UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto Penale

2425-2-E1401A008

Learning objectives

The course provides a basic knowledge of the principles, institutions and dogmatic categories of Italian criminal law, in the light of doctrinal and jurisprudential developments.
It promotes in the student a mastery of the Criminal Code, the ability to reason and argue on legal issues and to use criminal law language appropriately.
A) Knowledge and understanding
To know and understand the concept and function of criminal offences and penal sanctions, the constitutional principles of criminal law and the provisions of the Criminal Code, which regulate the sources of criminal law, the prerequisites of criminal liability and the regulation of punishability, also in the light of doctrinal and jurisprudential developments.
B) Applied knowledge and understanding
To understand the connections between the constitutional principles of criminal law and the institutions of the General Part of the Criminal Code, concerning the requirements of criminal liability and the regulation of the punishment.
Being able to find, interpret and apply the legal rules in accordance with the constitutional principles of criminal law, in particular those concerning the institutions of the General Part and the incriminating provisions of the Special Part of the Criminal Code.
C) Autonomy of judgement
Acquire autonomy of judgement in finding and evaluating possible legal solutions to questions concerning the attribution of criminal liability and the punitive treatment of offences.
D) Communication skills
Being able to communicate the legal problems, the main regulatory elements involved and possible solutions to public and private actors and those who draft or apply criminal legislation.
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 the principles of criminal law autonomously 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 problem of the legitimacy and functions of criminal law.
Criminal law
The offence
Defenses.
The culpability
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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

The teaching consists of 31 lectures and 5 exercises.
The lessons are conducted in a delivery mode and predominantly in presence. 8 hours of lectures will be conducted remotely in asynchronous mode.
The exercises are conducted in presence with interactive mode.
In the lecture part, the principles, institutes and dogmatic categories of criminal law will be explained.
In the interactive part, practical cases will be presented, analysed and discussed.

Assessment methods

Partial written exams (optional mode) 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 closed-ended tests (multiple choice). The student, who wishes to make use of this examination mode, must take both partial exams.
Students who wish to make use of this exam mode must take both partial exams. However, only students who have passed the first partial exam will be admitted to the second partial exam. In the event of failure in the second partial exam, the student will take the entire syllabus in the oral exam.
Only students enrolled in the second year of Legal Services Science may participate in the partial exams.
The objective of the written tests is to check, by means of theoretical and practical questions concerning the solution of cases, the student's ability to adequately understand certain topics and fundamental aspects of the subject.
The assessment criteria for the skills indicated are based on knowledge and understanding of the fundamental content of the discipline and the ability to apply the knowledge acquired.

Final oral exam (compulsory mode).

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, and abstract and practical reasoning ability will be assessed.
Students who have passed both partial examinations will be questioned on the topics that were not covered in the written tests. The final mark is the arithmetic mean of the marks for 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*, Giuffré, 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