

## Criminal Law II

Code: 102246  
ECTS Credits: 6

**2024/2025**

| Degree      | Type | Year |
|-------------|------|------|
| 2500786 Law | OB   | 1    |

### Contact

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### Teachers

Miriam Ana Cugat Mauri

Margarita Bonet Esteva

Fermin Morales Prats

Jaume Antich Soler

Antoni Cardona Barber

Victor Muñoz Casalta

Maria Jesus Guardiola Lago

Maria Jose Pifarre De Moner

Jose Lopez Sanchez

### Teaching groups languages

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

### 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.

The course will be taught from the perspective of the Sustainable Development Goals.

Group 1. Miriam Cugat Mauri (catalan)

-Seminar 11- Miriam Cugat Mauri (catalan)

- Seminar 12 - Antoni Cardona Barber (catalan)

- Seminar 13 - Maria José Pifarré de Moner (catalan)

Group 2. Antoni Cardona Barber (Spanish)

- Seminar 21 Antoni Cardona Barber (Spanish)

- Seminar 22 - Jaume Antich Soler(Spanish)

- Seminar 23 - Victor Muñoz Casalta (Spanish)

Group 3. Maria Jesús Guardiola Lago (Spanish)

- Seminar 31 -Maria Jesús Guardiola Lago (Spanish)

- Seminar 32 - Antoni Cardona Barber (catalan)

- Seminar 33 - Josep López Sánchez (Spanish)

Group 51 - Fermín Morales Prats (Spanish)

- Seminar 511 - Fermin Morales Prats (Spanish)

- Seminar 512 - Jaume Antich Soler (Spanish)

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

- Seminar 70 - Margarita Bonet Esteva (catalan)

- Seminar 71 - Antoni Cardona Barber (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.

## Activities and Methodology

| Title                                    | Hours | ECTS | Learning Outcomes   |
|--|-------|------|---|
| Type: Directed                           |       |      |   |
| Directed activities 2:<br>Master classes | 22    | 0.88 | 1, 11, 15, 19, 28   |
| Seminars                                 | 22    | 0.88 | 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 22, 23, 24, 26, 28, 29, 30                    |
| Type: Supervised                         |       |      |   |
| tutorship                                | 1     | 0.04 | 12, 20, 24  |
| Type: Autonomous                         |       |      |   |
| Assessment                               | 5     | 0.2  | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 |
| Autonomus working                        | 95    | 3.8  | 1, 2, 6, 9, 11, 15, 17, 18, 20, 21, 22, 28, 29  |

### 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.

## Assessment

### Continuous Assessment Activities

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

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

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

#### 1. Composition of the final grade:

The continuous evaluation activities will account for 50% of the final evaluation (5 points) and the final content test for the remaining 50% (5 points).

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

The continuous evaluation activities are aimed at the development of fundamentally practical competences. Two continuous evaluation activities will be carried out during the course, with a value of 2.5 points each. The teacher in charge of each group will indicate, at the beginning of the course, the specific characteristics of the activities and their dates.

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

The final content test will be worth 5 points. The date will be the date officially established by the Faculty of Law and the format will be the one indicated by the professor at the beginning of the course.

In order to pass the course, it is necessary

(a) that the sum of the grade of the final test of content and of the continuous evaluation is, at least, 5 out of 10.

b) and that the grade of each of the parts (both the final test of content and the continuous evaluation) is at least 2 out of 5. In case of not obtaining a 2 out of 5 in any of the parts, the maximum grade of the subject will be 4.5 points out of 10 and, therefore, it will be failed.

#### Revaluation

The revaluation is open to those who have failed or those who, having passed, wish to improve their grade. To attend it is not necessary to have obtained a minimum grade in either of the two parts. If the grade obtained in the revaluation is lower, it will be taken into account.

It is possible to re-evaluate both the part corresponding to the final overall test and the continuous evaluation activities.

It is not required to obtain a minimum grade neither in the continuous evaluation nor in the final test in order to carry out the re-evaluation.

The re-evaluation of the final overall test will consist of a test of the same class as the one taken previously and allows obtaining up to 5 points. Calendar: official date set by the Faculty of Law.

Review: When publishing each grade, whether it is the activities performed during the course, the final test, or the re-evaluations, the faculty will specify the review system (date, time and place).

The student will be evaluable as long as he/she has carried out a set of activities the weight of which is equivalent to a minimum of 2/3 of the total qualification of the subject. If the value of the activities performed does not reach this threshold, the teacher of the course may consider the student not evaluable.

Important note: The student who copies or attempts to copy in an evaluation test, will get a 0. Who presents a practice in which the student has plagiarized or that the student can not justify the arguments of his practice, will get a 0 and will receive a warning. In case of repetition of the behavior, the student will fail the course.

#### Single assessment

The students who can access the single evaluation must perform 3 types of activities of equal difficulty as the rest of the students:

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

b) two practical activities of resolution of criminal cases (2.5 points each).

To pass it is essential to achieve a 2 out of 5 in the overall test and a 2 out of 5 in the practical activities, in addition to a 5 out of 10 of the total.

The same recovery system will be applied as for the continuous evaluation.

The same non-assessable system will be applied as for the continuous evaluation.

## Bibliography

Compulsory:

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

QUINTERO OLIVARES, Gonzalo, *Parte general del derecho penal*, Thomson Reuters, 5<sup>a</sup> 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.

MUÑOZ CONDE, Francisco, GARCIA ARAN, Mercedes; *Derecho Penal. Parte General*, Tirant lo Blanch, 11ª ed., 2022. (Accesible a la biblioteca digital UAB)

QUINTERO OLIVARES; Gonzalo, *Parte general del derecho penal*, Thomson Reuters, 5ª ed., 2015. (Accesible a la biblioteca digital UAB)

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

GÓMEZ RIVERO, María del Carmen; *Nociones fundamentales del derecho penal: parte general*, Tecnos, 4ª edición, 2019. ISBN: 9788430974634

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., 2021. 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.

LAURENZO COPELLO, Patricia/MAQUEDA ABREU, María Luisa., *EL Derecho penal en casos. Parte general*, 6ª ed., Tirant lo Blanch, 2022.

## Software

Utilisation of databases of jurisprudence

## Language list

| Name        | Group | Language | Semester        | Turn          |
|-------------|-------|----------|-----------------|---------------|
| (TE) Theory | 1     | Catalan  | second semester | morning-mixed |
| (TE) Theory | 2     | Spanish  | second semester | morning-mixed |
| (TE) Theory | 3     | Spanish  | second semester | morning-mixed |
| (TE) Theory | 51    | Spanish  | second semester | afternoon     |
| (TE) Theory | 70    | Catalan  | second semester | morning-mixed |