# 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 not only the various aspects characterising business crime, but also the regulative impact of criminal law on economics; in this way, students will be able to easily identify the different economic crimes defined in the Italian criminal law.

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

1. recognise the effects of business criminal law on the configuration of complex organisational structures, such as trade companies;
2. communicate using a proper juridical jargon, which is fundamental to address and discuss open questions in the field of business criminal law;
3. assess the functioning of complex organisational structures in terms of management and control tasks, with a focus on the possible criminal liability profiles linked to those tasks;
4. make a proper analysis of criminal proceedings in the field of business crime law, using the appropriate juridical categories of the general part of criminal law;
5. identify the intersections between the different levels of sanction (imposed either to a natural person or a collective body) that are defined by current legislation;
6. adopt a critical independent approach towards the solutions offered by jurisdiction and criminal law to the problems analysed in class;
7. analyse with a personal approach the practical issues that are related to the concept of penal risk in carrying out business activities.
8. demonstrate operational knowledge such as to allow the communication of the knowledge learned to specialist and non-specialist interlocutors.

***COURSE CONTENT***

After an indispensable overview of the basic principles of criminal law, the most important types of business offences under current Italian law will be examined. Particular attention will be paid at the outset to identifying the actual perpetrators of business crimes within complex organisations and the administrative liability of companies and other collective entities for such offences. The central part of the course will focus on the main crimes committed in the corporate and financial spheres, including administrative (or quasi-criminal) offences. The final part of the course will highlight the most important offences in banking, tax law and business crisis law.

***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, 2nd edition, 2022.

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

Further material will be made available on Blackboard.

***TEACHING METHOD***

Lectures, with a demonstration of the pressing need for checking the specific regulatory texts included in the course and the relevant caselaw. Testimonials from experts; lessons dedicated to the solution of practical-application problems related to the interpretation of the incriminating criminal laws that govern the proper conduct of economic activities.

***ASSESSMENT METHOD AND CRITERIA***

Scheduled oral examinations. The assessment of student proficiency will be done through the examination of knowledge of the legal categories in the context of business criminal law; students will also be tested on the relevance of answers and their ability to use an appropriate jargon, clearly structure the discouse, create links between different concepts, and properly integrate the notions of law of business crime with the appropriate general categories of criminal law.

***NOTES AND PREREQUISITES***

Attendance is highly recommended. Students attending lectures may sit the examination based on lecture notes plus any additional reading material suggested during the course and the additional material that will be made available on Blackboard.

Students not attending lectures will sit the examination based on textbooks mentioned above (an optional textbook instead of the ones indicated in the Student Guide for the specific year, including those who have attended in previous academic years).

Students are required to know Criminal law basic knowledge: in relation to the general institutes of the subject matter (constitutional principles, crimes and administrative wrongdoing, tripartition of a crime, attempted offences, multiple rules, concurrent offences, dual track system, main and accessory punishments, and security measures) since this a specialist topic, the study of the following textbook is recommended: M. Romano, Commentario sistematico del codice penale, Vol. I, Giuffrè, Milan, 2004, Vol. I, 3rd ed. (with 2006 Addenda), or as an alternative, G. Marinucci-E. Dolcini-G.L. Gatta, *Manuale di diritto penale. Parte generale*, Giuffrè, 2022, 11ª 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.