

Criminal laws response to the corruption

Academic Year: (2024 / 2025)

Review date: 09-09-2024

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 new measures against it are being announced and/or introduced, the effectiveness of which is certainly questionable.

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 lobbies?.
10. Embezzlement. Recent reform of it. Purpose: fight against corruption?
11. Fraud and extortion.
12. Negotiations forbidden to civil servants.
13. Corruption in international business transactions.
- 14.- The crime of illicit enrichment. Doubts, necessity and deficient legislative technique used for its classification.
15. 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.

TUTORIALS: Students will have access to tutorials with the person responsible for coordinating the subject. With the tutoring, it is intended to organize the teaching and learning processes that are based on the interaction between the student and the teacher with the purpose of guiding the autonomous and group work of the students, as well as delving into different aspects of the subject with the ultimate goal. to guide the academic and integral formation of the student. Tutorials will take place at the time and under the conditions determined in Aula Global. Before that, please confirm attendance by email to the course coordinator.

ASSESSMENT SYSTEM

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

In general, the evaluation will be carried out through a final test that will constitute 100% of the mark and that will consist of a multiple choice exam.

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

The use of Generative AI to create graded text is not permitted, and its use will be academically penalized by a failing grade for the entire master's course involved. However, the use of Generative AI to create graphs, statistics, or images, or as an auxiliary tool, is allowed as long as it is not used to create evaluable texts (such as term papers or reports).

In any case, if the use of AI by the student leads to academic fraud by falsifying the results of an exam or work required for the accreditation of academic performance, the provisions of the Regulation of the Carlos III University of Madrid of the partial development of Law 3/2022, of February 24, on University Coexistence will be applied.