

Organised Crime

Academic Year: (2023 / 2024)

Review date: 28-04-2023

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 in Law

Criminal law: general and special part.

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 : criminal association , organized crime and terrorism

B. Jurisprudential Evolution : bankruptcy law and inheritance problems in time

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

§3. General part : the core part of the offense of criminal organization

A. Approaches to content of the crime : 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. Legal protective good

C. Solutions and problems : lege lata and lege ferenda approach

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

§4. General part: concept of organization and concept of terrorism

A. The concept of "organization"

1. Introduction

2. Features and limits

B. The concept of "group"

1. Characteristics and limits

2. Example of the expansion of criminal law in this area

C. Specific instrumental and programmatic elements of terrorism

1. Specific methods: armed character and instrumentalization of first and second level

a) Prototype of Violence: armed character

b) Means and purpose in the crime of terrorism: instrumentalization of first and second level

c) The problem of peripheral organizations and / or activities organized harassment by urban riots

- aa) Approach
- bb) organized Unrest equipment collaboration across organization or group
- 4. Political Purpose
 - a) subversion of the constitutional order from the grave disturbance of the public peace
 - b) Consequences:
 - aa) The State terrorism.
 - bb) Limits (with) and scope (of) crimes against humanity

§5 . Special part: crimes of belonging to an organization and collaboration with an organization

A. General issues: membership and collaboration

B. The crime of belonging

1. Introduction
2. Criteria for attributing the conduct of the member: responsibility for the fact itself or by transfer of the responsibility of others.
3. Cumulative conviction and concurrent offenses
 - a) The sum of automatic membership and instrumental offenses in case law on terrorism
 - b) Rest of organized crime: problems of non bis in idem
4. Different forms of participation
 - a) Leaders and members
 - b) Integration inactive?
- C. The crime of collaboration or favoritism
 1. Introduction: types
 2. Typical range equipment collaboration with the organization
 - a) Introduction
 - b) Distinction integration / membership: existence of a stable role
 - c) Material contribution, enabled risk and neutral behaviors
 - d) Subjective Type
 3. Terrorism: Collaboration with the aims/purposes?
 - a) The problem
 - b) ideological collaboration?
 4. Collaboration through organization:
 - a) Special mention satellite groups (ETA environment)
 - b) Criminal Law of the "enemies".

&. Special Part: other peripherals on terrorism offenses

A. Individual Terrorism in Spanish Criminal Code

1. Introduction
2. Phenomenology : special mention to the «Lone Wolf».
3. Subjects integrated in future collective terrorist organizations
- B. The crime of membership or justification
 1. Introduction
 2. Scope of the type and legally protected
 3. Application
- C. New forms of provocation from the LO 5/2010 Spanish Criminal Code
- D. The special regime of minor offenders.

LEARNING ACTIVITIES AND METHODOLOGY

During the two weeks of online learning the students shall review and study the materials, power points , judgments and the audiovisual material provided. They must also solve a practical case.

Tutorials : The tutorials will be conducted daily through Skype or email.

- Attendance Part In Madrid: the students shall attend the activities, conferences and seminars planned.

ASSESSMENT SYSTEM

ORDINARY SESSION:

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

The student must obtain at least a mark of 3 out of 6 in the continuous assessment (forum and resolution of a practical case / report), and 1.8 out of 4 in the multiple-choice exam. If he/she does not obtain this score, he/she will be failed and will have to attend the extraordinary exam.

EXTRAORDINARY EXAM:

- 100% Essay/practical case/exam of the professor's choice.

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