

Criminal Law III

Code: 102245
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	2	1

Errata

It must be replaced professor Josep Riba Ciurana (Catalan) in Group 51 by Victor Muñoz Casalta (Spanish)

Contact

Name: Rafael Rebollo Vargas

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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 Groups 01, 02 and 51 are in Spanish

Teachers

Joan Baucells Lladós

Margarita Bonet Esteva

Maria Jose Rodriguez Puerta

Jose Riba Ciurana

Antonio Cardona Barber

Victor Muñoz Casalta

Prerequisites

For an understanding and a correct follow-up of this subject it is advisable to have passed the two previous subjects (Criminal Law I and Criminal Law II). With respect to other subjects under study in the first year, it is also especially a good knowledge of the basic institutions object of the Constitutional Law programs.

Group 01: Rafael Rebollo Vargas (Spanish)

Seminari 1: Rafael Rebollo Vargas (Spanish)

Seminari 2: Margarita Bonet Esteva (Català)

Seminari 3: Antoni Cardona Barber. (Català)

Group 02: María José Rodríguez Puerta (Spanish)

Seminari 1: María José Rodríguez Puerta (Spanish)

Seminari 2: Rafael Rebollo Vargas (Spanish)

Seminari 3: Antoni Cardona Barber (Català)

Group 51: Josep Riba Ciurana (català)

Seminari 1: Josep Riba Siurana (Català)

Seminari 2: María José Rodríguez Puerta (Spanish)

Seminari 3: Víctor Muñoz Casalta (Spanish)

Group Dret + ADE: Joan Baucells Lladós (català)

Seminari 1: Joan Baucells Lladós (català)

Seminari 2: Rafael Rebollo Vargas (Spanish)

Seminario 3: Antoni Cardona Barber (català)

Objectives and Contextualisation

This subject corresponds to book II of the Spanish criminal code. That is, the study of the so-called "special part" of criminal law and, in particular, the groups of crimes that are most often applied by our courts ; as well as the study of the main dogmatic and interpretative problems that their application presents. Therefore, in the case of the last of the compulsory subjects of criminal law, the objective is for students to attain the methodological skills for solving criminal cases and, in particular, to learn to:

- a) identify the elements of a factual assumption that may have criminal relevance.
- b) apply the legal theory of crime as a method to solve criminal cases.
- c) work on legal reasoning

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...).
- Explaining the legislative reforms and jurisprudential changes.
- 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.
- 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.
- 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. 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. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
8. Distinguishing the dependence and autonomy relations between criminal law and the rest of branches of the legal system (civil, labour, administration, finances).
9. Distinguishing the important connexion between the substantive criminal law and the procedural criminal law.
10. Drawing up documents of specific criminal content linked to the process, fundamentally of provisional conclusions, appeals, and sentences.
11. Drawing up resolutions of criminal cases.
12. Finding the applicable legislation between the criminal code and special criminal laws.
13. Identifying and assessing the jurisprudence of Provincial Courts and the Supreme Court in criminal matters.
14. Identifying and knowing the limiting principles of labour law.
15. Identifying and solving problems.
16. Identifying the conflicts of interest underlying in a concrete criminal law suit.
17. Identifying the conflicts of interest underlying in a general criminal law suit.
18. Identifying, knowing and applying the interpretative principles of criminal law.
19. Interpreting the criminal laws as criminal policy decisions.
20. Introducing in the classroom the defence or accusation of criminal cases.
21. Laying the foundation for the implementation of criminal laws in the resolution of criminal problems.
22. Managing bibliographic and documentary resources: databases, browsing, etc.
23. Memorising and using the criminal specific terminology.
24. Planning and organising: managing of time, resources, etc.
25. Presenting in an oral or written way the legislative reforms and the jurisprudential changes that are carried out in criminal matters.
26. Searching criminal sentences in databases.
27. Solving interpretation and application problems of criminal laws.
28. Students must be capable of learning autonomously and having an entrepreneurial spirit.
29. Students must be capable of making decisions.
30. Students must be capable of perceiving the impact and implications of the decisions taken.
31. Use different information and communication technologies.
32. Using the arguments of criminal and constitutional jurisprudence for the resolution of criminal problems.
33. Using the main constitutional principles and values as a working tool in the interpretation of the legal system.
34. Verbally explaining the resolution of problems related to criminal laws.
35. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

The program is divided into mandatory (M) and facultative (F) subjects. The teacher will indicate a maximum of three facultative subjects which, together with the obligatory topics, will form the program of the course.

Basic compulsory subjects

1. - INTRODUCTION: Systematization of protected legal rights in crimes and misdemeanors. CRIMES AGAINST HUMAN LIFE (O). A) Crimes against independent human life: homicide and murder. Induction and suicide assistance, with special reference to euthanasia. B) Crimes against independent human life: abortion.
2. - CRIMES AGAINST HEALTH AND PHYSICAL INTEGRITY (O). Injuries: basic and qualified types. The art. 153 and the controversy on the fight against family violence. Participation in fight. Problem of consent. Injuries to the fetus. Organ trafficking.
3. - CRIMES AGAINST FREEDOM (O). Illegal arrests and kidnappings. - Threats - Coercions.- Stalking.
4. - CRIMES AGAINST MORAL INTEGRITY (O). The exercise of habitual violence. Moral harassment. Tortures. Trafficking.
5. - CRIMES AGAINST FREEDOM AND SEXUAL INDEMNITY (O). Sexual aggressions. Sexual abuse - Sexual harassment.- Sexual aggressions and sexual abuse to children under 16.- Offenses of exhibitionism and provocation and crimes related to prostitution. Common provisions.
6. - CRIMES AGAINST PRIVACY, THE RIGHT TO THE OWN IMAGE AND THE INVIOABILITY OF THE DOMICILE (OR). Discovery and disclosure of secrets. - Violation of domicile, address of legal entities and establishments open to the public.
7. - CRIMES AGAINST HERITAGE (O). Concept of patrimony. - Patrimonial crimes of enrichment with empowerment. -Hurto and modifying circumstances.-Robbery with force in things.- Robbery with violence or intimidation in people. -Reference to extortion, hurto and robbery of motor vehicles and usurpation.
8. - PATRIMONIAL OFFENSES OF ENRICHMENT WITH DEFRAUDATION (O). Defrauds: concept and general considerations. - Scam: concept, elements and circumstances. - Undue appropriation.- Unfair administration.
9. - CRIMES AGAINST COLLECTIVE SECURITY (O). The typification of risk generating behaviors. Special reference to drug trafficking. General concepts of crimes against road safety.
10. - DOCUMENT FALSIFICATION (O). Problematic of the legal right. Concept and requirements of falsehood. - Classification of forgery. A) Documentary: Concept and document types; Main types of documentary falsification.- B) Personal falsehoods: intrusiveness
11. - CRIMES AGAINST THE PUBLIC ADMINISTRATION AND THE ADMINISTRATION OF JUSTICE (O). Introduction. Criminal concepts of official and authority. Brief presentation of protected legal assets. Classification of crimes against public administration. Classification of crimes against the Administration of justice.

Optional subjects

1. GENETIC MANIPULATIONS (F).
2. Omission of the duty of SOCORRO (F).
3. OFFENSES AGAINST HONOR (F). Constitutional problems - Slander. - Injuries. - Common provisions.
4. CRIMES AGAINST FAMILY RELATIONS (F). Illegal marriages - Assumption of childbirth and alteration of paternity, condition or condition of the child. - Crimes against family rights and duties: non-payment of pensions.
5. CRIMES AGAINST HERITAGE (Continued) (F). Punishable insolvencies: asset raising and contests. - Patrimonial crimes without enrichment. Damage: concept and modalities.
6. CRIMES AGAINST THE SOCIO-ECONOMIC ORDER Crimes related to copyright and industrial property. - References reception and money laundering. Alteration of prices.- In-Crimes related to the market and to consumers.- Reference to the subtraction of own thing to its social utility. - Corporate crimes.
7. ILEGAL FINANCING OF POLITICAL PARTIES (f)
8. CRIMES AGAINST PUBLIC FINANCE AND SOCIAL SECURITY (F). Fiscal fraud. - Reference to the fraud and the misappropriation of subsidies. - Reference to crimes against Social Security.
9. CRIMES AGAINST THE RIGHTS OF WORKERS.
10. CRIMES AGAINST THE RIGHTS OF FOREIGN CITIZENS (F).
11. CRIMES RELATIVE TO THE ORDINATION OF THE TERRITORY AND THE PROTECTION OF THE ARTISTIC HERITAGE AND THE ENVIRONMENT (F). Reference to the crimes on the ordination of the territory and on the Historical Patrimony. - Crimes against the natural resources and the environment. - Reference to crimes related to the protection of flora and fauna.
12. CRIMES AGAINST PUBLIC ADMINISTRATION (F). A) Prevalence. - B) Bribery. - C) Embezzlement of public funds. - D) Rape of secrets. - E) Disobedience. - F) Traffic of influences. - G) The use of privileged information as a bus in the exercise of the function.

13. CRIMES AGAINST THE ADMINISTRATION OF JUSTICE (F). A) Judicial prevarication. - B) False accusation and accusation. - C) Simulation of crime. - D) False testimony: common concepts to the different modalities. - E) Cover-up. - F) Obstruction to justice and professional disloyalty. - G) Omission of preventing crimes. - H) Breach of sentence.

14. CRIMES AGAINST THE CONSTITUTION (F): Classification of the crimes included in this title. - Special consideration to: A) Rebellion. - B) Crimes related to the exercise of fundamental rights: illicit association. - C) Crimes committed by public officials against constitutional guarantees.

15. CRIMES AGAINST THE PUBLIC ORDER (F): Considerations on the legal right. - Classification. - Special consideration of: A) Attacks, resistance and disobedience. - B) Terrorism.

16. CRIMES OF TREASON, AGAINST PEACE OR INDEPENDENCE OF THE STATE AND RELATIVE TO THE NATIONAL DEFENSE (F). Classification and general concepts. - CRIMES AGAINST THE INTERNATIONAL COMMUNITY.

Methodology

In order to achieve the competences of the course, students must perform 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 (50%)
Seminars: Following the lectures, seminars will be devoted to work on each of the topics of the course through activities consisting of discussing readings, analyzing court judgements, performing mock trials and giving presentations (50%).

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

a. Group work on the judgements and readings provided to students. The results of some of the group work will be presented in the seminars.
b. Individual work. Students must write four essays on different topics proposed at the beginning of the course.

The methodology to be used in this subject in the double degree in Law +ADE may vary. The professor in charge will specify when and how the practical activities will be carried out.

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			
Seminars	19.5	0.78	2, 4, 5, 6, 7, 9, 8, 34, 21, 16, 17, 14, 18, 24, 3, 15, 27, 30, 29, 35, 12, 31, 33
Theoretical classes.	19.5	0.78	2, 5, 6, 9, 8, 14, 13, 18, 19, 27, 33
Type: Supervised			
Tutorials	0	0	
Type: Autonomous			
Assessment	5	0.2	
Elaboration of the various activities of the seminars	35	1.4	1, 2, 26, 4, 5, 7, 9, 8, 34, 21, 22, 16, 17, 14, 13, 18, 24, 3, 20, 15, 10, 11, 27, 28, 30, 29, 35, 12, 31, 32, 33
Realization of schemes, conceptual maps and summaries.	10	0.4	1, 6, 23, 24, 29, 12

Assessment

Evaluation model:

- The evaluation model is mixed, theoretical-practical- and pursues that the students and the teacher can know the degree of obtaining the competences to guide the formative process.
- Attendance at seminars/workshops is mandatory.
- 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 (test, short questions, etc...).

Composition of the final grade:

The continuous assessment activities carried out throughout the course will account for 50% of the final assessment (5 points) and the final set test will account for the remaining 50% (5 points).

Continuous evaluation activities:

The dates and concrete activities of continuous evaluation will be detailed by each teacher the first week of the course.

The activities will be of two types:

1. Activities or group work: Participation in the seminar will be valued.
2. Individual activities or work: Between 2 and 4 activities must be carried out. They may consist of the resolution of cases with citation of jurisprudence, in comments on judgments or doctrinal articles on specific topics. They will have an overall value of 50% of the grade (5/10). Each teacher, at the beginning of the course, will indicate the date and type of individual tests to be performed.

The evaluation model to be used in this subject in the double degree in Law +ADE may vary. The professor in charge will specify when and what the continuous evaluation activities will consist of, which will be between 2 and 4 and individual

Overall final test:

Value 50%. Calendar on the official dates proposed by academic management.

Final grade of the course:

The final grade of the subject will result from the arithmetic sum of the previous ones. In order to pass the course it is necessary to obtain a 5/10 (2 minimum) in the overall final exam, and a 5/10 of the total. Students who do not obtain a 5 average (EC+PF) must re-evaluate either the final test or the EC.

Re-evaluation:

- Those students who do not obtain an average of 5 or a grade lower than 2 in the final joint test will have to reevaluate.
- The re-evaluation of the final joint test will consist of an exam of the same class as the previous one and allows obtaining up to five.
- Re-evaluation of the individual continued activity: it will consist in the realization of an individual activity (resolution of cases).

Revision: When publishing the notes, both of the activities carried out during the course and of the final test, such as the re-evaluation, the teacher will specify the revision system (date, time and place).

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
Individual work (solution of cases with	50%	3	0.12	1, 5, 6, 25, 14, 18, 23

jurisprudence, comments on sentences or doctrinal articles)

Overall final test	50%	2	0.08	2, 26, 4, 5, 7, 9, 8, 34, 21, 22, 16, 17, 13, 19, 24, 3, 20, 15, 10, 11, 27, 28, 30, 29, 35, 12, 31, 32, 33
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Bibliography

Mandatory readings

-In order to prepare the course, three manuals are recommended. Is mandatory to know the content of the handbok to pass the course. Students are free to choose among one of the following three:

- Muñoz Conde, F.rancisco (2019). *Derecho penal. Parte especial*. 22 ed. València: Tirant lo Blanch.
[Accés restringit als usuaris de la UAB](http://biblioteca.tirant.com/cloudLibrary/login/login?username=UAB&password=8zM8jgWE&redirectto=/eb)
<http://biblioteca.tirant.com/cloudLibrary/login/login?username=UAB&password=8zM8jgWE&redirectto=/eb>
- Quintero Olivares, Gonzalo (dir.) (2016). *Comentarios a la parte especial del derecho penal*. 6ª ed., Pamplona: Thompson.
- Silva Sánchez, Jesús María (dir.) (2019). *Lecciones de Derecho Penal. Parte especial*. 6ª ed. Barcelona. Atelier

- To prepare the seminars, specific and complementary bibliography will be provided via Moodle.

Each professor responsible for the subject may recommend complementary bibliography through the Moodle.

Software

Westlaw and other case law databases.