

## SUBJECT TEACHING GUIDE

G464 - Criminal Law: General Part

Degree in Law

Academic year 2019-2020

1. IDENTIFYING DATA					
Degree	Degree in Law			Type and Year	Compulsory. Year 3
Faculty	Faculty of Law				
Discipline	Topic: Criminal Law				
Course unit title and code	G464 - Criminal Law: General Part				
Number of ECTS credits allocated	6	Term	Semester based (1)		
Web					
Language of instruction	Spanish	English Friendly	No	Mode of delivery	Face-to-face

Department	DPTO. DERECHO PUBLICO				
Name of lecturer	PAZ MERCEDES DE LA CUESTA AGUADO				
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Other lecturers	IOANA ANDREEA GRIGORAS				

### 3.1 LEARNING OUTCOMES

- Knowledge of the legal concept of crime and the basis of the criminal liability
- Knowledge of the evolution of the legal concept of crime
- Ability to determine the legal consequences of crime derived from a given case in relation to a crime of murder

#### 4. OBJECTIVES

General objectives:

The subject aims to teach the essential concepts of the legal theory of crime in order to students can be able to cope subsequently analysis of the specific offenses. This will be done by learning the specific and technical language that students must be finally able to understand and use.

Specific objectives

- a) Theoretical knowledge of the dogmatic concept of crime as well as the dogmatic requirements of the criminal liability.
- b) Learning the legal technical vocabulary and its proper use.
- c) Knowledge of the philosophical and legal bases and evaluative requirements of the democratic criminal system
- d) Knowledge of the purposes and reasons of criminal intervention.

Practical activities provide the students:

- a) Ability to apply theoretical knowledge to real situations.
- b) Ability to understand criminal legal texts
- c) Initiation of research.
- d) Handling the most common jurisprudential Databases.
- e) Dexterity in the treatment and writing of legal texts
- f) Improvement of oral expression and argumentation

**6. COURSE ORGANIZATION**

**CONTENTS**

1	<p>Lesson 1th. Concept of the criminal offence. I. Introduction. Function of General theory of crime. III. Method. IV. Evolution. V. Elements of criminal offences. VI. Types of criminal offences.</p> <p>Lesson 2th. The concept of action: function and limits. I. Introduction. Dogmatic evolution of the concept of action. III. Subjects and object of the action. Criminal liability of corporations. Absence of action cases.</p> <p>Lesson 3th. "Tipicity". I. Concept and function. II. Structure. III. Linguistic elements. IV. Types of offences depending on the elements of the crime.</p> <p>Lesson 4th. Causation. Evolution of the causation theories and actual concept of causation. "Teoría de la imputación objetiva". Consent. Administrative authorization as element of crime.</p> <p>Lesson 5th. Crimes of negligence. I. Introduction. II. Structure. III. Types of negligence. IV. Objective responsibility and Preterintencionalidad.</p> <p>Lesson 6th. Omission. I. Dogmatic sense of omission. II. Types.</p> <p>Lesson 7th. Mens rea. I. Dolus: concept, elements and types. II. Knowledge as an element of "Dolus". III. Error facti and error iuris. IV. Other psychological elements.</p>
2	<p>Lesson 8 th. Defenses I (Antijuridicidad). I. General theory of justification. II formal and material unlawfulness (Antijuridicidad). III. Structure of justification causes. IV. Subjective elements of justification. VII. Effects of justification. V. Incomplete and unreal defenses.</p> <p>Lesson 9th. I. Exercise of a right. II. Self-defense.</p> <p>Lesson 10th. Necessity.. I. Concept, basics and legal nature. II. Types. Effects. II. Conditions.</p> <p>Lesson 11th. Criminal Liability and Culpability. I. Concept and dogmatic evolution. II. Function and basics of culpability. III. Structure.</p> <p>Lesson 12th. Defenses II. Mental disorder. III. Intoxication by alcohol or drugs. IV. Minority. VI. Alteration of consciousness of reality. VII. Insanity and security measures. VIII. Actio libera in causa.</p>
3	<p>LESSON 14th. THE PUNIBILITY: Introduction. II.- The objective conditions of punishability: classes and meaning. II.- Personal conditions of exclusion from punishment: A) Systematic location and basis; B) Classes of personal conditions of exclusion from punishment: acquittals and inviolability. III.- The objective conditions of prosecution or procedure and immunities.</p> <p>LESSON 15th. ITER CRIMINIS I. A) The iter criminis: phases. B) The consummation and exhaustion of the crime.</p> <p>II- Punishable preparatory acts: A) General considerations. B.- Conspiracy, proposition and provocation to commit a crime: concept, legal nature and basis of punishment.C) The apology of crime.</p> <p>III.- Executive acts: the attempt A) Distinction between preparatory acts and executive acts. B) Completed and unfinished attempt. C) Elements of the type of attempt: a) Target type; b) Subjective type. D) The voluntary avoidance of the result (the withdrawal and the repentance). E) Impossible crime, unrealistic attempt and putative crime</p> <p>LESSON 16th: Authorship and participation I.- Concept and classes. II.- Authorship: A) Direct authorship; B) Mediated authorship. C) accessory authorship. D) Co-authorship. E) Authorship in special crimes. III) Participation: A) General theory of participation. B) The principles of participation. C) Participation in special crimes. D) The participant's fraud. Related problems IV.- Classes of participation: A) The induction B) The necessary and not necessary participation of arts. 28 b) and 29 of the Criminal Code.</p>

## 7. ASSESSMENT METHODS AND CRITERIA

Description	Type	Final Eval.	Reassessn	%
Test	Written exam	No	No	20,00
Practices	Laboratory evaluation	No	No	20,00
Final exam	Written exam	Yes	Yes	60,00
<b>TOTAL</b>				<b>100,00</b>
<b>Observations</b>				
<p>The criteria for assessing practices are:</p> <ul style="list-style-type: none"> <li>- Level of knowledge acquired to show with class participation</li> <li>- Class attendance</li> <li>- Acquired skills (especially verbal or written expression, reasoning ability, ability to solve problems, ability to apply theoretical knowledge to practical problems, research skills)</li> <li>- Responsibility for one's work (presentation in a timely manner, external appearance of the presented work, effort made)</li> </ul> <p>According to the rules of the UC, fraudulent conduct testing or evaluation activities directly involve the failing grade '0' in the subject</p>				
<b>Observations for part-time students</b>				
<p>Students who meet the requirements for the UC under the scheme for part-time dedication may undergo a process of single assessment will consist of a final exam consisting of oral and written part and covering the entire program and will serve to prove the acquisition of skills and theoretical and worked throughout the course practical skills. The practical exam will consist of drafting a written report with the resolution of a case study raised and oral defense thereof. In order to attend the final exam is essential attendance to practical classes 50%.</p>				

## 8. BIBLIOGRAPHY AND TEACHING MATERIALS

<b>BASIC</b>
Gonzalo QUINTERO OLIVARES y otros, Esquemas de teoría jurídica del delito y de la pena, Ed. Tirant lo Blanch, Valencia, Última edición.
Paz M. DE LA CUESTA AGUADO, Tipicidad e imputación objetiva, Ed. Tirant lo Blanch, Valencia, 1996.
Código penal actualizado