UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

# SYLLABUS DEL CORSO

# Elementi di Procedura Penale

**2425-2-E1401A085**

## Learning objectives

**A) Knowledge and understanding**
Knowing and understanding the main regulatory provisions concerning the sources of law in the field, the fundamental rights of the process and in the process, the functioning of the process, with particular regard to the powers of the procedural subjects, tools, and procedures.
**B) Applying knowledge and understanding**
Being able to find, interpret, and apply regulatory provisions, taking into account the system and fundamental rights and the functioning of the process. Being able to resolve any antinomies between different provisions to be applied. Understanding the different functions performed by the various subjects of the criminal process and the activities carried out by them.
**C) Making judgements**
Developing autonomy of judgment regarding the finding and evaluation of possible legal solutions to issues concerning the relationships between procedural subjects, procedural developments, and the regulation of evidence.
**D) Communication skills**
Knowing how to communicate the functioning methods and interpretative issues of procedural institutions regarding the process.
**E) Learning skills**
Being able to find the texts of regulatory provisions and autonomously interpret any legal provision. Understanding the functioning of the procedure in its ordinary and special course, with the consequent reflections on the fundamental rights of the procedural subjects. Evaluating the foundation of procedural policy choices that are reflected in individual freedoms

## Contents

The objective of the course is to take a problematic approach in illustrating the fundamental issues and workings of

the criminal procedure. In order to achieve this, the main institutions regulated by the code of criminal procedure will be analyzed, with particular attention to the logical, ideological and constitutional aspects of the subject.

## Detailed program

1. Structure and function of criminal proceedings
2. Procedural sistem: accusatory, inquisitorial and mixed
3. Due process
4. Pre-established and natural judge: jurisdiction by subject matter, by territory and by connection
5. Independence and impartiality of the court: abstention, objection, incompatibility, remission
6. Public prosecutor
7. Reporting of offences, preliminary investigations and dismissal
8. Presumption of innocence: border of proof and treatment rule
9. Personal freedom: pre-trial measures and personal protective measures
10. Right of personal defence and accused person
11. Right of technical defence
12. Evidence rules
13. Preliminary hearing
14. Pre-trial phase
15. Trial
16. Special procedures

## Prerequisites

Knowledge of constitutional law and general principles of law

## Teaching methods

The lessons are held in presence, even if the teacher reserves the right to conduct up to 2 lessons (out of a total of 24) in remote recorded delivery mode:

- 18 lessons are 8 lessons are in attendance, with lectures to illustrate the rules and functioning of the criminal trial.
- 6 lessons are held in an interactive way, through the illustration of procedural events with the help of professionals (lawyers and/or magistrates) and the study of a practical case.

There will also be 4 hours of meetings dedicated to working students on the webex platform of the teacher, during which you can discuss any doubts about the program or the methods of examination.

## Assessment methods

Oral examination

The oral exam consists of an interview on the topics illustrated in the program and indicated in the recommended study texts; particular attention is paid to the in-depth parts during the lessons; the objective is to verify the ability to understand and explain in a clear and personal way all the topics and fundamental aspects of the subject.
The evaluation criteria for the indicated competencies are based on the knowledge and understanding of the fundamental contents of the discipline and on the ability to apply the acquired knowledge with personal re-elaboration.

## Textbooks and Reading Materials

1. G. UBERTIS, Il processo penale, Il Mulino, Bologna, 2020, studiare i seguenti capitoli:
   Modelli processuali (cap. 1)

Processo e verità (cap. 2)

I principi fondamentali (cap. 3)

Gli strumenti (cap. 5)

2. AA.VV., *Sistema di procedura penale*, II, *Persone, strumenti, riti*, a cura di G. Ubertis, Giuffrè Francis Lefebvre, Milano, 2025:

Soggetti (Sez. quarta: cap. XIII; XIV; XV; XVI [§ 1-2]; XVII; XVIII)

Prove (Sez. settima: cap. XXV; XXVI; XXVIII; XXIX; XXX; XXXI; XXXII; XXXIII)

Misure cautelari (Sez. ottava: cap. XXXIV [§ 1-7, 10]; XXXV)

Indagini preliminari e udienza preliminare (Sez. nona: cap. XL; XLI; XLIII; XLV; XLVI; XLVII; XLVIII [§ 1-2]; XLIX [§ 1-7]; L [§ 1-13, 16-18])

Giudizio (Sez. decima: cap. LI; LII; LIV; LVI)

3. Codice di procedura penale, last edition

## Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS