UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Criminal Law

2223-2-E1401A008

Learning objectives

The course provides a basic knowledge of the principles, institutions and dogmatic categories of Italian criminal law in the light of developments in doctrine and case law
It promotes the students mastering of the penal code, the ability to reason and argue on legal issues and to use penal language appropriately.

Contents

The problem of the legitimacy and functions of criminal law.
Criminal law
The offence
Defenses.
The culpability
Forms of manifestation of the offence
Offence and punishability
Civil liability for offences
Administrative liability of entities for offences (brief description)
Scope of application of criminal law

Detailed program

The problem of the legitimacy and functions of criminal law.

Criminal law

1. The principle of legality: the source of criminal law; prohibition of analogy; principle of determinateness
2. The interpretation of criminal law
3. Object and limits of criminal protection
4. Criminal law and supranational constraints

The offence

1. The fact of crime and its constituent elements.
2. Crimes of danger
3. Crimes of omission

Defenses.

1. General discipline
2. Individual offences.

The culpability

1. Theory of culpability and criteria of subjective imputation of the crime
2. Imputability
3. Intent, fault, premeditation
4. Mistake on the fact
5. Mistake on the unlawfulness of the fact
6. objective liability

Forms of manifestation of the offence

1. Circumstantial offence
2. Attempted crime
3. Concurrence of persons in the offence
4. Unity and plurality of offences

Offence and punishability

1. The consequences of the offence
2. Non-punishability
3. Special penalty systems

Civil liability for offences

Administrative liability of entities for offences (brief description)

Scope of application of criminal law

1. Criminal law in time
2. Criminal law in space

Prerequisites

Private Law Institutions and Constitutional Law, as well as Knowledge of a Foreign Language are prerequisites for the teaching of Criminal Law (Academic Regulations - Academic Year 2022-2023).

Teaching methods

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

Assessment methods

Partial written exam (optional) for the mid-term check of preparation on the topics covered in class. The exam topics will be communicated in the course of the year. The exam consists of a mixed test with multiple-choice questions and an open question.

Final oral exam to check preparation on the exam programme as well as communication and self-reflection skills.

The following in particular will be assessed: the ability to relate the arguments in a manner appropriate to the specificities of the subject and according to correct logical-systematic canons, the ability to link the various criminal law institutions, exegetical correctness, argumentative skills, technical-expressive ability.

Textbooks and Reading Materials

Students prepare the exam on one of the following textbooks:

- PULITANO', *Diritto penale*, Giappichelli, Torino, 2021
- MARINUCCI-DOLCINI-GATTA, *Manuale di diritto penale. Parte Generale*, Giuffré, Milano, 2022
- CADOPPI-VENEZIANI, *Elementi di diritto penale. Parte generale*, Cedam-Wolters Kluwer, Milano, 2021

as well as on the in-depth teaching materials, which will be uploaded to the teaching e-learning platform.

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

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS