

**Criminal Law II**

Code: 102246  
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OB	1	2

## Contact

Name: Joan Baucells Lladós

Email: joan.baucells@uab.cat

## 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

Joan Baucells Lladós

Maria Jose Cuenca Garcia

Miriam Ana Cugat Mauri

Rafael Rebollo Vargas

Margarita Bonet Esteva

Fermin Morales Prats

Maria Jose Rodriguez Puerta

Victor Muñoz Casalta

Anna Vilà Cuñat

Carolina Cecilia Leiva Ilabaca

Maria Jose Pifarre De Moner

Jose Lopez Sanchez

## Prerequisites

Even if it's not an official requirement, it's recommended to have passed "Criminal Law I", is advisable to have it done to the effects to understand the principles, concepts and basic terminology of the Criminal Law II.

Group 1. Miriam Cugat Mauri (spanish)

- Seminar 11 - Miriam Cugat Mauri (spanish)

- Seminar 12 - Anna Vilà Cuñat (catalan)

- Seminar 13 - Maria José Pifarré (catalan)

Group 2. Joan Baucells Lladós (catalan)

- Seminar 21 - Joan Baucells Lladós (catalan)

- Seminar 22 - Victor Muñoz Casalta (spanish)

- Seminar 23 - Maria Josep Pifarré (spanish)

Group 3 - Margarita Bonet Esteva (catalan)

Seminar 31 - Margarita Bonet Esteva (catalan)

Seminar 32 - Rafael Rebollo Vargas (spanish)

Seminar 33 - Josep López Sánchez (spanish)

Group 51 - Fermín Morales Prats (spanish)

Seminar 511 - Fermin Morales Prats (spanish)

Seminar 512 - María José Rodríguez Puerta (spanish)

Seminar 513 - Rafael Rebollo Vargas (spanish)

Group 70 (ADE+Dret) - Margarita Bonet Esteva (catalan)

Seminar 70 - Margarita Bonet Esteva (catalan)

Seminar 71 - Carolina Leiva (spanish)

Seminar 72 - Maria José Pifarré (catalan)

## **Objectives and Contextualisation**

To understand the concept and elements of crimes, and achieve the necessary knowledge to be able to follow "Criminal Law III".

## **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...).
- 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.
- 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. Defining defence strategies of the criminal legal interests.
4. Defining the link between the criminal law and the constitutional principles and values.
5. Defining the main criminal institutions.
6. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
7. Distinguishing the dependence and autonomy relations between criminal law and the rest of branches of the legal system (civil, labour, administration, finances).
8. Drawing up resolutions of criminal cases.
9. Finding the applicable legislation between the criminal code and special criminal laws.
10. Identifying and assessing the jurisprudence of Provincial Courts and the Supreme Court in criminal matters.
11. Identifying and knowing the limiting principles of labour law.
12. Identifying and solving problems.
13. Identifying the conflicts of interest underlying in a concrete criminal law suit.
14. Identifying the conflicts of interest underlying in a general criminal law suit.
15. Identifying, knowing and applying the interpretative principles of criminal law.
16. Interpreting the criminal laws as criminal policy decisions.
17. Laying the foundation for the implementation of criminal laws in the resolution of criminal problems.
18. Managing bibliographic and documentary resources: databases, browsing, etc.
19. Memorising and using the criminal specific terminology.
20. Planning and organising: managing of time, resources, etc.
21. Searching criminal sentences in databases.
22. Solving interpretation and application problems of criminal laws.
23. Students must be capable of learning autonomously and having an entrepreneurial spirit.
24. Students must be capable of making decisions.
25. Students must be capable of perceiving the impact and implications of the decisions taken.
26. Use different information and communication technologies.
27. Using the arguments of criminal and constitutional jurisprudence for the resolution of criminal problems.
28. Using the main constitutional principles and values as a working tool in the interpretation of the legal system.
29. Verbally explaining the resolution of problems related to criminal laws.
30. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

## Content

Topic 1. Introduction to the theory of criminal offenses.

Topic 2. The principle of rule of law and the legal description of criminal offences.

Topic 3. *Actus reus* (I): a) Lack of criminally relevant human behaviour; b) Rules for objective linking of the harm with the previous behaviour.

Topic 4. *Actus reus* (II): The crime of omission and its types.

Topic 5. *Mens rea* (I): a) General requirements of wilful behaviour; b) Absence of wilful behaviour c) Other subjective elements.

Topic 6. *Mens rea* (II) a) General requirements of imprudent behaviour; b) Concept, elements and types of imprudent behaviour; c) Fortuitous event; d) Risk crimes.

Topic 7. Principals and accomplices in criminal law.

Topic 8. *Iter criminis*.

Topic 9. Disagreement between criminal behaviour and the law: a) Formal and material aspects

Topic 10. Specific legal defences based on lack of disagreement between criminal behaviour and the law: a) Self-defence; b) Necessity; c) Others.

Topic 11. Guilt and accountability: a) General view; b) Specific legal defences based on lack of guilt.

Topic 12. Punishability: a) General conditions; b) Specific requirements and situations.

Topic 13. Rules for fixing the criminal sanction: the "circumstances" of the offence.

Topic 14: Concurrent offences

Topic 15. Criminal responsibility of legal persons.

## Methodology

### 1. Directed activities

1.1. Master classes. The first hour and half of class will consist of master classes.

1.2. Seminars. Resolution of cases and problems. The second hour and half of class will consist of seminars where students solve criminal cases or comment legal texts or news.

Attendance at master classes and seminars, except in some case of justified reason, will be compulsory for students.

### 2. Tutorials.

### 3. Autonomous working.

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

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Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Directed activities 2: Master classes	19.5	0.78	1, 11, 15, 19, 28
Seminars	19.5	0.78	1, 2, 3, 4, 6, 7, 29, 17, 18, 13, 14, 11, 10, 15, 19, 20, 12, 8, 22, 23, 24, 30, 9, 26, 28
Type: Supervised			
tutorship	1	0.04	20, 12, 24
Type: Autonomous			
Assessment	5	0.2	1, 2, 21, 3, 4, 5, 6, 7, 29, 17, 18, 13, 14, 11, 10, 15, 16, 19, 20, 12, 8, 22, 23, 25, 24, 30, 9, 26, 27, 28
Autonomus working	100	4	1, 2, 21, 6, 29, 17, 18, 11, 15, 20, 22, 9, 28

## Assessment

Evaluation system.

The evaluation model is mixed, theoretical and practical, and is governed by the rules set out below.

At the beginning of the course, the professor in charge of each of the groups will inform the students, through the Moodle classroom, of the dates of the activities of continuous evaluation, as well as of the model of final exam (test, short questions, etc.).

### 1. Composition of the final grade:

Continuous assessment activities will account for 50% of the final assessment (5 points) and the final content test for the remaining 50% (5 points).

#### 1.1. Continuous assessment activities (5 points)

Specific continuous assessment activities will develop fundamentally practical skills. There will be two activities to assess practical skills during the course, with a value of 2.5 points each. The professor in charge of each group will detail, at the beginning of the course, specific characteristics of the activities and dates of the same.

#### 1.2. Final content test (5 points)

It will have a value of 5 points. The date of completion will be the one officially established by the Faculty of Law.

To pass the subject, it is essential to obtain a minimum of 3 points out of 10 in the final content test. In case of not reaching a 3/10 in the final test, the maximum mark of the subject will be 4.5 points. Once this minimum requirement has been passed, in order to pass the subject, the sum of the continuous assessment and the final test must be at least 5 points.

### Revaluation

Anyone who has failed or who, having passed, wants to improve the grade can access the revaluation. In any case, if the grade obtained in the revaluation is lower, this will be the grade that will be taken into account.

Both the part corresponding to the final set test and the activities of continuous assessment can be re-evaluated.

No minimum grade is required to access the revaluation.

The revaluation of the final set test will consist of a test of the same class as the one carried out previously and allows to obtain up to 5 points. Calendar: official date of the Faculty of Law.

The revaluation of the continuous activity will consist of carrying out an activity of the same modality as the one carried out during the course and allows to obtain up to 2.5 points. The grade obtained in the revaluation will replace the worst grade obtained during the course. The professor in charge of each group will clarify the details of how to do it.

Review: when publishing each of the notes, whether they are the activities carried out during the course, or the final test, or the assessments, the professor will specify the review system (date, time and place).

Important note: The student who copies or tries to copy in an evaluation test will have a 0. Whoever presents a plagiarized practice or in which the student cannot justify the arguments of his practice, will obtain a 0 and you will receive a warning. In case of repetition of the behaviour, the student will suspend the subject.

#### Single assessment

Students who can access the single assessment must do 3 types of activities of equal difficulty as the rest of their classmates:

a) A final set test under the same conditions as the rest of the group (up to 5 points of the final grade)

b) Two practical activities for solving criminal cases (up to 2.5 points each)

To pass it is essential to solve a 3 out of 10 in the overall test and a 3 out of 10 in the practical activities.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Av 1	25%	1.5	0.06	1, 2, 21, 3, 4, 5, 6, 7, 17, 18, 13, 14, 11, 10, 15, 16, 19, 20, 12, 8, 22, 25, 24, 9, 26, 27, 28
Av 2	25%	1.5	0.06	1, 2, 3, 4, 5, 6, 7, 29, 17, 13, 14, 11, 15, 16, 19, 20, 12, 8, 22, 23, 25, 24, 9, 28
Exam	50%	2	0.08	1, 4, 5, 6, 7, 18, 11, 15, 16, 19, 20, 12, 22, 25, 24, 30, 9, 26, 28

## Bibliography

#### Compulsory:

MUÑOZ CONDE, Francisco, GARCIA ARAN, Mercedes; *Derecho Penal. Parte General*, Tirant lo Blanch, 10ª ed., 2019. (Access in the digital library of the UAB)

QUINTERO OLIVARES, Gonzalo, *Parte general del derecho penal*, Thomson Reuters, 5ª ed., 2015 (Access in the digital library of the UAB)

#### Complementary:

BERDUGO GOMEZ DE LA TORRE, Ignacio; ARROYO ZAPATERO, Luís. *Lecciones de derecho penal: parte general*, Atelier, 1999. ISBN: 9788471975607.

CEREZO MIR, José, *Curso de Derecho Penal español. Parte General. Tomo II: Teoría jurídica del delito*, 2001. ISBN: 978843093714-1.

DIEZ RIPOLLES, José Luís, *Derecho Penal Español. Parte General*, Tirant lo Blanch, 5ª ed., 2020. ISBN: 9788491192381.

GOMEZ RIVERO, María Carmen, *Nociones fundamentales de derecho penal. Parte general*, Tecnos, 1ª ed. 2010.

LUZON PEÑA, Diego Manuel, *Lecciones de derecho penal. Parte general*, Tirant lo Blanch, 3ª ed., 2016. ISBN: 9788491195627.

MIR PUIG, Santiago, *Derecho Penal. Parte General*, Dykinson, 10ª ed., 2015. ISBN: 9788460815822.

MORILLAS CUEVA, Lorenzo, *Sistema de Derecho Penal. Parte General*, Dykinson, 1ª ed., 2018. ISBN: 9788491489993.

QUINTERO OLIVARES, Gonzalo et al., *Esquemas de Teoría Jurídica del Delito y de la Pena*, Tirant lo Blanch, 4ª ed., 2018. ISBN: 9788491906735.

ROXIN, Claus, *Derecho Penal. Parte General*, Tomos I y II., Civitas, 1ª ed., 2014. ISBN: 9788447050703.

Cases:

LUZON PEÑA, Diego Manuel, *Derecho Penal en Casos: Parte General. Estudio Analítico-práctico*, Tirant lo Blanch, 1ª ed., 2018. ISBN: 9788491698012.

MAQUEDA ABREU, María Luisa, *Derecho penal en casos. Parte General. Teoría y práctica*, Marcial Pons, 5ª ed., 2017. ISBN: 9788491435068

## **Software**

Utilisation of databases of jurisprudence