Legal theory of crime

Academic Year: (2022 / 2023) **Review date: 10-05-2023**

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

Coordinating teacher: VILLALBA LOPEZ, NOEL

Type: Basic Core ECTS Credits : 6.0

Year : 2 Semester : 2

OBJECTIVES

The general objective of the course/subject is for students to acquire the following competences:

1. Knowledge of criminal guarantees and general rules in order to apply the Criminal Code.
2. Knowledge of the general provisions on offences.
3. Knowledge of the general provisions on penalties and security measures/requirements.
4. Knowledge of the structure of crime theory.
5. Ability to solve case studies related to the aforementioned theoretical knowledge.
6. As a result of the aforementioned knowledge, critical capacity regarding criminal penalties as a method for ensuring coexistence in a state under the social and democratic rule of law.

DESCRIPTION OF CONTENTS: PROGRAMME

The program comprises three different blocks:

(i) The first block is an introduction to criminal law which deals with positive criminal law, the principles and functions of criminal law and the theory of the protection of legal assets.

(ii) The second block addresses issues relating to the principles of criminal law: definition, illegality and guilt.

(iii) The third block of theory covers penalties, classes of penalties and rules for the application thereof, theory of the security measures, types of security measures and rules for the application thereof, as well as extinction of the criminal and civil liability derived from criminal offences.

LEARNING ACTIVITIES AND METHODOLOGY

The course content is organised into two types of sessions, theoretical and practical. The core of the programme is explained during theory sessions and regular tutorials, while the issues are analysed from a technical and analytical point of view in practical sessions, which focus on the resolution of case studies. To make the best use of theory sessions, students should study the relevant subject matter prior to each session. Attendance at practical sessions, as for theory sessions, requires the prior reading and study of the materials to be covered that particular week.

ASSESSMENT SYSTEM

Active participation in practical classes.
Continuous assessment with two test exams, each worth 20% of the final mark.
Theoretical final exam (three questions out of four options) (60%).

In order to take into account the continuous assessment mark, it is essential to have obtained at least 2,4 points out of 5 points in the final exam.
The extraordinary call will consist of a theoretical exam (three questions out of four options).

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

BASIC BIBLIOGRAPHY

- AA.VV. TOMO XIX. ESQUEMAS DE TEORÍA JURÍDICA DEL DELITO Y LA PENA (últ. ed.), Tirant lo Blanch.

- AA.VV. Memento penal 2016, Lefebvre, 2016

- GIL GIL, A; LACRUZ LÓPEZ, JM; MELENDO PARDOS, M, y NUÑEZ FERNÁNDEZ, J. Sistema de responsabilidad penal, Dykinson, 2017

- LASCURAÍN SÁNCHEZ, J.A. (coord.) MANUAL DE INTRODUCCIÓN AL DERECHO PENAL, BOE, 2019

- MIR PUIG, Santiago Derecho Penal. Parte General (últ. ed.), Reppertor.

- MUÑOZ CONDE, Francisco; GARCÍA ARÁN, Mercedes Derecho Penal. Parte General (últ. ed.)., Tirant lo Blanch.

- QUINTERO OLIVARES, Gonzalo Parte General del Derecho Penal (últ. ed.)., Thomson - Aranzadi.

ADDITIONAL BIBLIOGRAPHY

- AA.VV. DERECHO PENAL. PARTE GENERAL (CASOS PRACTICOS), Tirant lo Blanch.

- AA.VV. Derecho Penal. Parte General. Materiales didácticos (últ. ed.), Univ. de Deusto.

- Claus ROXIN Derecho penal . Parte general , Civitas, 1997

- GÓMEZ BENÍTEZ, José Manuel Teoría Jurídica del Delito. Derecho Penal. Parte General., Civitas.

- LAURENZO COPELLO, P. y MAQUEDA ABREU, M.L. El Derecho penal en casos. Parte General, Tirant lo Blanch, (últ. ed.)

- VIVES ANTÓN, Tomás S. et al. Derecho Penal. Parte General. (últ. ed.), Tirant lo Blanch.

- ÁLVAREZ GARCÍA, Francisco Javier Introducción a la teoría jurídica del delito, Tirant lo Blanch.