



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto Penale

2021-2-E1401A008

Learning objectives

This course provides a basic understanding of principles of Italian criminal law, both in the light of the penal Code doctrinal developments and case law. The last part of the course will be devoted to the main types of crime against the person.

Contents

Detailed program

I. Problems and principles of criminal law.

1) The problem of legitimacy and functions of criminal law. Retributive and prevention conceptions of the sentence.

II. The Criminal Law.

1) The source of criminal law, prohibition of analogy, the principle of accuracy.

2) The interpretation of the criminal law.

III. The offense.

1) The fact of crime. General outline and main types: the action and the mode of action, events, causation, harm and danger; permanent crime, crimes of omission.

2) Defenses. General outline.

3) The culpability: intent, fault, mistake, accountability.

4) The exemption from punishment.

5) Attempt and accomplice.

6) Circumstances

IV. The penalty system.

1) The sentencing criteria.

2) Prison sentence and non-custodial sentences.

V. When and which law is applied

1) The criminal law in space.

2) The criminal law in time.

3) The personal immunities.

VI. Crimes.

1) The structure of the system.

2) Main crimes against person

Prerequisites

No one

Teaching methods

Description of rules and principles and their ratio; case by law approach, aiming to verify comprehension and problem solving capacities.

Due to the health emergency, this year the lessons will be held at a distance in mixed mode:

- Tuesday (14:30-16:30) in synchronous "live" mode in WebEx webconf. The lesson will be video-recorded and made available in asynchronous mode on the e-learning page of the teaching;

- Wednesday and Thursday in asynchronous mode. The video recording of the lesson will be available from the morning of the lesson day.

The lessons will remain available on the teaching e-learning page for the duration of the academic year.

Assessment methods

The exam is oral and will take place remotely on the WebEx platform.

Attending students will be examined on the topics discussed in class.

Students who are not attending will be questioned on the above mentioned examination program.

For organizational reasons and to facilitate the management of the exams, registration will end five days before the closing of the exam. Students are invited to cancel their registration in case they decide not to attend the roll call.

In addition to registering for the exam through online secretariats - as usual - you should also register for the e-learning platform 2020/21, even if you are enrolled on platforms from previous years and have not yet taken the exam or have never been enrolled on any platform.

Failure to register through online secretariats and on the e-learning platform 2020/2021 prevents the exam from taking place.

Out of course students can contact esamigiuris@unimib.it for any doubts.

Textbooks and Reading Materials

Students who have chosen to follow the lessons will prepare the exam on the lesson notes and slides, as well as on additional in-depth teaching materials, which will be uploaded to the teaching e-learning platform.

Students who could not follow the lessons and were not in a position to study the material provided, can prepare the exam on the following texts:

- D. PULITANO', *Diritto penale, Parte generale*, Giappichelli, Torino, last edition or, alternatively, MARINUCCI-DOLCINI-GATTA, *Manuale di diritto penale. Parte Generale*, Giuffrè, Milan, last edition.
- D. PULITANO', *Diritto penale. Parte speciale*. Part, Vol. I, Tutela della persona, Giappichelli, Turin, last edition, only the following parts: Introduction and chapters from 1 to 7 of Part I (Tutela della vita e dell'integrità fisica).

Direct consultation of the updated edition of the Penal Code is indispensable.

At the time of the examination, the student must declare on which texts the study has been carried out.
