UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Penitentiary Law

2425-3-E1401A087

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.
Knowing and understanding the main regulatory provisions concerning the sources of law on the subject, the fundamental rights of those deprived of personal freedom, the discipline and security regime in force in penitentiary institutions.

B) Applying knowledge and understanding
Being able to find, interpret and apply the regulatory provisions, taking into account the system and fundamental rights and the execution of the sentence. Be able to resolve any contradictions between different provisions to be applied. Understand the different functions carried out by the different subjects of the penitentiary world and the activities they carry out.

C) Making judgements
Develop autonomy of judgment regarding the finding and evaluation of possible legal solutions to issues concerning penitentiary law.

D) Communication skills
Know how to communicate the operating methods and interpretative problems of the main penitentiary provisions.

E) Learning skills
Be able to find the texts of the regulatory provisions and independently interpret any legal provision. Understanding the functioning of the execution of the sentence, with the consequent effects on the fundamental rights of the detainees. Evaluate the basis of procedural policy choices that reflect on the freedoms of individuals.

Contents

This course, specially designed for the Triennial Degree Course in Law students (Scienze dei Servizi giuridici), aims to provide knowledge of the current Italian Penitentiary System. Classes will illustrate the rules of law about life conditions in jail and the rules concerning the execution of imprisonment punishment and safety limits. The methodology of the course will be logical and juridical, but with a specific attention towards the real detention life conditions.

The students attending the course will be able to join meetings with experienced operators in the penitentiary field and also visit some imprisonment Institutes.

It is also recommended to review relevant updated literature (particularly: l. 26 July 1975 n. 354 and penitentiary regulations, d.p.r. n. 230/2000).

Detailed program

The sources of Penitentiary Law. Rieducational finality of the punishment and humanization of the life inside the prisons.

The judiciary organs concerning the execution of measures: Surveillance Judge and Court. The Penitentiary Administration.

Penitentiary treatment: prisoner’s rights; tools for ordinary management of prisons, disciplinary procedures, the solutions to the problem of penitentiary safety.

Rieducational treatment: control instruments of penitentiary life; alternative measures to detention.

Different punishment law concerning organized crime members. Penitentiary Jurisdiction: Surveillance Procedure. The procedure for claims

Prerequisites

Knowledge of constitutional law and general principles of law

Teaching methods

Lectures; practical cases

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.

Textbooks and Reading Materials

1. F. Della Casa - G. Giostra, Manuale di diritto penitenziario, Giappichelli, Torino, ultima edizione
or

1. F. Fiorentin - C. Fiorio, Diritto penitenziario e giustizia riparativa, La Tribuna, Piacenza, ultima edizione

2. G. Ricordeau, Per tutte quante. Donne contro la prigione, a cura di S. Buzzelli, Armando editore, 2022

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS