	1, 11, 15, 19, 28
Seminars	19.5	0.78	1, 2, 3, 4, 6, 7, 29, 17, 18, 13, 14, 11, 10, 15, 19, 20, 12, 8, 22, 23, 24, 30, 9, 26, 28

Type: Supervised

tutorship	1	0.04	20, 12, 24
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Type: Autonomous

Autonomus working	103.5	4.14	1, 2, 21, 6, 29, 17, 18, 11, 15, 20, 22, 9, 28
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Assessment

The assessment system is of a mixed theoretical-practical nature and is governed by the rules set out below.

At the beginning of the course, the teacher responsible for each of the groups will inform the students, through the Moodle classroom, of the content and dates of the continuous assessment activities, as well as the model of the final exam (test, short questions, etc.).

a) Composition of the final mark

The continuous assessment activities will account for 50% of the final assessment (up to 5 points) and the final content test for the remaining 50% (up to 5 points).

b) Continuous assessment activities (up to 5 points):

The specific continuous assessment activities will develop mainly practical skills and will be detailed by each of the teachers responsible in the first week of the course, as well as the marks assigned to each of them. The total number of activities will be between two and four.

c) Final content test: Value, 5 points. Timetable: official date of the Faculty of Law.

d) Re-evaluation:

Anyone who has failed or who, having passed, wishes to improve his or her grade, may take the re-evaluation. If the grade obtained in the revaluation is lower, this will be the grade.

Both the part corresponding to the overall final examination and the continuous assessment activities can be re-evaluated.

The re-evaluation of the overall final test will consist of an exam of the same class as the one taken previously, and allows up to 5 points to be obtained.

The re-evaluation of the continuous activity will consist of the completion of an activity of the same modality as the one carried out during the course (resolution of cases or content test). This may be awarded 1.5 or 2 points depending on the activity to be recovered. The teacher responsible for each group will clarify the details of how to do this.

It is essential to obtain a minimum of 3 points out of 10 in the final exam in order to pass the course. If a 3/10 is not achieved in the final exam, the maximum mark for the course will be 4.5.

Revision: When publishing each of the marks, whether for the activities carried out during the course, the final exam or the re-evaluation, the teacher will specify the revision system (date, time and location).

Important note: A student who copies or attempts to copy in an exam will receive a 0 in the exam. A student who submits a practical in which there is evidence of plagiarism or who cannot justify the arguments of his/her practical will get a 0 and will receive a warning. If the behaviour is repeated, the student will fail the course.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Av 1	25%	2	0.08	2, 21, 3, 4, 5, 6, 7, 29, 17, 18, 13, 14, 11, 10, 15, 16, 19, 20, 12, 8, 22, 23, 25, 24, 30, 9, 26, 27, 28
Av 2	25%	2	0.08	1, 4, 5, 7, 11, 19, 20, 24, 9
Exam	50%	2.5	0.1	1, 2, 21, 3, 4, 5, 6, 7, 29, 17, 18, 13, 14, 11, 10, 15, 16, 19, 20, 12, 8, 22, 25, 24, 30, 9, 26, 27, 28

Bibliography

Compulsory:

GARCIA ARAN, Mercedes; MUÑOZ CONDE, Francisco, *Derecho Penal. Parte General*, Tirant lo Blanch, 10ª ed., 2019. (Access in the digital library of the UAB)

QUINTERO OLIVARES, Gonzalo, *Parte general del derecho penal*, Thomson Reuters, 5ª ed., 2015 (Access in the digital library of the UAB)

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

Software

Utilisation of databases of jurisprudence