UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Diritto Penale Minorile

1819-5-A5810062

Learning objectives

Knowledge and understanding

- Acquisition of national and supranational principles and rules, criminal policy directives and basic criminal law criminal law.

Applying knowledge and understanding

- Ability to take decisions concerning the protection and criminal liability of the child, in accordance with the standard of best interest of the child.

Contents

The study of juvenile criminal law is characterized by an interdisciplinary method, which is fundamental to get to know and verify the dogmatic category, not only of criminal law but also of criminal process. Criminology, Psychology and Psychiatry, but also Sociology, help in the reconstruction of a juvenile justice system, in which young people are considered as persons in need of protection. Since Italian system does not have a juvenile penal code, the task of the present course is to illustrate the outlines of a juvenile justice system in the perspective of the Constitution and of international conventions, starting from the rules of general penal code and the rules of procedure regarding juvenile crime.

Detailed program

Part I: The person of the child 1. The minor in international conventions: rights and protection of the child. 2. The minor in the Italian Constitution: fundamental rights and protection. 3. The crime victim child. Part II: The minor in criminal justice system 1. Criminal policy in the juvenile justice system. 2. The minor offender: a) the problem of attribution and verification. b) Juvenile crime: politicocriminal, socio-psychological, empirical-statistical considerations. 3. Normative responses to child distress and to minors' delinquency: the Juvenile Court, the Rocco penal Code. 4. Introduction to the reform of juvenile criminal trials of 1988: modern criminal politics. Part III: The juvenile criminal trial Procedure principles, judicial bodies, trial subjects, juvenile services. Pre-cautionary and cautionary measures. The steps of the procedure: the centrality of the preliminary hearing. Part IV: The system of criminal sanctions for minors The problem of imprisonment and the "alternative" to prison in the proceeding (condanna in udienza preliminare; sospensione del processo e messa alla prova) or at its closure (sanzioni sostitutive, misure di sicurezza per i minori; perdono giudiziale e sospensione condizionale della pena). Penitentiary system and execution of the detention; alternatives to detention and other penitentiary measures. Part V: Administrative measures of education Part VI: Reform of the juvenile justice system.

Prerequisites

It's advisable to have already passed the Criminal Law and Criminal Procedure Examination.

Teaching methods

Frontal lectures and analysis of cases

Assessment methods

Oral exam

Textbooks and Reading Materials

ATTENDING STUDENTS: AA.VV., Procedura penale minorile, a cura di M. Bargis, G. Giappichelli Editore, Torino, last edition.

NON ATTENDING STUDENTS: Pennisi (a cura di), La giustizia penale minorile, Giuffré Milano, last edition, and one chosen from the following books: - Munforte, Bertolè, Tartaglione, Educare al futuro. Esperienze e strumenti di contatto con l'eccesso adolescenziale, Franco Angeli, Milano, 2013 - Bertolino, Il minore vittima di reato, Giappichelli, last edition