

Academic Year: (2024 / 2025)

Review date: 09-09-2024

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

In terms of learning outcomes, at the end of the course, students should:

- Have an in-depth knowledge of the structure of the theory of crime.
- Have studied in depth the main theoretical and practical problems posed by the General Part of Criminal Law.
- Know how to correctly interpret the legal norms in force that regulate the conditions for the prohibition of conduct under threat of punishment, as well as those that include the general and specific characteristics of the crime.
- Be able to solve solvently the theoretical-general problems that arise in the analysis of any criminal act.
- Have developed sufficient critical capacity to analyse criminal repression as a way of organising coexistence in a social and democratic State under the rule of law.

DESCRIPTION OF CONTENTS: PROGRAMME

The content of the subject is organised around the main problems associated with each of the categories of crime. Each category includes the main debates and theoretical and practical difficulties that can be included in it, always with the aim of preparing students for the solution of any legal-criminal problem from the perspective of the Theory of Crime. Thus, the programme deals with, among others, problems relating to objective imputation, the objective and subjective elements of the type, legitimate defence, state of necessity, unimputability, error of prohibition and the inexigibility of different conduct.

Topics:

§1. General guidelines of the Legal Theory of Crime.

§2. Action. Causes for the absence of action.

§3. Typicality.

- Objective type. Relationship of causality and objective imputation.
- Subjective type.
- Type error.

§4. Antijuridicity. Causes of justification.

- Elements of the causes of justification.
- Error in the factual assumptions of a cause of justification.
- Justification and exculpation.
- Effects of the causes of justification.

§5. Culpability.

- Principle of guilt.
- Elements of criminal culpability.
- Culpability and legal consequences of the crime.

§6. Crimes of omission.

§7. Perpetrators and participants.

This subject is fully aligned with the Sustainable Development Goals, mainly related to Goal 4 on gender equality, Goal 16 on Peace, Justice and Strong Institutions.

LEARNING ACTIVITIES AND METHODOLOGY

The training and study activities will be structured as follows:

- Theoretical content will be explained and discussed in online sessions with the teaching team.
- There will be an in-depth debate on some of the points of the syllabus in the course forum.
- The analysis and discussion of practical cases related to some of the general institutions of Criminal Law will be encouraged.
- Students will be encouraged to carry out readings and individual work, with the support of expert teachers in the subject.

The tutorials will be held online on the day and time set by the teachers of the subject. They will focus on resolving doubts about the contents of the subject and on deepening those aspects that the students require and request.

ASSESSMENT SYSTEM

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

REGULAR CALL

- Resolution of a practical case study (individual): 45%.
- Forum participation: 15%.
- Multiple-choice exam (online): 40%.

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

EXTRAORDINARY CALL

- Resolution of a practical case study (individual): 100%.

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.

BASIC BIBLIOGRAPHY

- David Ormerod & Karl Laird Criminal Law, Oxford University Press, Latest edition

- H.L.A. Hart *Punishment and Responsibility: Essays in the Philosophy of Law*, Oxford University Press, Latest edition
- Jonathan Herring *Criminal Law. Text, Cases, and Materials.*, 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