

Criminal Law (Principles)

Code: 100459
ECTS Credits: 6

Degree	Type	Year	Semester
2500257 Criminology	OB	2	1

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

Other comments on languages

The theoretical class and seminars will be taught in Spanish.

Teachers

Margarita Bonet Esteva

Prerequisites

There are not prerequisites for this course.

Objectives and Contextualisation

The general objective of this subject is to introduce students to criminal law and to develop the so-called general part of criminal law: the legal theory of crime.

In this context, the subject has the following specific objectives:

- 1.- To place criminal law within the general context of formal and informal social control.
- 2.- To understand the general elements of the Criminal Law
- 3.- To know and be able to interpret the elements of the legal theory of crime and punishment.

Competences

- Ability to analyse and summarise.
- Clearly explaining and arguing a carried out analysis about a conflict or crime problem and its responses in front of specialised and non-specialised audiences.
- Drawing up an academic text.
- Identifying the most appropriate and effective penal intervention for each particular case.
- Properly using the legal, psychological, pedagogical and sociological language.

- Respectfully interacting with other people.
- Students must demonstrate they know the legal framework and operating model of the crime control agents.
- Students must demonstrate they know the legal/penal response framework to criminality (constitutional law, police law, procedural law and criminal law).
- Using non-discriminatory and respectful language when referring to the several parties involved in conflict and criminality.
- Verbally transmitting ideas to an audience.
- Working autonomously.

Learning Outcomes

1. Ability to analyse and summarise.
2. Applying effectiveness criteria when using law in the field of criminology.
3. Applying the constitutional law in the criminological field.
4. Arguing criminality arguments in a verbal and polite way and without bias.
5. Arguing with accuracy legal concepts at a forum.
6. Drawing up an academic text.
7. Effectively communicating by using specific law terms.
8. Respectfully interacting with other people.
9. Using the legislation and its means of implementation to the criminal act.
10. Verbally transmitting ideas to an audience.
11. Working autonomously.

Content

PART ONE

AIMS AND PRINCIPLES OF CRIMINAL LAW

TOPIC 1

1. Concept of law and legal norms. 2. Relationship between criminal law and other branches of the legal system, with special reference to administrative and procedural law. 3. The interpretation of the law. 4. The principles of the criminal law: a) the harm principle; b) the principle of minimum intervention; c) the principle of means rea; d) the principle of humanity.

TOPIC 2

The principle of legality: a) the criminal law as a parliamentary law; b) legal definition of crimes and punishments. Prohibition of analogical interpretation; c) prohibition of retroactive application of the criminal law; d) Procedural guarantees.

TOPIC 3

1. Aims of criminal law; 2. Justification of punishment: a) retributivism; b) utilitarianism (general and specific deterrence); c) mixed theories

PART TWO

THE GENERAL PART OF THE CRIMINAL LAW

TOPIC 4

1. Concept and elements of crimes. 2. Classification of criminal offenses in the Spanish Penal Code. 3. The harm principle as an interpretation tool; 4: The legal definition of offences.

TOPIC 5

1. The intentional crimes: a) Concept and structure of the intentional element; b) Types of intention; c) Mistake with respect to the elements of the crime. 2. Involuntary crimes. A) Concept of negligence; b) Types of negligent crimes. 3. The crime of omission. a) Concept of omission; b) Types of omission.

TOPIC 6

1) Inchoate offences. 2) The crime of preparing a criminal offence: conspiracy, incitement and proposition; 3) The concept and elements of criminal attempt.

TOPIC 7

1. Principals and accomplices in criminal law. 2. Concept of types of principals. 3 Concept and types of complicity.

TOPIC 8

1. Justification for crimes: a) Self-defence; b) Necessity; c) Legal rights and duties.

TOPIC 9

1. Excuses for crimes: a) Insanity; b) Intoxication; c) Sensorial malfunctions; d) Duress; e) Ignorance of the law. 2. Other legal causes that avoid conviction.

TOPIC 10

1. Aggravating and mitigating circumstances in criminal law: a) concept, types and effects in sentencing. 2. Multiple offenders: modalities and effects in sentencing.

PART THREE

LEGAL CONSEQUENCES OF CRIME

TOPIC 11

1. The sentencing system. 2. Concept and types of punishments; 3. Custodial sentences: imprisonment and home detention curfew; 4. Non-custodial sentences: a) disqualifications; b) Community service; c) Fines; 5. Back-up sanctions for fine default; 6. Prevention measures.

TOPIC 12

1. The sentencing process: legal constraints and discretion for courts and judges. 2. Civil liability as a consequence of a criminal act. 3. The extinction of criminal responsibility

Methodology

Students must participate in two types of activities:

1.- Directed activities. which will be done in the classroom, consisting of:

- Lectures given by the professor, in which the theoretical contents of the course will be examined
- Seminars. Following the lectures, seminars will be devoted to work on each of the topics of the course through activities consisting of discussion on readings and case law.

2.- Autonomous activities: As a complement to the directed activities, students will work individually and in a group, through:

- a. Group work on criminal cases that will be presented in seminars.
- b. Individual essays that will be presented in seminars.

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			
Lectures	18	0.72	2, 3, 5, 4, 7, 8, 1, 10, 9
Seminars	18	0.72	5, 7, 8, 1, 10
Type: Autonomous			
Individual work (reading of case law, elaboration of conceptual maps)	109	4.36	2, 3, 5, 4, 7, 6, 1, 10, 11, 9

Assessment

The evaluation model is continued. Late arrival and leaving the class before the schedule is not allowed.

The evaluation activity will be carried out throughout the semester, so regular attendance of students in classes (80%) and the performance of the activities listed below are required.

1.- Final exam: multiple-choice exam (50%).

2.- Continuous evaluation of practical skills (50%):

- Three individual activities: 1 comprehension test of the first three subjects (10%), 2 activities to solve practical cases (30%). The first one represent 10% and the second one 20%.
- Seminar group activities: In each seminar we will carry out either an activity to prepare beforehand or exercises that will be solved during the seminar. These activities will consist of reviewing law cases, reading and understanding judgements and making posters or conceptual maps. In these seminars we will be also doing and resolving practical cases to practice the final evaluation tests. These activities will represent a (10%).

In order to pass the assessment, a grade of 5 (sum of continuous assessment and test marks) must be achieved. However, in order to be able to add up the marks for the continuous assessment and the test, it is necessary to have obtained at least a 2 out of 5 in the final multiple-choice exam. If the grade in this exam is lower than 2, you will have the opportunity to resit the exam.

If the test mark is equal to or higher than 2 and the sum with the continuous assessment mark does not reach 5, a re-evaluation will have to be carried out, for which a case study and/or re-evaluation of the test will be proposed. If someone does not attend for any of the evaluation activities, this can only be resit if the absence is justified.

In case of plagiarism in the drafting of papers, each case will be assessed and. In the extreme case, the option of direct suspension without the option of resit will be considered.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Individual works	40%	3	0.12	2, 3, 7, 6, 1, 11, 9
Work in group	10%	0	0	3, 5, 4, 7, 6, 8, 1, 10, 11, 9
multiple choice exam	50%	2	0.08	1, 11

Bibliography

Students can choose one of these two handbooks

Muñoz Conde, F. y García Arán, M. (2019). *Derecho penal. Parte general*. Tirant Lo Blanch. Accesible on-line Biblioteca Tirant (UAB).

Quintero, G., Carbonell, J. C., Morales, F., García-Albero, R. y Álvarez, F. J. (Dir.) (2018). *Esquemas de teoría jurídica del delito y de la pena*. Tirant lo Blanch.

Note: The specific material to prepare each of the topics will be facilitated through Moodle.

Software

Not required