

Economic and Business Crimes Law

Code: 102247
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

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: spanish (spa)
Some groups entirely in English: No
Some groups entirely in Catalan: No
Some groups entirely in Spanish: Yes

Prerequisites

In order to understand and follow up this optional subject, it is highly recommended that the student has passed the core subjects of Criminal Law (Criminal Law I, II and III). Although not essential, it will also help you to better understand how to take the optional course "Criminal trials" at the same time.

Objectives and Contextualisation

- Knowing essential features of white-collar crime and its business environment
 - Knowing legal implications of these kind of criminal offenses.
 - Develop proper skills for legal analysis and interpretation of white collar-crimes.
 - Knowing how white-collar crime criminal regulation interacts with other legal fields
 - Understand the existence and perpetration of white-collar crimes as a criminal phenomenon and be able to develop a critical thinking of this topic.
- Identify and apply the elements of this criminal offenses and be able to determinate its penalty.

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.
- 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.
- Present information in a way that is appropriate to the type of audience.
- 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.
- 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.

Learning Outcomes

1. Acquiring the basic knowledge of criminal law.
2. Arguing the implementation of criminal laws in the resolution of criminal problems.
3. Becoming aware of the importance of the ethical commitment of the lawyer in the criminal proceeding.
4. Defining defence strategies of the criminal legal interests.
5. Defining the link between the criminal law and the constitutional principles and values.
6. Defining the main criminal institutions.
7. Distinguishing the dependence and autonomy relations between criminal law and the rest of branches of the legal system (civil, labour, administration, finances).
8. Distinguishing the important connexion between the substantive criminal law and the procedural criminal law.
9. Drawing up documents of specific criminal content linked to the process, fundamentally of provisional conclusions, appeals, and sentences.
10. Drawing up resolutions of criminal cases.
11. Finding the applicable legislation between the criminal code and special criminal laws.
12. Identifying and assessing the jurisprudence of Provincial Courts and the Supreme Court in criminal matters.
13. Identifying and knowing the limiting principles of labour law.
14. Identifying and solving problems.
15. Identifying the conflicts of interest underlying in a concrete criminal law suit.
16. Identifying the conflicts of interest underlying in a general criminal law suit.
17. Identifying, knowing and applying the interpretative principles of criminal law.
18. Interpreting the criminal laws as criminal policy decisions.
19. Introducing in the classroom the defence or accusation of criminal cases.
20. Laying the foundation for the implementation of criminal laws in the resolution of criminal problems.
21. Managing bibliographic and documentary resources: databases, browsing, etc.
22. Memorising and using the criminal specific terminology.
23. Planning and organising: managing of time, resources, etc.
24. Present information in a way that is appropriate to the type of audience.
25. Searching criminal sentences in databases.
26. Solving interpretation and application problems of criminal laws.
27. Students must be capable of learning autonomously and having an entrepreneurial spirit.
28. Students must be capable of making decisions.
29. Students must be capable of perceiving the impact and implications of the decisions taken.
30. Use different information and communication technologies.
31. Using the arguments of criminal and constitutional jurisprudence for the resolution of criminal problems.
32. Using the main constitutional principles and values as a working tool in the interpretation of the legal system.
33. Verbally explaining the resolution of problems related to criminal laws.

Content

1: INTRODUCTION TO ECONOMIC CRIMINAL LAW. 1. The emergence of "crimes against the socio-economic order" in the Criminal Code of 1995: background, scope of extension and controversy over their incrimination. 2. Basis, concept and purpose of economic criminal law. Sources of economic criminal law. The principle of ultima ratio and the necessary subsidiarity of economic criminal law. The ne bis in idem principle.

2. GENERAL ISSUES APPLIED TO THE ECONOMIC AND BUSINESS FIELD. 1. Dangerous crimes. 2. Blank criminal law regulations. 3. The objective imputation and the question of the permitted risk. 4. Omission. 5. Perpetration and participation in special offences and collegiate bodies. 6. Criminal liability of legal persons. 7. The error in economic criminal law.

3. BRIEF REFERENCE TO SOME BASIC PATRIMONIAL OFFENCES. 1. the scam. 2. Misappropriation. 3. Features common to both offences. 4. Delimitation in respect of other forms of crime.

4. PUNISHABLE INSOLVENCIES. Assets lifting and contests.

5. DOCUMENTAL FALSE. 1. Protected legal property. Classes of falsehood: material falsehood and ideological falsehood. New false modalities introduced in LO 5/2010: a) The use or trafficking of false identity documents, b) the trafficking of false certificates, c) the counterfeiting of credit, debit and traveller's cheques. 4. Bankruptcy problems: the difficult distinction between legal and criminal competition and the need to respect the principle of ne bis in idem.

6. CORPORATE CRIMES. 1. General questions: a) the concept of society, b) the conditions of persecution. 2. Unfair administration. Delimitation with the crime of misappropriation. 3. False accounting. 4. Obstruction of the inspecting or supervising action of the Administration.

7. CRIMES RELATING TO THE MARKET AND CONSUMERS. 1. Power of attorney and disclosure of company secrets. Delimitation with respect to crimes against privacy. 2. The offence of misleading advertising. Delimitation regarding the scam. 3. The crime of false billing. Delimitation with respect to documentary falsehoods. 4. The crime of price alteration. Persecution problems. New forms of crime: (a) so-called 'investment fraud', (b) corruption between private individuals.

8. CRIMES RELATING TO INTELLECTUAL PROPERTY. 1. the protected legal property. 2. Elements of the basic type. 3. The specific types. 4. Qualified types.

9. CAPITAL LAUNDERING OFFENCES, CRIMES AGAINST PUBLIC FINANCES AND AGAINST SOCIAL SECURITY. 1. the crime of money laundering. 2. The crime of tax fraud. 3. The crime of social security fraud. 4. The offence of subsidy fraud. 5. Community fraud offences. 6. The tax accounting offence.

10. THE DELINQUENCES RELATING TO TERRITORY MANAGEMENT, URBANISM AND THE PROTECTION OF THE ENVIRONMENT. 1. Town-planning crime. 2. Ecological crimes.

Methodology

The learning process is based on the work of the student who learns by working, being the teacher's mission to h

The development of the teaching of the subject and the training of the stu

1. Directed activities

1.1. Lectures: where the student assumes the conceptual bases of the su

1.2. Practical classes: where the student analyzes and solves previously

2. Autonomous activities.

The student will have to dedicate most of the time of the subject to work i

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			
Practic classes in the classroom	10.5	0.42	1, 2, 25, 4, 5, 6, 8, 7, 33, 20, 21, 15, 16, 12, 17, 18, 22, 3, 19, 9, 10, 26, 29, 28, 11, 30, 31, 32
Practical classes	4.5	0.18	2, 25, 4, 8, 33, 20, 21, 15, 12, 17, 22, 19, 9, 10, 26, 29, 28, 11, 30, 31, 32
Theoretical classes	30	1.2	1, 5, 6, 8, 7, 20, 16, 13, 17, 18, 22, 30, 32
Type: Autonomous			
Bibliography análisis, debate, study of jurisprudence	103	4.12	1, 2, 25, 4, 5, 6, 8, 7, 33, 20, 21, 15, 16, 13, 12, 17, 18, 22, 3, 19, 9, 10, 26, 29, 28, 11, 30, 31, 32

Assessment

Evaluating system is based in a continuous assessment of the student with the goal of knowing the level of knowledge. Continuous evaluation is mandatory in order to pass the course. The final evaluation consists of the two following parts:

A final examination that has an overall value of 50% of final grade. Those students who do not pass this exam will have a re-evaluation although this suppose losing continuous evaluation grade. In this case the final exam will have 100% overall value of final grade. IN ORDER TO BE ABLE TO EVALUATE THIS ACTIVITY, THE STUDENT MUST OBTAIN A GRADE OF 5 OR MORE ON THE EXAM. If the indicated grade is not obtained, the final grade will not be made with the rest of the activity and, therefore, the student will have to pass the re-evaluation exam.

An evaluations of resolution of two practical cases. Value of 40% of final grade. If the student do not pass one of the practical cases it will have a re-evaluation study case.

Critical analysis of a book, and oral presentation of it, which makes up 10% of the final grade. Clarifications regarding the practical activity:

The student must present two cases-study and as well as read the book and its subsequent oral presentation. If the student does not deliver or solve any of the practical exercises, will lose the opportunity to continue with the continuous evaluation.

For the final exam grade of the course, which makes up 50% of the final grade, the active participation of the student in the classroom will be taken into account

IF THE STUDENT HAS NOT TAKEN THE CONTINUED ASSESSMENT OR HAS NOT COMPLETED IT, IT WILL NOT BE ABLE TO TAKE THE FINAL EXAM OR THE RE- EVALUATION EXAM.

At the beginning of the course the teacher in charge of each group will inform the students, through the moodle classroom, of the content and dates of the continuous evaluation activities, as well as the final exam model

Re-evaluation:

Regarding final exam grade: if the student have done continuous evaluation but fail to pass final exam, it will have to attend to the re-evaluation exam. In this case, the student will keep continuous evaluation grade. The re-evaluation will take place under the same conditions and on the date set by the Academic Management.

Only those activities that have been evaluated and failed may be reevaluated.

It will not be necessary to obtain a minimum grade to carry out the reevaluation.

The reevaluation may not be used as a means to raise the grade.

Overall grade of the subject: the final grade will be the sum of all the activities evaluated. In order to pass the course, a minimum score of 5 points must be obtained.

Review: When the notes are published, the date and place of review of the activities will be specified.

WARNING: Students who copy or attempt to copy on a final exam will receive a 0 on the exam. The student who presents a practice in which there is plagiarism will get a 0 and will receive a warning. In case of repetition of the behavior, the student will be suspended from the course.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Exam	50%	0	0	1, 5, 7, 21, 24, 27
Oral presentation of a book	10%	2	0.08	1, 5, 6, 7, 13, 17, 22, 29, 28
Oral presentation of a book	10%	0	0	1, 2, 25, 4, 5, 8, 7, 33, 20, 21, 15, 16, 12, 17, 18, 23, 3, 19, 14, 9, 10, 26, 27, 29, 28, 11, 30, 31, 32

Bibliography

- MARTÍNEZ-BUJÁN PÉREZ, Carlos.: *Derecho penal económico y de la empresa: parte general*. Tirant lo Blanch, Valencia, 2016.
- MARTÍNEZ-BUJÁN PÉREZ, Carlos. *Derecho penal económico y de la empresa: parte especial*. Tirant lo blanch, Valencia, 2019.
- NIETO MARTÍN, Adán., "Introducción al Derecho Penal Económico y de la Empresa", en Nieto Martín, A., Lascuraín Sánchezh, J. A., Dopico Gómez-Aller, J., De la Mata Barranco, N. J.,: *Derecho Penal económico y de la empresa*, E. Dykinson, Madrid, 2018. (MANUAL EN ABIERTO Y DESCARGABLE EN: <https://e-archivo.uc3m.es/handle/10016/26715>).
- GALÁN MUÑOZ, Alfonso., NÚÑEZ CASTAÑO, Elena., (Aut.): *Manual de Derecho Penal económico y de la empresa*, Ed. Tirant lo Blanch, Valencia, 2019.
- CORCOY BIDASOLO, Mirentxu., GÓMEZ MARTÍN, Víctor., (Dirs.): *Manual de Derecho Penal, económico y de empresa. Parte general y parte especial*, Ed. Tirant lo Blanch, Tomo 2, Valencia, 2016.
- CAMACHO VIZCAÍNO, Antonio., (Dir.): *Tratado de Derecho Penal Económico*, Ed. Tirant lo Blanch, Valencia, 2019.

Software

The subject does not require any specific software.