

Organised Crime

Academic Year: (2023 / 2024)

Review date: 04-12-2023

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

Coordinating teacher: GARROCHO SALCEDO, ANA MARIA

Type: Compulsory ECTS Credits : 3.0

Year : 1 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Bachelor degree in Law

General and special part of Criminal Law

OBJECTIVES

The organized crime is undoubtedly the main threat to States, to the extent that some of them have already fallen into their networks and others are seriously in danger of doing so .

For these reasons it is an essential subject that it has to be analyzed keeping in mind the theoretical and practical problems posed by this form of crime. The perspective taken is a theoretical and criminological one of the criminal organizations and terrorism, taking into consideration the national, regional and UN instruments to fight against this form of the criminality.

DESCRIPTION OF CONTENTS: PROGRAMME

§ 1 - Introduction: empirical approach

0. The socio-political and criminal legal problem

A. Conceptual determination: various concepts of organized crime and its relationship to terrorism

B. Historical evolution: organized crime (common) policy and organized crime (terrorism)

C. The current situation: some considerations on phenomenology

§ 2 - Introduction: normative approach

0. The legislative and jurisprudential situation in Spain: overview

A. Spanish Historical evolution: organized crime and terrorism

B. Instruments inter- and supranational

C. Context: political and criminal situation in the expansion of criminal law

§ 3 - General Part: the crimes of organization

A. Approaches to the content of unfairness: synopsis

B. Inventory: the unfairness of the crimes of organization among the endangerment and social impacts

1. Abuse of the right of association

2. Anticipation

3. Collective Legal interest

4. Unjust Threat

C. Arrogation of organization and political significance

1. Criticism

a) threat

b) collective legal interest and social implications

2. arrogation of political organization

a) Starting points

b) Collective and membership

c) arrogation of the state monopoly of violence

D. Consequences: criminal-political points of departure and current legislative situation - differentiation of offenses of conspiracy and organized crime

§ 4 - General Part: concept of organization and concept of terrorism

§ 5 -A. The concept of organization

1. Introduction

2. Collective Structure

- a) Regulation
- b) Concept of organization
- The concept of group.
- C. specific instrumental and programmatic elements of terrorist offenses

- 1. Specific methods: use of massive intimidation and armed character
 - a) Massive Intimidation
 - b) Typical Violence: armed character
 - c) The problem of peripheral organizations and / or activities organized harassment by urban riots
 - aa) Approach
 - bb) Organized Unrest
- 4. Strategic Projection
 - a) Political significance of the strategic projection
 - b) The strategic projection as a collective program
 - c) Elements of the strategic projection
 - aa) subversion of the constitutional order or serious disturbance of public peace
 - bb) Terrorism of the State

Special part: crimes of belonging and collaboration

A. General issues: membership and collaboration

B. The crime of belonging

- 1. Introduction
- 2. The concept of organization in relation to the conduct of belonging
- 3. Contests
 - a) instrumental Infractions
 - aa) Automatic sum of belonging and instrumental offenses in case law on terrorism
 - bb) Membership and subsequent offenses instrumental in various procedures
 - b) Conspiracy and intervention in an instrumental infringement

4. Titles of belonging

- a) Leaders and members
- b) Integration inactive?

2. The conduct of belonging

- a) Introduction
- b) Application

C. The crime of collaboration or favoritism

- 1. Introduction: types
- 2. Typical range equipment collaboration with the organization
 - a) Introduction
 - b) Distinction of integration / membership
 - c) Contribution risk material allowed
 - d) Subjective Type
- 3. Terrorism: Collaboration with the aims?
 - a) The problem
 - b) ideological collaboration?

§ 6 - Peripheral Crimes on terrorism

A. Individual Terrorism

- 1. Introduction
- 2. Phenomenology
- 3. Individuals integrated in future collective terrorist organizations
- B. The crime of membership or justification
 - 1. Introduction
 - 2. Scope of application of the norm.
- C. New forms of provocation from the LO 5/2010 and 1/2015.
- D. The special scheme of minors perpetrators.

LEARNING ACTIVITIES AND METHODOLOGY

Exposition of theoretical material and practical cases analysis.

Tutorials will be take place at the end of each session.

ASSESSMENT SYSTEM

Case study

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

BASIC BIBLIOGRAPHY

- Cancio Meliá, Manuel/Silva Sánchez, Jesús María Los delitos de organización, BdF, 2008
- Günter Jakobs Delitos de organización un desafío al Estado, Editora Jurídica Grijley, 2009
- Manuel Cancio Melia DELITOS DE TERRORISMO: ESTRUCTURA TIPICA E INJUSTO, Reus, 2009
- Manuel Cancio Melia DELITOS DE TERRORISMO: ESTRUCTURA TIPICA E INJUSTO, Reus, 2010
- Mariona Llobet Anglís Derecho penal del terrorismo límites de su punición en un Estado democrático, La Ley, 2010