UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Penitentiary Law

2122-4-A5810191

Learning objectives

Help the student to develop a "negative capability ' (intended as the ability to work under uncertainties) and the ability to contextualize (which means to correctly order judicial measures and individual rights); these two tecniques are indispensable to all legal operators.

Sustainable Development Goals: n. 11 (sustainable cities and communities), n. 16 (peace, justice and strong institutions)

Contents

The course concerns the study of the law which disciplines the enforcement of prison sentence and security measures, respecting the penalty educational objective (legge penitenziaria n. 354/1975 and related rules).

Detailed program

Constitutional principals, international laws and agreements concerning constrictions and privation of freedom.

Rehabilitative effect of the punishment and humanization of living inside the prisons. The judiciary organs concerning the executions of measures: the surveillance judge and court. The penitentiary administration.
The penitentiary treatment: the rights of the detained person; tools for ordinary management of prisons, disciplinary procedures, the solutions to the problem of prison security.

The rehabilitation treatment: tools of the intramural treatment; alternatives measures to detention, remission of the debt.
The different treatment of those sentenced for crimes of organized crime. The penal court: surveillance procedure.

The procedures for claims.

Prerequisites

No specific prerequisites are required: just basic knowledge of the law and of the criminal procedure

Teaching methods

In order to reach the educational goals one must study the subject through the 'living law system' (examination of cases and jurisprudence).

Assessment methods

Type of exam for all students:

Oral exam.

Type of exam for attending students only:

Oral exam.

Textbooks and Reading Materials

Reference texts for attending students only

1. Lecture notes

2. S. BUZZELLI - M. VERDONE (a cura di), Salvati con nome. Carcere e rieducazione nonviolenta: il modello dell'isola di Gorgona, Giappichelli, 2018

o

2. M. BORTOLATO - E. VIGNA, Vendetta pubblica. Il carcere in Italia, Laterza, 2020

The attendance of the course will give the interested students the opportunity to visit some prisons.

Reference texts for non-attending students

1. F. DELLA CASA - G. GIOSTRA, Manuale di diritto penitenziario, Giappichelli, 2021

2. S. BUZZELLI - M. VERDONE (a cura di), Salvati con nome. Carcere e rieducazione nonviolenta: il modello dell'isola di Gorgona, Giappichelli, 2018

or

2. M. BORTOLATO - E. VIGNA, Vendetta pubblica. Il carcere in Italia, Laterza, 2020

Other Information

It is strongly suggested a constant consultation of updated laws with particular attention to l. n.° 354/75 and d.p.r. n.° 230/2000.