



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 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

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.

Final oral exam (compulsory mode) 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*, Giuffrè, 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
