# Law of Business Crime

## Prof. Francesco D’Alessandro

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course aims to provide students with the key concepts that are necessary to understand the different aspects characterising corporate criminal law, as well as the regulatory impact of criminal law on economics, with a focus on the main offences identified by the Italian system.

At the end of the course, students will be able to:

1. distinguish the different elements that constitute criminal offence;
2. analyse criminal proceedings, especially the ones regulated by corporate criminal law, using the appropriate classifications of crimes;
3. understand the rules of evidence and the judging rules through which criminal offence investigation is carried out;
4. recognise the effects of corporate criminal law on the organisational aspects of institutions, as well as on their responsibility;
5. analyse and critically evaluate the solutions offered by criminal law against the problems highlighted during the course;
6. use a proper legal jargon, which is fundamental to discuss the topics analysed by corporate criminal law;
7. carry out an appropriate analysis of practical issues based on the possible risks of corporate criminal offences.

***COURSE CONTENT***

The frequent remedy of criminal sanctions in the economic field as well as the complexity of the rules within this particular area of law call for a preliminary study of which are the main issues involved in white-collar crime followed by a detailed analysis of the specific criminal offences.

Therefore, after an initial overview of the key facets of the theory of crime and criminal conduct (including a reference to the so-called 'civil-criminal' wrongdoings), the first part of the course is meant to illustrate the main legislative techniques in fighting business crime, the problems related to the debate about who within the corporate context should be held criminally liable, the case law on the delegation of functions and responsibilities, the criteria governing the ascription of criminal liability to the board of directors, etc. and the realm of corporate crime as set forth by the Legislative Decree No. 231/2001.

The second part of the course will then focus on the most important corporate, bankruptcy and tax crimes. Moreover, special attention will be lastly given to the examination of insider trading and market manipulation.

***READING LIST***

A. Alessandri-S. Seminara, *Diritto penale commerciale, Vol. 1. I principi generali*, Giappichelli, 2018.

S. Seminara, *Diritto penale commerciale, Vol. 2. I reati societari*, Giappichelli, 2021, 2nd edition.

S. Seminara, *Diritto penale commerciale, Vol. 3. Il diritto penale del mercato mobiliare*, Giappichelli, 2018.

A. Alessandri, *Diritto penale commerciale. Vol. 4. I reati fallimentari*, Giappichelli, 2019.

Further supporting material will be made available on Blackboard platform.

***TEACHING METHOD***

Classroom lectures, expert testimonies; case studies, lectures focused on the solution of interpretative problems of criminal law that regulate economic activities.

***ASSESSMENT METHOD AND CRITERIA***

For students *attending courses*:

Written assessment, after the first half of the couse, followed by an oral assessment, after the second half of the course: the former (focused on the first part of the programme, with open-ended and multiple choice questions aimed at testing the students’ learning outcomes mentioned above) will take place during the week dedicated to intermediate tests, according to the calendar available on Blackboard; the latter (focused on the second part of the programme), instead, will take place during the winter session, between January and February, according to the academic calendar. Each assessment is 50% of the final mark.

For students *not attending courses*:

Oral assessment, during one of the official sessions established by the academic calendar.

Students will be tested on their knowledge of the legal categories of criminal law and economics; the final mark will also consider the following criteria: appropriate use of legal jargon; argument skills; the ability to create links between different topics and to correctly integrate the concepts coming from business criminal law with the general categories of criminal law.

***NOTES AND PREREQUISITES***

Attendance is strongly recommended.

Students attending lectures may sit the exam based on the lecture notes plus additional reading material, if any, suggested during the course and the additional material that will be made available on Blackboard.

Students not attending lectures must sit the exam based on the reading list above and will be required to also know the basic principles of criminal law which are essential to understand the those textbooks: a) civil-criminal offences and wrongdoings, b) main and accessory punishments, c) intention, negligence and strict liability, d) attempted offences, e) circumstances of the offence, f) complicity in the crime. To this end, it is suggested the reading of the text: G. Marinucci-E. Dolcini-G.L. Gatta, *Manuale di diritto penale. Parte generale*, Giuffrè, 2021, 10th ed.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.