

## SUBJECT TEACHING GUIDE

### G464 - Criminal Law: General Part

#### Double Degree in Law and Administration and Business Management Degree in Law

Academic year 2020-2021

1. IDENTIFYING DATA					
Degree	Double Degree in Law and Administration and Business Management			Type and Year	Compulsory. Year 3 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	ANA GUTIERREZ CASTAÑEDA 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 CRIMINAL OFFENCE. I. Introduction. II. Function of General Theory of crime. III. Method. IV. Evolution. V. Elements of criminal offences. VI. Types of criminal offences.</p> <p>Lesson 2th. ACTUS REUS . I. Introduction. II. Dogmatic evolution of the concept of act (actus reus). III. Subjects and object of the action. Corporate liability.</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. V. Crimes of danger.</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.</p> <p>Lesson 6th. Omission. I. Dogmatic concept 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). 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. Excuses and incomplete defenses.</p> <p>Lesson 9th. DEFENSES (II). I. Exercise of a right. II. Self-defense.</p> <p>Lesson 10th. DEFENSES (III). Liability and Culpability. I. Concept and dogmatic evolution. II. Function and basics of culpability. III. Structure.</p> <p>Lesson 11th. DEFENSES (III). I. Mental disorder and diminished responsibility. II. Intoxication by alcohol or drugs. III. Minority. IV. Alteration of consciousness of reality. V. Insanity and security measures. VI. Actio libera in causa.</p> <p>Lesson 12th. IGNORANCE OF LAW. I. Ignorance of law. II. Mistake of law.</p> <p>Lesson 13th. DEFENSES (IV). I. Non-enforceability of other conduct: concept. II. Necessity. 1.- Concept; 2.- Types. 3.-Effects. 4.-. Requirements. III. Insuperable fear. 1.- Concept; 2.- Requirements.</p>
3	<p>LESSON 14th. THE PUNIBILITY: Introduction. II.- The objective conditions of punibility. II.- Personal conditions of exclusion from punishment: A) Systematic questions; B) Exceptions and inviolability. III.- The objective conditions of prosecution or procedure and immunities.</p> <p>LESSON 15th. ITER CRIMINIS I. A) The iter criminis B) The consummation and exhaustion of the crime.</p> <p>II- Punishable preparatory acts: 1.- General considerations. 2.- Conspiracy, proposition and provocation to commit a crime. 3.- 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.</p>

## 7. ASSESSMENT METHODS AND CRITERIA

Description	Type	Final Eval.	Reassessn	%
Test	Written exam	No	Yes	35,00
Case	Laboratory evaluation	No	No	20,00
Final exam	Written exam	Yes	Yes	35,00
Practices	Laboratory evaluation	No	No	10,00
<b>TOTAL</b>				<b>100,00</b>

### Observations

The criteria for assessing practices are:

- Level of knowledge acquired to show with class participation
- Class attendance
- Acquired skills (especially verbal or written expression, reasoning ability, ability to solve problems, ability to apply theoretical knowledge to practical problems, research skills)
- Responsibility for one's work (presentation in a timely manner, external appearance of the presented work, effort made)

According to the rules of the UC, fraudulent conduct testing or evaluation activities directly involve the failing grade '0' in the subject

In the event that face-to-face academic activities have to be suspended due to unforeseen circumstances derived from COVID-19, the teaching and evaluation regime will be as follows:

A) TEACHING. Teaching and tutoring will be taught through telematic media and materials will be provided .

B) EVALUATION. The exams will be tests with a penalty coefficient of 0.25 for each question incorrectly answered. These tests will be carried out through the MOODLE platform on the same scheduled dates and on the same subject and identical evaluation criteria and grades as for the face-to-face evaluation. The response time per question will be limited and there will be no possibility to go back on them.

The practical case will be posted in the Virtual Classroom and delivered by telematic media on the date of the final exam .

The evaluation criteria will be identical to those of the face-to-face evaluation. This test will have a weight of 30% on the final grade and must be obtained so that a minimum grade of 1.2 out of 3 (equivalent to 4 out of 10) is added to the final evaluation.

### Observations for part-time students

Students who meet the requirements for the UC under the scheme for part-time dedication will undergo 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.

Exceptionally, those who are forced to enroll on a part-time basis for not complying with the permanency regulations, may request to be evaluated according to the system established for students on a full-time basis before taking the partial exam.

## 8. BIBLIOGRAPHY AND TEACHING MATERIALS

### BASIC

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

