



UNIVERSITÀ  
DEGLI STUDI DI MILANO-BICOCCA

## SYLLABUS DEL CORSO

### Diritto Penale

2324-2-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  
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

#### 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 and final check of preparation. The exam covers the topics discussed in the lectures and those left to the student's self-study. The detailed list of the exam topics will be communicated during the year. Each test consists of multiple-choice questions. The student, who wishes to make use of this examination mode, must take both partial exams.

**Final oral exam** (compulsory) 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.

Students, who have passed both partial exams, will be questioned on the topics that were not covered in the written tests. The final grade is the arithmetic average of the grades in the two written tests and the oral test.

## Textbooks and Reading Materials

Students prepare the exam on one of the following textbooks:

- PULITANO', *Diritto penale*, Giappichelli, Torino, last edition
- MARINUCCI-DOLCINI-GATTA, *Manuale di diritto penale. Parte Generale*, Giuffr , Milano, last edition
- BARTOLI, *Diritto penale. Elementi di parte generale*, Giappichelli, Torino, last edition

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

---