

Criminal Law III

Code: 102245
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	2	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

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Maria Jesus Guardiola Lago

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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.

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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 reasonment

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 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	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
Study	56	2.24	1, 5, 6, 8, 25, 13, 23, 24, 27, 28, 29, 12

Assessment

1. Continuous evaluation model

Classes start on time. Late arrival or early exit is not admitted.

Continuous evaluation will be carried out throughout the fourth months. This requires regular attendance at classes (80%) and the completion of the activities detailed below.

Continuous evaluation activities (50% of the final mark). There are 2 types of continuous evaluation activities:

- Two individual activities: 2 practical exercises (resolution of cases, 40% of the final mark, specifically 15% the first and 25% the second).
- Seminar group activities: In each seminar, students will be asked to carry out activities such as case law search and analysis of courts' ruling, or to prepare a mock trial. In order to prepare or to complete seminars' activities, student may be asked to work before or after each seminar. With the purpose of enhancing the learning process, practical exercises on specific cases will also be proposed. These activities will represent the 10% of the final mark).
- Final overall test: multiple choice (50%).

Students who fail to appear for even just one evaluation activity will be allowed to resit only for a justified cause.

2. Single assessment

Students who opt for the single evaluation will be evaluated on the basis of 3 activities to be carried out in 3 hours on the same day scheduled for the final exam:

- A multiple-choice test, the same as students who opt for the continuous evaluation (50% of the final mark). 1 h
- The resolution of 2 cases (50% of the final mark). 2 h

As all students, also students who opt for the single evaluation model will have right to teachers' attention and support throughout the semester, according to the tutorial schedule.

3. Rules for passing the course and re-evaluation

Both for the continuous evaluation and for the single evaluation, each activity will be graded on a scale from 1 to 5. In order to pass the course, student will need to obtain a 5 as the minimum mark

To add up the marks, students will need to obtain, at least, a mark of 2/5 in the multiple-choice test.

If the multiple-choice test mark is lower than 2, students must resit.

If the mark in the multiple-choice test is equal to or higher than 2 and the sum of the other marks is less than 5, students must resit. In this case, they will be asked to analyse and solve a case and/or to complete a multiple-choice test. .

Cheating at any evaluation activity will imply a fail mark (0) and students will lose the right to a new assessment. Each case of plagiarism will be assessed. In the most serious cases, students will be given a fail mark (0) and will lose the right to resit.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Individual work (solution of cases with jurisprudence, comments on sentences or doctrinal articles)	50%	3	0.12	1, 5, 6, 25, 14, 18, 23
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

Bibliography

Mandatory readings

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

- Muñoz Conde, F.rancisco (2022). *Derecho penal. Parte especial*. 24 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.) (2022). *Lecciones de Derecho Penal. Parte especial*. 8ª 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.