Business criminal law

Academic Year: (2022 / 2023) **Review date: 30-05-2022**

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 : Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

VERY IMPORTANT: STUDENTS WHO HAVE NOT TAKEN THE FOLLOWING SUBJECTS SHOULD REFRAIN FROM ENROLLING.

Legal Theory of Crime
Crimes against persons and society
Crimes against property and crimes committed by public officials

Without knowledge of these subjects it is not possible to pass the course.

OBJECTIVES

The student must command both theoretical and practical approaches in solving real cases in a complex subject such as the Business Criminal Law.

DESCRIPTION OF CONTENTS: PROGRAMME

1. Introduction to Business Criminal Law.
2. Attribution of Responsibility.
   a) Individual responsibility of administrators and managers.
   b) Criminal liability of legal persons.
3. Frauds in business.
4. Embezzlement, misappropriation, disloyalty.
5. Fraudulent conveyance and banjruptcy fraud.
6. Intellectual and industrial property. Business secret
7. Crimes against the market and the rights of the consumers.
   a) Market manipulation. Fraud against investors.
   b) Corruption in the private sector.
   c) Crimes against consumers.
9. Offences againsth the shareholders and other corporate crimes.
11. Document falsificaiton in business actvity.
12. Crimes against the Public Treasury and Social Security.
13. Money laundering.
14. Crimes against the rights of workers.
15. Environmental and urban planning offences..

ASSESSMENT SYSTEM

ORDINARY EVALUATION: There are two options.

Basic Option: completion of THREE CONTINUOUS ASSESSMENT TESTS (test or case study).

Specific option (only in case the teacher of each group offers it)
1. Attendance at 80% of the classes of the subject.
2. Class lecture on a topic of the program that will be assigned by the teacher. A topic and a day of exposition will be assigned. The lecture shall not exceed 20 minutes in length.
3. An eminently practical work will be done on the topic of the lecture.

EXTRAORDINARY EVALUATION: theoretical-practical test for 100% of the grade.

% end-of-term-examination:	0
% of continuous assessment (assigments, laboratory, practicals…):	100

BASIC BIBLIOGRAPHY

- DE LA MATA / DOPICO / LASCURAÍN / NIETO Derecho Penal Económico y de la Empresa, Dykinson, 2018
- MARTÍNEZ-BUJÁN PÉREZ, Carlos Derecho Penal Económico y de la Empresa. Parte Especial. Última ed., Tirant lo Blanch, Última ed. (posterior a 2015)
- VV AA Memento Penal , Francis Lefebvre, Última ed. (posterior a 2015)
- VV AA Memento Penal , Francis Lefebvre, Última ed. (posterior a 2015)
- ÁLVAREZ GARCÍA, Javier (dir.) Derecho Penal Español Parte Especial (tomos II y III), Tirant lo blanch. , Última ed.

ADDITIONAL BIBLIOGRAPHY

- BAJO FERNÁNDEZ / BACIGALUPO SAGGESE Derecho Penal Económico (atención: no actualizado a las LLOO 7/2012 y 1/2015), Ramón Areces, 2010
- CASTRO MORENO, Abraham Elusiones fiscales atípicas, Atelier, 2008
- CASTRO MORENO, Abraham Fraudes y exacciones ilegales, Tirant lo blanch, 2008
- GÓMEZ BENÍTEZ, José Manuel Derecho penal de los negocios a través de casos (atención: no actualizado a las reformas penales desde 2003)., Colex, 2001
- POZUELO PÉREZ, Laura (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 (Dykinson, 2018): 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 . Estafa y dolo civil: https://minerva.usc.es/xmlui/bitstream/handle/10347/8010/01-Dopico.pdf?sequence=1&isAllowed=y
- 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
- 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