UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Criminal Policy

2425-5-A5810252

Learning objectives

The course offers an in-depth knowledge of the culture, legislation and dogmatic categories of the penal and administrative system of prevention and punishment of juvenile crime and deviance, deepening, also in a historiographical key, the main political-criminal directives that have marked its evolution and those that guide its development at the present time.
It fosters in the student the mastery of the juvenile legislation in force, the ability to reason and argue on legal issues concerning the prevention, responsibility and treatment of juvenile deviants or offenders and the ability to appropriately use specialist technical language.
A) Knowledge and understanding
To know and understand the special function of the juvenile criminal court, the constitutional principles and the rules of current legislation regulating the responsibility and criminal trial of juveniles, as well as the administrative system of measures for the re-education and prevention of juvenile deviance.
B) Applied knowledge and understanding
To understand the connections between the needs of the juvenile, which underlie deviant choices, and the functioning and educational or control initiatives of the penal and prevention system.
Being able to find, interpret and apply legal rules in accordance with the constitutional principles of juvenile, national and supranational law.
C) Autonomy of judgement
To acquire autonomy of judgement in finding and evaluating possible legal solutions to questions concerning the attribution of criminal responsibility and the responses, sanctioning and non-sanctioning, to the offence, as well as the adoption of measures for the re-education and prevention of juvenile deviance.
D) Communication skills
Being able to communicate to public and private parties and to those who draft or apply juvenile legislation the legal problems, the main regulatory elements involved and the possible solutions.
E) Learning skills
Knowing how to acquire, understand and independently apply legal knowledge. This competence manifests itself in various aspects useful not only for the academic course, but also for future professional practice: ‘Autonomy in study’, i.e. the ability to organise one's own learning path, choosing the most reliable sources (codes, manuals, judgments, academic articles); “Ability to research” normative, doctrinal and jurisprudential sources in order to

delve into complex concepts and solve legal problems; “Capacity for critical and analytical thinking”, i.e. to interpret and compare different theses, doctrinal and jurisprudential, and assess their evolution; ‘Problem-solving ability’, i.e. to apply autonomously the principles of criminal and administrative juvenile law to concrete cases, formulating coherent and structured legal arguments; “Adaptability and updating”; “Synthesis and systematisation ability”, i.e. to organise information in a clear and structured way, linking the different institutes and constructing an organic framework of criminal law.

Contents

The study of criminal policy, in the particular context of juvenile justice, is characterised by an interdisciplinary method of investigation, which is indispensable in order to understand and verify the tightness of legal categories, primarily of substantive and procedural criminal law, but also of the administrative law of prevention. Criminology, psychology, psychiatry and sociology provide useful elements for the construction of a juvenile criminal and administrative system that places the person of the child, his protection and the promotion of his individual rights at the centre. The aim of the course is therefore to draw the lines of a juvenile law that conforms to the constitutional and international perspective, taking into account criminological issues and current trends in criminal policy.

Detailed program

General Part
Definition of criminal policy. Criminal law, instrument and limit of criminal policy. The Enlightenment foundation of the power to punish. The 'necessities' of punishment: from the constitutional model to the crisis of criminal policy. Criminal policy and criminological science. Criminal law as a social technique or as an affirmation of values? General prevention revisited. The special prevention. The policy of legal goods. Criminal policy, legal dogmatics, application of the law. Criminal policy and theory of crime. Non-rational elements in the 'need for punishment'. From criminal policy to social policy.

Special Part
Part I: The juvenile in the justice system. 1. Evolutionary and criminal-political lines of the juvenile system. 2. Deviance and juvenile crime: political-criminal, socio-psychological, empirical-statistical considerations. 3. Judicial and educational-social-welfare responses to juvenile distress.
Part II: Re-education and prevention administrative measures.
Part III: The criminal responsibility of the juvenile. The subjects of the juvenile criminal jurisdiction. The peculiarities of the juvenile procedural model. The discipline of personal liberty. The juvenile decisional formulas (percorso di rieducazione del minore; irrilevanza del fatto; perdono giudiziale; sospensione del processo e messa alla prova). Juvenile penal mediation. The system of penalties and security measures for juvenile offenders. Prison regulations.

Prerequisites

It is recommended to have passed the Criminal Law, Criminal Procedure and Criminology exams.

Teaching methods

The teaching consists of 21 lectures, mainly face-to-face. 2 lectures will be delivered remotely in asynchronous mode.
6 lectures are delivered in lecture mode, 15 in interactive mode.
In the lecture part, principles, rules and theoretical categories of criminal policy will be explained.
In the interactive part the evolutionary trends of Italian criminal legislation will be presented, analysed and discussed.

Assessment methods

The oral examination consists of an interview on the topics outlined in the programme and indicated in the recommended study texts.
The objective is to test, by means of theoretical and practical questions concerning the solution of cases, the student's ability to adequately understand fundamental topics and aspects of the subject.
The assessment criteria for the indicated competences are based on the knowledge and understanding of the fundamental contents of the discipline and the ability to apply the acquired knowledge with personal reworking.
In particular, the ability to refer to the topics in a manner appropriate to the specificities of the subject and according to correct logical-systematic canons, the ability to connect the various criminal law institutions, exegetical correctness, argumentative skills, technical-expressive ability, abstract and practical reasoning ability will be assessed.

Textbooks and Reading Materials

For a good preparation of the exam, we recommend the following textbook: M. Bargis (ed.), *Procedura penale minorile*, Giappichelli, Turin, 2024, and the study of the documents, published in the "Materiali didattici" section of the e-learnig page of the course.

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS