Offenses against public patrimony and civil servant offenses

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: Compulsory ECTS Credits : 3.0

Year : 3 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Criminal Theory.
Crimes against persons and against Society.

OBJECTIVES

1 - Knowledge of the general theory of offenses against property
2 - Knowledge of offenses against property in particular.
3 - Knowledge of the general theory of economic crime.
4 - Knowledge of economic crime in particular.
5 - Knowledge of offenses against public administration, judicial misconduct and offenses committed by officials against constitutional rights.

DESCRIPTION OF CONTENTS: PROGRAMME

The program consists of three blocks: the first relates to property crimes, comprising property crimes with and without enrichment. The second part relates to the offenses against socioeconomic order, comprising the offenses against intellectual property, offenses against the market and consumers, corporate crime, receiving stolen goods and money. The third block includes offenses against public administration, judicial misconduct and offenses committed by officials against constitutional rights.

LEARNING ACTIVITIES AND METHODOLOGY

There are two types of classes, theoretical and practical.

In the theoretical classes, the professors shall review the lessons of the program, organizing tutorials about them, and in the practical ones, several cases will be discussed and solved.

In order to make the most of the lectures, it is desirable that the students review the materials for each subject prior to the classes, as well as that attendance to practical classes involves, prior to the class, having read and studied practical cases provided for that week.

ASSESSMENT SYSTEM

60%: Final exam (4-6 questions and a case study) or Oral Exam (60%)
40%: Continuous assessment multiple choice-test and case study.

Active participation in classes and seminars can be assessed to modulate the continuous assessment (10%).

If the note of the final exam is lower than 2,5/6, the note of continuous assessment will not be added.

The extraordinary examination (June) shall consist in a theoretical examination and a case.

% end-of-term-examination:	60
% of continuous assessment (assigments, laboratory, practicals…):	40

BASIC BIBLIOGRAPHY

- AAVV Memento Penal 2017, Francis Lefebvre, 2016
- AAVV Memento Penal 2017, Francis Lefebvre, 2016

- DE LA MATA / DOPICO / LASCURAÍN / NIETO Derecho Penal Económico y de la Empresa, Dykinson, 2018

- LAMARCA PÉREZ (dir.) Derecho Penal. Parte Especial. , Colex, Última edición.

- MARTÍNEZ-BUJÁN Derecho Penal Económico y de la Empresa. PARTE ESPECIAL., Tirant lo Blanch, Última edición.

- MUÑOZ CONDE, Francisco. Derecho Penal. Parte Especial., Tirant lo Blanch, Última edición.

- QUINTERO OLIVARES (dir.) Comentarios al Código Penal (Tomos I y II)., Aranzadi (Thomson-Reuters), Última edición.

- SILVA SÁNCHEZ, J-M et al. Lecciones de derecho penal. Parte especial., Atelier, Última ed. (posterior a 2015)

- ÁLVAREZ GARCÍA (dir.) Derecho Penal Español. Parte Especial (III). , Tirant lo blanch. , Última edición

- ÁLVAREZ GARCÍA (dir.), Derecho Penal Español. Parte Especial (II)., Tirant lo blanch., Última edición.

ADDITIONAL BIBLIOGRAPHY

- BAJO FERNÁNDEZ / BACIGALUPO SAGGESE Derecho Penal Económico (atención: no está actualizado a las LLOO 7/2012 y 1/2015), Ramón Areces, 2010

- CASTRO MORENO Elusiones fiscales atípicas, Atelier, 2008

- ORTIZ DE URBINA (dir.). Memento Penal Económico y de la Empresa, Francis Lefebvre, 2016

- POZUELO PÉREZ (coord.) Derecho Penal de la Construcción. Aspectos urbanísticos, inmobiliarios y de seguridad en el trabajo, 2ª ed., Comares, 2012

BASIC ELECTRONIC RESOURCES

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

- DOPICO GÓMEZ-ALLER . La estafa sobre datos registrales: http://www.indret.com/pdf/363_es.pdf

- DOPICO GÓMEZ-ALLER . ¿Debe derogarse la exención de pena por regularización fiscal?: http://almacendederecho.org/debe-derogarse-la-exencion-de-pena-por-regularizacion-fiscal/

- DOPICO GÓMEZ-ALLER . La reforma del Derecho Penal Tributario: nuevas oportunidades para el fraude fiscal: https://www.academia.edu/20438279/La_reforma_del_Derecho_Penal_Tributario_nuevas_oportunidades_para_el_fraude_fiscal

- DOPICO GÓMEZ-ALLER . Estafa y dolo civil: https://minerva.usc.es/xmlui/bitstream/handle/10347/8010/01-Dopico.pdf?sequence=1&isAllowed=y

- FISCALÍA GENERAL DEL ESTADO . Circular sobre efectos para terceros de la regularización fiscal: http://tinyurl.com/CFGE1997RegularizaFiscal

- FISCALÍA GENERAL DEL ESTADO . Circular 2009 sobre la regularización fiscal: http://tinyurl.com/CFGE2009RegularizaFiscal