

Academic Year: (2023 / 2024)

Review date: 21-04-2023

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

Coordinating teacher: LOPEZ JIMENEZ, RAQUEL

Type: Compulsory ECTS Credits : 3.0

Year : 1 Semester : 1

OBJECTIVES

1. Students should be responsible for drafting quality legal reports .
2. That students experience a development in their abilities to function in criminal investigative sufficient for academic tasks.
3. That students become proficient in the access and management of legal information sources specific to the Criminal Justice.
4. Have students display able to develop scientific and legal texts and carry out effectively their analysis.
5. That students a thorough knowledge of the legal procedures that make up the criminal justice system necessary for the proper performance of judicial functions.

DESCRIPTION OF CONTENTS: PROGRAMME

I. THE CURRENT CRIMINAL PROCEEDINGS AND ITS ORIGINS

1. Introduction to criminal proceedings. 1.1 Purpose. 1.2 Models. 1.3 Principles of the proceedings. 1.4 Principles of the procedure. 2. Evolution of criminal proceedings. 2.1 From the inquisitorial system to accusatory one. 2.2 From the Criminal Law of offender to the Criminal Law of the criminal act. 2.3 Guarantees.

II. CONSTITUTIONAL GUARANTEES OF CRIMINAL PROCEEDINGS

1. Approach. 2. The right to effective judicial protection. 3. The right to judge predetermined by law. 4. The right to defense and technical assistance. 5. The right to be informed of the charge. 6. The right to a public trial without undue delays. 7. The right to use evidence appropriate to the defense. 8. The right not to make self-incriminating statements and not to plead guilty one-self. 9. The right to presumption of innocence.

III. RIGHT TO A FAIR PROCEEDINGS

1. The right to a trial with all the guarantees: 1.1 The formal charge; 1.2. The adoption of investigation measures that limit personal rights; 1.3. Principle of jurisdictional exclusivity or jurisdictional exceptions; 1.4. Measures related to the personal liberty: arrest and custody; 1.5. The compliance with the principles of accusation, contradiction, equality, orality and immediacy.

IV. EVIDENCE AND CRIMINAL PROCEEDINGS

1. The principles related to the evidence. 2. Evidence gathered before the trial. 3 Pre-constituted evidence. 4. Illicit evidence.

V. THE TAXPAYER OF CRIMINAL PROSECUTION

1. The right to the presumption of innocence. 2. Non-restraint of passive part of the criminal proceedings: subject and object of the process.

VI. CRIMINAL ACTION AND ACCUSATION BROUGHT IN THE NAME OF THE PEOPLE (POPULAR ACCUSATION)

1. Holders of criminal action. 1.1. The public accusation. 1.2 The private accusation. 1.3 The popular accusation. 1.4 The private accusation.

VII. THE VICTIM IN THE CRIMINAL PROCESS

1. The status of the victim of crime.
2. Development of the status of the victim and victim support services.

VIII. PENAL REFORM PROCESS AND ITS CHALLENGES

1. Challenge of the criminal law.
2. Core guidelines of the criminal process.
3. Evolution.

LEARNING ACTIVITIES AND METHODOLOGY

Training activities:

Case-law analysis
Analysis of comparative law
Analysis of reports of different international entities
Práctica

ASSESSMENT SYSTEM

ORDINARY CALL:

- Up to 15% participation in the forum
- Up to 45% resolution of a practical case or opinion
- Up to 40% multiple choice exam

The student must obtain at least a mark of 3 out of 6 in the continuous evaluation (forum and resolution of a practical case / opinion), and of 1.8 out of 4 in the multiple choice exam. If she does not obtain said score, he will be suspended and must attend the extraordinary call.

EXTRAORDINARY CALL:

- 100% Examination.

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

BASIC BIBLIOGRAPHY

- AAVV Cuestiones básicas sobre la prueba en el proceso penal, , Manuales de formación continuada, núm. 51, 2009
- AAVV La prueba en el proceso penal, Cuadernos de derecho judicial, nº 9 (coord. por Joaquín Delgado García), 1196
- AAVV Estudios sobre la prueba penal (Xavier Abel LLuch (coord.), Manuel Richard González (coord.), La Ley, Grupo Wolters Kluwer, 2010
- GUZMÁN FLUJA. Anticipación y preconstitución de la prueba en el proceso penal, Tirant lo Blanch, 2006
- GÓMEZ COLOMER Adversarial System, proceso acusatorio y principio acusatorio: una reflexión sobre el modelo de enjuiciamiento criminal..., Revista del Poder Judicial, nº extra 19, 2006, págs. 25-77
- GÓMEZ COLOMER Experiencias de Derecho comparado sobre la instrucción del proceso penal por el Ministerio Fiscal, La reforma de la justicia penal: (estudios en homenaje al Prof. Klaus Tiedmann), 1997, págs. 459-498.
- JIMÉNEZ BADOS Alternativas al proceso penal dentro de un modelo de sistema acusatorio, Estudios jurídicos, nº 2011, 2011
- LÓPEZ JIMÉNEZ, Raquel; ARNAIZ SERRANO, Amaya Tomo III Esquemas de Derecho procesal penal, Tirant lo Blanch, 2019
- MORENO CANTENA et. alii CORTÉS DOMÍNGUEZ. Derecho Procesal Penal,, Tirant lo Blanch, Valencia, 2012
- MORENO CATENA El Ministerio Fiscal, director de la investigación de los delitos, Teoría y derecho: revista de pensamiento jurídico, nº 1, 2007, págs. 74-97
- MORENO CATENA El papel del Ministerio Fiscal en el estado democrático de derecho, Cuadernos de derecho público, nº 16, 2002, págs. 139-166
- MORENO CATENA La necesidad de un nuevo modelo de instrucción, Nuevos retos de la justicia penal (coord. por José María Asencio Mellado, Olga Fuentes Soriano), 2008, págs. 193-212
- MORENO CATENA La garantía de los derechos fundamentales durante la investigación penal, Problemas actuales del proceso penal y derechos fundamentales, 2010, págs. 13-54

- MORENO CATENA. El proceso penal español. Algunas alternativas para la reforma, Cuadernos de derecho judicial, nº 4, 2002, págs. 13-62
- MUERZA ESPARZA La valoración de la prueba en el proceso penal español, La protección de testigos y peritos en causas criminales: comunicaciones y ponencias (coord. Juan Antonio Robles Garzón), 2001, págs. 101-112
- RIFÁ SOLER Fuentes, medios y actos de prueba. Apreciación y valoración de la prueba en el proceso penal, Estudios jurídicos. Ministerio Fiscal, nº 1, 2003