

Procedural Criminal Law

Code: 100457
ECTS Credits: 6

Degree	Type	Year	Semester
2500257 Criminology	OB	3	1

Contact

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Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

Teachers

Jose Luis Rodriguez Torres

Prerequisites

Do not apply.

Objectives and Contextualisation

The main goal of this course is that the student could be able to explain to anyone the basic structure of our Criminal process system. Especially it is intended that the student could be able to provide information to a defendant about the structure of the Criminal process, the different kinds of Courts, the parties that can be involved and about the legal appeals against the judgment.

Furthermore, other aims are the following ones: a) Ensure that the student can draw up a Criminological report required by the Judge during the pre-trial stage of the Criminal process and/or advise the Judge regarding the adoption of a precautionary measure against the accused; b) Ensure that the student can cooperate with the different institutions in charge of the investigation, particularly with the police.

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

- I. Constitution and criminal procedure. Principles of criminal procedure
 1. The constitutionalisation of procedural rights
 2. The consequences of the constitutionalisation of procedural rights
 3. Types of procedural rights
 4. The principles of the criminal process
- II. Systems of criminal prosecution
 1. The accusatory system
 2. The inquisitive system
 3. The mixed system
 4. The different functions of the criminal process
- III. Ordinary criminal proceedings
 1. The process for minor offences
 2. The abbreviated process
 3. The process for serious offences
 4. The process for the trial by Jury

- 5. Summary judgements
- 6. The procedure for juvenile offenders
- IV. The Spanish judicial organisation
 - 1. Criminal jurisdiction. Limits
 - 2. Criminal competence
 - 2.1. The objective competence
 - 2.2. The functional competence
 - 2.3. The territorial competence
 - 2.4. Connection between crimes
- V. The activity of the parties in the criminal process
 - 1. The criminal action
 - 2. The civil action derived from the crime
- VI. The parties in the criminal process
 - 1. The concept of party in the criminal process
 - 2. The prosecuting parties
 - 3. The accused parties
 - 4. The legal representation in the Criminal process
- VII. Prevention measures in the Criminal process
 - 1. Notion and function of the prevention measures
 - 2. Elements to apply prevention measures
 - 3. Different preventive measures
 - 4. The procedure for adopting prevention measures
- VIII. The initiation of the criminal process
 - 1. The criminal report
 - 2. The criminal complaint
 - 3. The initiation by the judge
- IX. The investigation (Pre-trial stage)
 - 1. Investigation measures
 - 2. The end of the investigation
 - 3. The dismissal
- X. The trial stage

1. The accusation pleading (or provisional qualification)
 2. Preliminary questions
 3. The evidence
 4. Suspension and interruption of the trial
- XI. Expert evidence
1. Characteristics of the expert
 2. Expert opinion
 3. Role of the expert in the process
- XII. The end of the trial and appeals
1. The criminal judgement
 2. The prejudicial questions
 3. Effects of the judgment: *res judicata*
 4. Challenging *res judicata*
 5. The appeals: types and effects

Methodology

Teaching will combine lectures and seminars. The first part of the class will be based on the lecturer's explanation. The second part of the class will be dedicated to the preparation, correction and commentary of works and papers presented by the students, as well as to doubts and questions about topics raised by students.

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			
Discussion and resolution of practical cases	2	0.08	5, 4, 7, 8, 1, 10
Practicum	14	0.56	5, 4, 7, 6, 8, 1, 10, 9
Resolution of doubts, discussions and conferences	2	0.08	2, 3, 5, 4, 7, 8
Theory class	18	0.72	2, 3, 7, 8, 9
Type: Supervised			
Evaluation	5	0.2	3, 5, 7, 6, 1

Assessment

Continuous assessment system:

Continuous assessment requires attendance at theory- and seminar-classes. Students who do not attend a minimum of 80% of the classes will not be assessed. Non-attendance can only be justified due to illness or other exceptional circumstances, as well as for academic reasons previously authorised by teaching staff. Except for reasonable justification, it is not allowed to enter the class once it has started or to leave before its completion.

The final grade for the subject will be obtained from the result of the different individual papers (30%), group-works (20%) and the theoretical and/or practical multiple choice exam (50%). Each item that makes up the assessment must be passed: individual papers (1,5 points), group-works (1 point) and the exam (2,5 points). Throughout the semester the possibility of reassessing papers and works will be offered. On the published re-evaluation date, those students who have failed the test may be re-examined.

After carrying out and qualifying each evaluable activity, teaching staff will set a date so that the students can review it.

The student that cheats or attempts to cheat in a paper, work or exam will fail it (0 points) and will lose the right to a second chance. Plagiarism will conduct to fail the essay.

Single assessment system:

Students will be assessed on the basis of a unique evaluation. This evaluation will include three types of activities:

.Theoretical and/or practical exam (50%): The format will be multiple choice. Duration: 60 minutes

.Oral presentation (25%): Two sections or subsections of the programme will be offered and the student must select one to present it orally. The student will be given a maximum of 10 minutes to prepare the presentation; next, the student will make the oral defense (5 minutes), and, finally, the student will answer the questions arisen by teaching staff.

.Case paper (25%): The question(s) formulated in the case paper will have to be answered. Support material may be used in this activity (with the exception of the Internet). Duration: 60 minutes

To pass the course, the student needs a minimum score of 2,5 points in the exam, 1,25 points in the oral presentation and 1,25 points in the case paper. Only failed activity will be subject to re-evaluation.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Exam	50%	0	0	2, 3, 7, 6, 1, 11, 9
Individual tasks	30%	0	0	2, 3, 5, 4, 7, 6, 1, 10, 11
Team work	20%	0	0	2, 3, 5, 4, 7, 8, 9

Bibliography

Compulsory bibliography:

Cachón-Cadenas, Manuel (2021). *Introducción al Enjuiciamiento civil*. Atelier (pp. 51-54).

Nieva-Fenoll, Jordi and Bujosa-Vadell, Lorenzo (Dirs) (2017). *Nociones preliminares de derecho procesal penal para criminólogos*. Atelier (pp. 15-180).

Suggested bibliography:

Navarro-Villanueva, Carmen and Tamarit-Sumalla, Josep M. (2017). *Introducción al derecho procesal penal: jurisdicción, competencia, partes y estatuto jurídico de la víctima*. In M. Cugat-Mauri, J. Baucells-Lladós and M. Aguilar-Romo (Coords.). *Manual de litigación penal* (pp. 179-206). Tirant lo Blanch. [Electronic document]

Ramos-Méndez, Francisco (2022). *Enjuiciamiento Criminal*. Atelier.

Gimeno-Sendra, Vicente (2018). *Manual de derecho procesal penal*. Castillo de Luna.

Gimeno-Sendra, Vicente and Díaz-Martínez, Manuel (2019). *Derecho procesal penal (para policías y criminólogos)*. Edisofer.

Nieva-Fenoll, Jordi and Bujosa-Vadell, Lorenzo (Dirs.) (2016). *Nociones preliminares de derecho procesal penal*. Atelier.

Nieva-Fenoll, Jordi (2022). *Derecho procesal III: Proceso penal*. Tirant lo Blanch. [Electronic document]

Moreno-Catena, Víctor and Cortés-Domínguez, Valentín (2021). *Derecho Procesal Penal*. Tirant loBlanch. [Electronic document]

Armenta-Deu, Teresa (2021). *Lecciones de Derecho Procesal Penal*. Marcial Pons.

Montero-Aroca, Juan, Gómez-Colomer, Juan L., Barona-Vilar, Silvia, Esparza-Leibar, Iñaki and Etxeberria-Guridi, José F. (2019). *Derecho Jurisdiccional III. El proceso penal*. Tirant lo Blanch. [Electronicdocument]

Asencio-Mellado, José María (Dir.) (2020). *Derecho Procesal Penal*. Tirant lo Blanch. [Electronic document]

Software

The subject does not require any specific software.