UAB
Universitat Autònoma de Barcelona

2022/2023

Criminal Law I

Code: 102252
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	FB	1	1

Contact

Name: Mercedes Garcia Aran

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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

Joan Baucells Llados

María José Cuenca Garcia

Míriam Cugat Mauri

Fermín Morales Prats

Josep Riba Piqué

Antonio Cardona Barber

Maria Jesus Guardiola Lago

Maria Jose Pifarre De Moner

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.

- 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.
- 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.
- 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. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
6. Identifying and knowing the main principles of criminal law.
7. Identifying, knowing and applying the legislation and criminal principles to a concrete case.
8. Introducing in the classroom the defence or accusation of criminal cases.
9. Laying the foundation for the implementation of criminal laws in the resolution of criminal problems.
10. Managing bibliographic and documentary resources: databases, browsing, etc.
11. Planning and organising: managing of time, resources, etc.
12. Present information in a way that is appropriate to the type of audience.
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. Judicialcontrol 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

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

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

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 esasays on different topis 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	1, 2, 16, 9, 5, 10, 11, 14
Theorical classes	19.5	0.78	4, 6, 7, 15
Type: Supervised			
Tutorials	1.5	0.06	11
Type: Autonomous			
Assessment	5	0.2	1, 2, 12
Study and preparation of Works	95	3.8	1, 13, 2, 3, 9, 10, 6, 7, 11, 14, 15

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).

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 4/10 (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
Final content test	50%	5	0.2	2, 4, 16, 5, 10, 6, 7, 11, 15
Fuirst activity. Theoretical questions	25%	2	0.08	4, 3, 6, 11
Second. Test	25%	2.5	0.1	1, 13, 9, 6, 7, 8, 12, 14, 15

Bibliography

MUÑOZ CONDE,Francisco-GARCIA ARAN,Mercedes. Derecho Penal. Parte General. Tirant lo Blanch, 2022

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

Software

The subjec does not require any specific software