**Criminal Law and Juvenile Criminal Law**

## Prof. Claudia Mazzucato

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

*Course aims*

The course will provide students with a critical and problematizing view of the current criminal justice system and the challenges that a democratic State has to face in attempting to prevent and respond to criminality. The course emphasizes a continuous attention to the fundamental questions, old and new, which are raised by the act of committing a criminal offence and by its prevention and control. The choice of the course content is guided by the aim to offer students in social services knowledge and in-depth tools regarding topics of great professional interest. Students will be introduced to the fundamental principles and main concepts of Italian criminal law, juvenile law, prison law, and to Italy’s criminal sanctions, sentencing and corrections systems. The course adopts an interdisciplinary approach that focuses on the contribution from empirical and social sciences to criminal law and criminal justice. The legal perspective will be combined with criminal policy, criminology, and social work in order to offer students a better understanding of the complex and difficult path democratic societies have to accomplish in the attempt to control criminality without betraying their own values and principles of civilization.

*Intended learning outcomes*

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

– know the overall framework of the sanctioning system in force, the juvenile system and the provisions of the penitentiary system and other laws relevant to the social service in the light of constitutional principles;

– navigate confidently between legal institutions and existing measures and know how to provide appropriate regulatory references;

– know the duties of social services in the penal and penitentiary field as foreseen by the law and how to carry out the necessary interdisciplinary connections to methods and procedures of the social services;

– find and consult updated regulatory sources;

– describe and comment on the main topics of criminal and juvenile law with appropriate technical (legal and social) language;

– present and propose essential critical reflections on the subject of criminal policy and prospects for the reform of the sanctioning system;

***COURSE CONTENT***

*Criminal law, criminal policy and democracy: an overview*

– The problem of punishment. Theories of punishment. Deterrence, prevention, correction, rehabilitation. New approaches in responding to crime. Democracy and crime control.

– The balance between freedom, liberty and security: punitive criminal policies, and “democratically inspired” criminal policies.

* Criminal justice reform. ­
* Restorative justice. Responsive regulation.

Civil rights, criminal law and democracy

– Separation of powers. The role and tasks of the judiciary and of social services in criminal justice.

– Constitutional safeguards and fundamental principles of criminal law and criminal procedure.

– Basic concepts of criminal law and of theory of crime.

“Old” and “new” in Italy’s criminal justice system

– The system of punishments and security measures (“misure di sicurezza”) in the Italian Criminal Code.

– Non-custodial measures. Substitutive sanctions. Alternatives to imprisonment. Parole. Probation for adult offenders. Community sanctions. Community service. Diversion. Reparation.

* Prison law. Prison regimes. Treatment of offenders, rehabilitation, corrections. The role and the tasks of social workers in custodial and non-custodial measures and sanctions.
* Non-punitive and prevention-oriented penal sub-systems: restorative justice in criminal matters; juvenile justice; justice of the peace; corporate criminal liability.

– Decriminalisation policies.

*Criminal law and bioethics*

* Abortion.
* Medically assisted human reproduction.
* End of life: bio-juridical issues (overview).

***READING LIST***

Study material and reading list references will be made available to students on *Blackboard*. Access and consultation of *Blackboard* are therefore essential and mandatory for all students. Students are required to refer to updated legal sources (penal code, code of criminal procedure, supplementary laws). The exam is cannot be passed if the study is limited to course slides and student’s notes.

*Course attendance*

Regular attendance is strongly advised, due to the wide range and variety of topics addressed in the course. Constant reference to and reliance on online teaching materials and lecture notes is essential for study purposes and exam preparation.

***TEACHING METHOD***

Lecture-style presentations and interactive lectures, active participations. When possible, students will be invited to attend guest lectures, conferences, and seminars with experts and testimonies.

***ASSESSMENT METHOD AND CRITERIA***

The exam is oral and it aims to assess students’ achievement of the expected learning outcomes (see above) with particular reference to acquiring course concepts and to *critical* understanding of the issues presented. During the oral exam, students will be tested on their knowledge of key concepts, on their proficiency in comprehension and autonomous analysis of the main legal concepts, and on their confident ability to refer to legal sources. Critical awareness of the issues at stake, mastery in appropriately referring to the fundamental principles and constitutional safeguards, and to establish interdisciplinary connections, together with the acquisition of the specialized terminology, play a major part in the final assessment and in the grading scale. Mere knowledge of the topics without a critical understanding of the main issues and of professional implications relevant for social services, will not be considered sufficient to pass the exam. Only partial and/or superficial knowledge of the topics will also be considered insufficient.

***NOTES AND PREREQUISITES***

*Prerequisites*

There are no prerequisites for the legal content of the introductory and general parts of the course. However, students are expected to have the skill to carry out interdisciplinary connections between methodological and vocational subjects of social services, studied over the three-year period.

International exchange students and Erasmus students who wish to enrol in this course must be fully fluent in both written and spoken Italian especially with respect to the legal terminology. They must be able to understand, comment and discuss orally complex legal texts in Italian.

*Office hours*

Office hours take place in the Department of Legal Sciences / Dipartimento di Scienze giuridiche (Gregorianum, 4th floor, room 414), upon appointment, according to the timetable displayed on the lecturer's webpage of the university web site, in *Blackboard*, and on the Faculty notice board.