UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Fundamentals of Corporate Criminal Law

2425-2-F8803N021

Learning objectives

The course aims to illustrate the main characteristics of white-collar crimes. Upon completion of this course, students will be able to analyze the main economic crimes covered by current Italian legislation. In particular, students will have acquired:

- the knowledge necessary to evaluate the criminal liability profiles related to the exercise of business activities;
- the knowledge of the basic legal concepts in order to verify the correct attribution of criminal liability according to the constitutional principles governing the matter;
- the ability to understand the role of complex organizations and individuals in the genesis of economic crime;
- the ability to analyze the impact of criminal law on business management;
- the ability to correctly interpret criminal law in economic matters;
- the ability to apply criminal law categories to the cases under analysis;
- the ability to use an appropriate legal vocabulary to critically analyze controversial issues concerning corporate criminal law.

Contents

Leading themes of the course are:

- the different forms of commercial crime;
- the various methods of protection used by the legislator in the repression of economic crime;
- the identification of criminally responsible persons within complex organizations;
- the jurisprudential and regulatory evolution of function delegation;
- the criteria for attributing responsibility to collegial bodies;
- the criminal liability of institutions under Legislative Decree No. 231/2001;
- whistleblowing;

- corporate offences;
- anti-corruption;
- tax control framework;
- market abuse;
- environmental crime;
- criminal law relating to health and safety at work;
- cybersecurity and data protection (GDPR).

Detailed program

In the first part of the course, after an introduction to the fundamental concepts of the theory of crime and the various forms of criminal offence, the problem of corporate crime will be approached from a criminological point of view and then the more general issues of criminal liability in the exercise of economic activities will be explored. Therefore, the various protective techniques adopted by the legislator in the repression of economic crime will be examined, as well as the problems of identifying criminally liable persons within complex organizations. It will also analyze the jurisprudential and regulatory evolution of function delegation, the criteria for the attribution of liability in collegiate bodies and the criminal liability of institutions under Legislative Decree No. 231 of 2001.
The second part of the course will focus on specific areas of business criminal law that are considered particularly relevant for an understanding of the subject. In particular, the following topics will be examined: i) corporate crime; ii) anti-corruption; iii) tax offences; iv) market abuse; v) environmental crime; vi) criminal law relating to health and safety at work; vii) cybersecurity and data protection. In addition, the course will provide essential information on the different hypotheses of confiscation as well as on the different types of bankruptcy.

Prerequisites

No special prerequisites are required; the general basics of criminal law will be provided during the course in order to fully understand the subject. However, a certain cultural readiness to critically reflect on the criminal question is desirable.

Teaching methods

The course will be divided into 60% in didactics (lectures, with the use of slides, audio and video) and 40% in interactive teaching (subgroup work, exercises, company testimonies by professionals in the sector, class discussion of acts related to criminal trials, etc.).

Assessment methods

Attending and non-attending students will be assessed through an oral test covering the topics of the examination program.
The objective of the learning verification is to check the preparation on the examination program and the ability to reflect independently on the critical points of the program.
The evaluation criteria for the final mark are: i) knowledge of principles and institutes; ii) appropriate use of terminology; iii) precision in the logical exposition of the arguments; iv) ability to build connections between various

topics; v) skills to identify critical issues.

Textbooks and Reading Materials

Textbooks and materials will be indicated at the beginning of the course.

Sustainable Development Goals

DECENT WORK AND ECONOMIC GROWTH