# Law of Business Crime (Degree in Business Management and Consulting)

## Prof. Arianna Visconti; Prof. Alain Maria Dell'Osso

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

The course aims to provide the knowledge necessary to fully understand the regulatory impact of commercial criminal law; it also seeks to provide the necessary knowledge of the basics of criminal law as well as the tools to comprehensively analyse, within the framework of the various forms of commercial crime, the main criminal offences governed by current Italian regulation.

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

1. distinguish the different elements that constitute a 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 first part of the course, which will revise the constitutional principles of reference, will focus on the basics of criminal law and on the analysis of the crime structure, with particular attention to the issues of causality, guilt, improper omission and co-conspiracy in crime. The various methods of protection used by the legislator in the repression of economic crime and the questions raised by the identification of criminally responsible persons within complex organisations will be examined; in particular, the jurisprudential and regulatory evolution of function delegation and the criteria for attributing responsibility to collegial bodies. The course will then analyse regulation on criminal liability of institutions as provided for in Legislative Decree no. 231/2001, also in the light of the most recent application practices.

In the second part of the course, attention will be focused on the most significant corporate, bankruptcy and tax offences, as well as criminal regulation of financial markets.

***READING LIST***

For the general basics of criminal law, in particular: a) criminal and administrative crimes and offenses; b) major penalties and ancillary penalties; c) fraud, guilt and objective liability; d) attempt; e) criminal circumstances; f) criminal co-conspiracy and accessory crimes, students can refer (just those pages covering the aforementioned basics) to:

G. Marinucci-E. Dolcini, *Manuale di diritto penale. Parte generale,* Giuffrè, 2022, 11th edn.

Students may also study the general section in the lecture notes.

For the basics from the special section, the reference texts are:

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 edn. (pp. 1-70 and 109-206).

S. Seminara, *Diritto penale commerciale, Vol. 3. Il diritto penale del mercato mobiliare*, Giappichelli, 2022, 2nd edn. (pp. 1-22 and 59-136).

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

Students are invited to check the bibliographical references in Blackboard just before the beginning of the course: due to frequent changes in legislation, it is possible that updated readings will be suggested.

*Case studies and slides* will be published in the Blackboard area reserved for students enrolled in the course.

***TEACHING METHOD***

This blended course includes face-to-face activities (50%) and distance activities (50%). Distance activities include video lectures (asynchronous), practical webinars and live feedback (conducted synchronously via web conference).

Face-to-face lectures will be devoted to the examination of more general topics. The video lectures will go into the specifics of individual topics, and will prove very useful to students as a means of re-listening to lectures in preparation for the exams. The (synchronous) webinars will involve the discussion of leading jurisprudential cases. Participation in these practical webinars will require students to read the reference judgments.

Appropriate feedback webinars will allow students to clarify any doubts they have encountered during the lectures.

The syllabus containing the detailed course content will be communicated on Blackboard.

***ASSESSMENT METHOD AND CRITERIA***

A. Ongoing assessment

For students who opt for the ongoing assessment:

– 50% of the final mark is given by two different tests taking place during the course: one on site (30%), and the other on remote device (20%); these tests will be focused on open-ended and multiple choice questions, depending on the contents and the duration (further information will be made available on Blackboard for enrolled students);

– 50% of the assessment will be based on a final oral test. The final test may only be taken following a positive assessment of the tests assigned during the course. In order to pass the exam, the final test (to be taken on only one of the 3 exam dates following the end of the course) must be passed.

B. Single summative assessment

Students who opt for a single assessment during the exam session will take an oral exam covering the entire course content.

***NOTES AND PREREQUISITES***

The course content will be supplemented with case studies. To this end, attendance is *strongly* recommended, as constant reference will be made to the most recent case law.

*Office hours*

Prof. Arianna Visconti: by appointment (arianna.visconti@unicatt.it), Microsoft Teams or Room 329 Gregorianum Building.

Prof. Alain Dell’Osso: by appointment (alain.dellosso@unicatt.it), Microsoft Teams or Room 401 Gregorianum Building.