

## White-collar Crime

Academic Year: ( 2019 / 2020 )

Review date: 21-04-2020

Department assigned to the subject: Criminal Law, Procedural Law and History Law Department

Coordinating teacher: DOPICO GOMEZ-ALLER, JACOBO

Type: Electives ECTS Credits : 3.0

Year : 1 Semester : 0

## REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Given the open configuration of this Master on Criminal Justice, beyond the general requirements for application, and admission in the Master, the student does not require any other specific requirement to take this course. However, it is recommended to have completed the degree in the subjects 'Criminal Law' and 'Criminal Procedural Law'.

## OBJECTIVES

In general at the end of the course the student will be able to:

- Make complex arguments regarding the imputation of criminal liability within corporate structures (liability of principal in criminal law, delegation of functions, etc.); as well as regarding different offences of corporate criminal law.
- Acquire among others, training to formulate arguments of charge or discharge in respect of different offences from corporate criminal law.

## DESCRIPTION OF CONTENTS: PROGRAMME

## 1. INTRODUCTION.

Business criminal law. Concept. Relations with other preventive and repressive instruments.

## 2. LIABILITY OF MANAGERS, OFFICERS AND EMPLOYEES IN CORPORATE STRUCTURES.

Individualization of responsibility of managers, officers and employees within the company. Criminological considerations.

Hierarchical organization, delegation of tasks and criminal liability. Material and evidentiary problems.

Liability of managers, officers and auditors for omissions.

Acting on behalf of another.

The responsibility for decisions taken in collective bodies.

## 3. SPECIAL PART.

Corporate frauds.

Embezzlement & breach of trust. Corporate crimes.

Market abuse and offences against consumers' rights.

Criminal law and protection of workers.

Money Laundering.

Crimes against Public Finance and Social Security.

Planning offences.

## LEARNING ACTIVITIES AND METHODOLOGY

Among the various activities scheduled in principle (subject to changes, inclusions or exclusions to the dynamics of the course and his suggestions warrant) would find the following:

- Case studies in which theoretical application of the course content to real situations.
- Critical analysis of research articles in the field
- Analysis and review of some judgments
- Debate forum
- Writing and oral Opinions & Dissertations

Students who require any kind of consultation for the proper monitoring of the course may consult any doubts or questions with the teacher responsible of the concrete section (criminal or criminal procedure), related to those questions.

## ASSESSMENT SYSTEM

The student will develop a personal work and continued throughout the course, the aim is therefore valuing the dedication and results when setting their overall rating.

Under this approach, the final grade for the course, which range from 0 to 10 points, will be the result of summing the partial scores obtained according to the following parameters:

Ordinary call:

- Case study or report- 40%
- Participation in forums - 30%
- Multiple choice test during the weeks in Madrid - 30%

Extraordinary call (June) IN-PERSON:

- 100% Exam (multiple choice or open questions) or case study/report

<b>% end-of-term-examination:</b>	30
<b>% of continuous assessment (assignments, laboratory, practicals...):</b>	70

## BASIC BIBLIOGRAPHY

- AA.VV. Memento Experto Derecho Penal Económico y de la Empresa, Francis Lefbvre, 2011
- BAJO FERNÁNDEZ, Miguel / BACIGALUPO, Silvina. Derecho Penal Económico, 2ª ed., CEURA, 2010
- CASTRO MORENO, Abraham. El delito societario de administración desleal., Marcial Pons, 1998
- DE LA MATA / DOPICO / LASCURAÍN / NIETO Derecho Penal Económico y de la Empresa, Dykinson, 2017
- DOPICO GÓMEZ-ALLER, Jacobo "Estafas y otros fraudes en el ámbito empresarial", en DE LA MATA / DOPICO / LASCURAÍN / NIETO, Derecho Penal Económico y de la Empresa (disponible online en abierto), Dykinson, 2018
- FERNÁNDEZ TERUELO, Javier Gustavo. Instituciones de Derecho Penal Económico y de la Empresa., Lex Nova Thomson Reuters, 2013
- GARCÍA ARÁN, Mercedes Delincuencia económica. Prevenir y sancionar., Tirant lo blanch, 2014.
- GÓMEZ BENÍTEZ, José Manuel. Curso de Derecho Penal de los Negocios a través de Casos., Colex, 2002
- MARTÍNEZ-BUJÁN PÉREZ, Carlos Derecho Penal Económico y de la Empresa: Parte General, 4ª ed., Tirant lo blanch, 2014
- MARTÍNEZ-BUJÁN PÉREZ, Carlos. Derecho Penal Económico y de la Empresa: Parte Especial, 4ª ed., Tirant lo blanch., 2013
- POZUELO / DOPICO / MARTÍN / ORTIZ DE URBINA. Derecho penal de la construcción. Aspectos urbanísticos, inmobiliarios y de seguridad de los trabajadores. 2ª ed., Comares, 2012

## BASIC ELECTRONIC RESOURCES

- DE LA MATA / DOPICO / LASCURAÍN / NIETO . Derecho Penal Económico y de la Empresa. Dykinson, 2018: <https://e-archivo.uc3m.es/handle/10016/26715>