

Degree	Type	Year
2500786 Law	OB	2

Contact

Name: Rafael Rebollo Vargas

Email: rafael.rebollo@uab.cat

Teachers

Margarita Bonet Esteva

Maria Jose Rodriguez Puerta

Josep Riba Ciurana

Victor Muñoz Casalta

Maria Jose Pifarre De Moner

Jose Lopez Sanchez

Teaching groups languages

You can view this information at the [end](#) of this document.

Prerequisites

The teaching of the subject will be taught taking into account the perspective of the sustainable development obje

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

Seminari 1: Rafael Rebollo Vargas (Spanish/Catalan)

Seminari 2: María José Pifarrer De Moner (Spanish/Catalan)

Seminari 3: Pep López Sánchez (Spanish/Catalan)

Group 02: María José Rodríguez Puerta

Seminari 1: María José Rodríguez Puerta (Spanish)

Seminari 2: Víctor Muñoz Casalta (Spanish/Catalan)

Seminari 3: Margarita Bonet Esteve (Catalan)

Group 51: Margarita Bonet Esteve

Seminari 1: Margarita Bonet Esteve (Catalan)

Seminari 2: Josep Riba Ciurana (Spanish/Catalan)

Seminari 3: Lidia Pérez Casasayas (Spanish/Catalan)

Group Dret + ADE: Margarita Bonet Esteve

Seminari 1: Magarita Bonet Esteve (Catalan)

Seminari 2: María José Rodríguez Puerta (Spanish)

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.

Activities and Methodology

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Seminars	22	0.88	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.	22	0.88	2, 5, 6, 9, 8, 14, 13, 18, 19, 27, 33
Type: Supervised			
Tutorials	0	0	
Type: Autonomous			
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

Methodology

The work that must be carried out for the adequate learning of the center

1.- Directed activities. These activities are carried out in the classroom at Master classes taught by the teaching staff in which the theoretical content

Seminars: Once the fundamental contents of each of the subjects of the

2.- Autonomous activities. These activities complement the previous one

Group work on the materials that will be analyzed in the workshops/semi

Individual work on the topics and readings of the seminars. Students must

Note: 15 minutes of a class will be reserved within the calendar established

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.

Assessment

Continous 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

1. Continuous evaluation model

Classes start and finish on time, no entry after the start of the class and no exit before the end will be accepted.

The evaluation activity will be carried out throughout the quarter, requiring regular attendance of the student in classes (80%) and the completion of the activities detailed below.

Continued evaluation (value on final grade: 50%). The continuous assessment activities are of your types:

1. Individual activities will consist of the resolution of 2 groups of cases (value on final score: 50%). The first will have a value of 20% and the second 35%.
2. Group activities of seminars. Each seminar will propose an activity to prepare before the seminar or to deliver after, which may consist in the search for jurisprudence, reading and understanding of judgments and conducting simulated trials. Practical cases to prepare assessment tests will also be conducted and resolved. These activities will serve to evaluate the evolution of the student, they have a formative character).
3. Final set test: type test (value on final grade: 50%)

If someone does not show up for one of the individual assessment activities, it can only be recovered if the absence is justified.

2. Single assessment

The student who opts for the single assessment will have to pass an exam that will consist of 2 activities to be performed in 3 hours on the day of the final test:

A multiple-choice test, the same as the student who performs the continuing assessment (value on the final grade: 50%). 1 h

The resolution of 2 cases (value on final score: 50%). 2 a. m.

Like the rest of the student, the student who opts for the single assessment will have the right to request the attention of the teacher responsible for the subject, throughout the semester, in the schedule established for the tutoring.

The same criterion as in the continuing evaluation will be applied to qualify as "Not evaluable".

3. Standards for passing the subject and reassessment

To pass the assessment it is necessary to obtain a grade of 5 (both in the continuous and single assessment model).

In order to be able to add the scores of the various activities it is necessary to have obtained, at least, a score of 2/5 in the test. If the test score is less than 2, you will have to reevaluate.

If the test score is equal to or greater than 2 and the sum of the scores does not reach 5, the reassessment will have to be done. For this purpose it will be proposed to carry out a case/cases and/or test.

The student will be evaluable provided that he has carried out a set of activities the weight of which is equal to 2/3 parts of the total qualification of the subject. If the value of the activities does not reach this value, the teacher of the subject may consider it "Invaluable".

If during an exam the presence of students copying is detected, they will be automatically suspended without the possibility of access to recovery. In case of plagiarism in the writing of works, each case will be evaluated and, in the extreme case, the option of direct suspense without the option of recovery will be considered.

Bibliography

Mandatory readings

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

- Muñoz Conde, Francisco (2023). *Derecho penal. Parte especial*. 25 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.) (2024). *Comentarios a la parte especial del derecho penal*. 11ª ed., Pamplona: Thompson.
- Silva Sánchez, Jesús María (dir.) (2023). *Lecciones de Derecho Penal. Parte especial*. 9ª 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.

Language list

Name	Group	Language	Semester	Turn
(TE) Theory	1	Catalan/Spanish	first semester	morning-mixed
(TE) Theory	2	Catalan/Spanish	first semester	morning-mixed
(TE) Theory	51	Catalan/Spanish	first semester	afternoon
(TE) Theory	70	Catalan/Spanish	first semester	morning-mixed