

Criminal laws response to the corruption

Academic Year: (2022 / 2023)

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

Coordinating teacher: MUÑOZ LORENTE, JOSE AVELINO

Type: Electives ECTS Credits : 3.0

Year : 1 Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Bachelor or Degree in Law

OBJECTIVES

The course aims primarily to students to acquire a specialized domain access and management of sources of legal and criminal information specific to the phenomenon of corruption and the tools available to this sector Ordinance to address this phenomenon . The examination of the criminal policy at the national and international level will result from every relevant point when the study of the subject since such policies are the basis of the effectiveness or ineffectiveness of the fight against corruption, considering that no it is a phenomenon that affects our country specifically, but like almost everything today, is imbued with globalization in which we are immersed. In this sense, the course aims to awaken in students a critical judgment on recent discussions on the matter and obtain and develop arguments to understand, and even intervene in these discussions and in the most effective way to fight corruption, especially in a context in which they are announcing new measures against it.

DESCRIPTION OF CONTENTS: PROGRAMME

One of the most pressing problems in the current criminal law is the crime generated by the behaviors that generically be placed in the area of corruption, which now not only linked with exercise, irregular, public function, but with certain activities in the private field. So in this subject empirical and historical foundations and international context will be developed: especially the EU rules against corruption. Techniques for achieving impunity: making the standard application thereof and extraordinary means (irrelevant sanctions, prescriptions, forfeitures, forgiveness, pardon, amnesty). Corruption and criminal legal category: alternatives to traditional forms of punishment of corruption. Corruption in politics. Political parties and corruption; financing of political parties. offenses safeguards built in Public Administration: especially influence peddling, bribery and embezzlement. Corruption in the private sector and sports corruption. urban corruption: powers of local authorities in planning matters. administrative control instruments of urbanism. Enforcement of judgments of administrative litigation in planning matters (the opposition of the Legislative Assemblies of the Autonomous Communities). specific offenses relating to regional planning, environment and historical heritage. Thus, the program will have the following content:

1. Introduction and national and international perspective of the phenomenon of corruption. ¿Social acceptance of it ? . The so-called "failed states" or how corruption can mean the disappearance or replacement of the rule of law and democracy.
2. The criminal concept of corruption and its extension to the private sphere.
3. The perpetrators of the crime: extension of the criminal concept of public servant.
4. The recent criminal policy against corruption: recent and future reforms in this area. His necesariedad or innecesariedad and resort to other sources of prior control (and perhaps more effective) to criminal law.
5. Political parties and corruption. Real or merely symbolic involvement of political parties in the fight against corruption: making the rules, the penalties provided, granting pardons and irregular and illegal financing thereof. Are there any "legislative prevarications" ? .
6. The administrative malfeasance.
7. Specific prevarications: urban crime, historical heritage and the environment.
8. The crime of bribery and its recent reform. ¿Future reforms?

9. The crimes of influence peddling, his recent and conscious reform to make the offense even more ineffective. Is legal regulation and control of lobbyists ?.
10. Embezzlement.
11. Fraud and extortion.
12. Negotiations forbidden to civil servants.
13. Corruption in international business transactions.
14. The extent of the criminal concept of corruption: corruption in the private sector and corruption in sport.

LEARNING ACTIVITIES AND METHODOLOGY

The training and study activities will be structured as follows:

First, through a classroom theoretical and practical training with master classes and theoretical analysis of the different topics that the program of the subject, as well as an analysis and discussion of case studies relating to different subject matters include program, with different formats that can serve the student in his professional future. Along with this, there will be group work sessions supervised and tutored by an experienced teacher in the field.

However, and despite the fact that the classes are face-to-face, it is possible that some students need to rotate to synchronous classes online when the classroom capacity does not allow all students to be present due to the security measures implemented as a result of the Covid19.

ASSESSMENT SYSTEM

% end-of-term-examination/test:	100
% of continuous assessment (assignments, laboratory, practicals...):	0

The continuous assessment will be weighted: class attendance, active participation in class, solving practical (individual or collective) cases and their presentation in class, the strength and diversity of the arguments used by students in solving the same and objective assessment tests on theory and practice that, if necessary, decide to teachers.

The final exam will consist in a test exam.

In the extraordinary call (June) how to assess will be the same.

However, the evaluation system could be modified depending on the circumstances of force majeure that could occur in the event of a rebound of the pandemic by Covid-19 or any other similar circumstance.