# Institutions of Criminal Law

## Prof. Luciano Eusebi

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

The Institutions of Criminal Law course intends to help students acquire the fundamental institutions and principles respective of civil rights that characterise the criminal law system, as well as the related penalty system. The above is based on the premise that there is a critical approach to the topic of crime prevention and to the conceptions of “doing justice”. Furthermore, in this context basic concepts related to some particularly significant offences will be presented.

At the end of the course, students will have acquired a solid ability to autonomously interpret criminal law, that they may apply in different areas of their future professional activities, jointly with a comprehensive critical approach towards criminal policy strategies.

Given the above, by taking the course students may acquire the elements they require in order to adopt mature and well-argued positions in the social debate on the subject of justice.

***COURSE CONTENT***

The course offers a preliminary in-depth focus on the relationship between criminology, criminal policy and the criminal justice system. Subsequently, based on the above, the course tackles issues concerning primary prevention, as well as general and special crime prevention, in relation to the theory of punishment: thereby succeeding in giving an accurate presentation of the penalty system related to criminal justice and prospects for its reform (principal and ancillary penalties; penalty jurisdiction of the Justice of Peace; security measures; suspended sentence; probation; alternative sentencing; fundamentals of the prison system; alternative measures; ristorative justice programmes; criminal liability of legal entities; relationship with administrative offences).

The second part of the course illustrates the classic topics of what is known as the general part of the criminal law: interest theory of rights protected by the law, the harm principle, the principle of legality (also related to the so-called ”living” case law), repeal and succession of criminal law, murders and fines; criminal damage and dangerous offences; elements of crime theory; typical objective offence (conduct characteristics; crimes of conduct and of result; active crimes and crimes of omission; typical subjective offence and culpability as a dogmatic category (intentional and negligent crime, error of law and of fact, imputability, knowability of the ban, enforceability); causes of justification; forms of manifestation of the crime (attempt, wilful neglect offence, aiding and abetting, concurrent offences; aggravating and mitigating circumstances).

A third part of the course covers the explanation of some specific types of crime, so as to verify the general acquired knowledge thereon (corruption, undue induction and extortion in public office, usury, money laudering, false accounting; bankruptcy fraud; issues related to Biolaw).

***READING LIST***

L. Eusebi, *Diritto penale per la laurea triennale in Servizi giuridici*, course lecture notes that will be made available on [https://blackboard.unicatt.it/](about:blank), that can be freely downloaded by students.

Students are requested to acquire knowledge of the fundamental content of the regulations mentioned in the course lecture notes.

***TEACHING METHOD***

Lectures in the classroom (or streamed remote lessons, in case of exceptional needs).

***ASSESSMENT METHOD AND CRITERIA***

Students will be assessed with an oral exam, given that this is the best instrument to verify their acquisition not only of concepts, but also of argumentative and critical thinking skills in the management of legal concepts within the scope of the area of study.

The oral exam itself will focus on discussing various significant course topics, so that students may prove that they have an adequate knowledge of the disciplines related to different areas of the criminal law system, as well as the ability to manage, in a sufficiency autonomous manner, the rules and fundamental principles of the legal framework of criminal law regarding said disciplines.

The lecturer will make sure that the exam will enable students to present their answers at their own speed, through a dialogue that is appropriate in order to understand to what extent students have grasped the subject matter overall.

Hence, the final mark will depend both on the proficiency shown by students in reconstructing the regulatory framework covered by the course, and on the ability that they have demonstrated in identifying and discussing the fundamental issues tackled during the course.

Special attention will be paid to detect and highlight critical thinking skills and the interdisciplinary vision shown by students during the test.

***NOTES AND PREREQUISITES***

There are no knowledge prerequisites in order for students to study course material, apart from the knowledge of Constitutional Law.

Students are strongly advised to attend lessons. Any non-attending students may in any case benefit, in order to prepare for the exam, by getting promtly in touch with the lecturer or his assistants during office hours.

Should there be the exceptional need to carry out remote teaching, the contact with students will be guaranteed, in case of need, electronically, by email or by telephone.

Any information that students may need to receive during the academic year will be provided through the above-mentioned “Blackboard” platform, on which students may also possibly find useful material on topics covered by the course programme.

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.