

Academic Year: (2023 / 2024)

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

Coordinating teacher: CARRETERO SANJUAN, MARÍA TERESA

Type: Compulsory ECTS Credits : 3.0

Year : 1 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Degree in Law.
Criminal Law. General Part.

OBJECTIVES

With regard to the learning outcomes, at the end of the course, students should:

- Master the different theories on the purposes of punishment.
- Have acquired a solid knowledge of the most complicated issues in the system of punishment determination.
- Master the most challenging theoretical-practical problems of prison and the other penalties of deprivation of liberty provided for in the Spanish Criminal Code.
- To have gained an understanding of rights deprivation penalties and the fine penalty.
- To have acquired a solid training in the regulation of security measures of a criminal nature.
- To have an in-depth knowledge of the problems inherent to long-term penalties and post-penitentiary security measures.
- Understand and master the fundamentals of the penitentiary system.
- Understand and master complicated issues relating to the legal-penitentiary relationship and the rights of prisoners.
- Be familiar with the most current debates in the field of penitentiary policy and penology.

DESCRIPTION OF CONTENTS: PROGRAMME

Block I. Advanced studies in penology.

§ 1. Introduction: the system of legal consequences of crime.

§ 2. Theory of punishment.

§ 3. The system of punishment.

- Punishments involving deprivation of liberty.
- Penalties involving deprivation of rights.
- Fine penalty.
- Determination of the penalty. In particular, apparent concurrence of laws and concurrence of crimes.
- The quantification of the calculation of the sentence to be executed. The Parot doctrine or the new recasting of sentences.
- Substitute forms of execution of penalties involving deprivation of liberty.
- Accessory consequences: confiscation.

§ 4. The system of security measures.

- Basis and purpose of security measures.
- Custodial and non-custodial security measures.
- Execution of security measures.

§ 5. Post-penitentiary security measures.

- Introduction: the return of inoculation.

- Predictions of criminal dangerousness.
- In particular, libertad vigilada as a post-penitentiary security measure.

Block II. Advanced studies in penitentiary law.

§ 6. International standards, sources and fundamental principles of Penitentiary Law.

§ 7. The special penitentiary relationship, rights and duties of the inmates and systems of protection.

§ 8. The place of execution and the penitentiary regime.

§ 9. Penitentiary classification and penitentiary treatment.

§ 10. The actors of the penitentiary system and the penitentiary jurisdiction.

LEARNING ACTIVITIES AND METHODOLOGY

The teaching and study activities will be structured as follows:

Firstly, theoretical contents will be explained and discussed in face-to-face lecture sessions.

Secondly, seminars will be organised with invited speakers/experts.

Finally, case studies related to essential aspects of the subject will be analysed and discussed.

Active student participation will be encouraged in the discussion and analysis of each of the points on the syllabus.

Support material will be used in the sessions and will be made available to the students, who will have to complement it with the manuals and doctrinal articles recommended by the teaching team.

Tutorials will, as a general rule, be individual, on the day and at the time set by the teaching team. They will be focused on resolving doubts about the contents of the subject and on deepening in those aspects that the students require and request.

ASSESSMENT SYSTEM

% end-of-term-examination/test: 100

% of continuous assessment (assignments, laboratory, practicals...): 0

The grading system for the course, both in ordinary and extraordinary exams, will be based on a final theoretical exam, which will have a value of 100% of the course, composed of short development questions (between 5 and 10).

Students are required to attend the classroom sessions of the subject. Unjustified absence of more than 25% of the total number of sessions (3 sessions) will result in the failure of the subject in the ordinary exam.

BASIC BIBLIOGRAPHY

- Cormac Behan & Abigail Stark Prisons and Imprisonment: An Introduction, Palgrave Macmillan, Latest edition
- Dirk van Zyl Smit & Sonja Snacken Principles of European Prison Law and Policy: Penology and Human Rights, Oxford University Press, Latest edition
- Gaëtan Cliquennois (ed.) The Evolving Protection of Prisoners' Rights in Europe, Routledge, Latest edition
- H.L.A. Hart Punishment and Responsibility: Essays in the Philosophy of Law, Oxford University Press, Latest edition
- Joshua Dressler Understanding Criminal Law, Carolina Academic Press, Latest edition
- Steven I. Friedland, Catherine Carpenter, Kami N. Chavis & Catherine Arcabascio Criminal Law: A Context and Practice Casebook, Carolina Academic Press, Latest edition

