UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Politica Criminale

2526-5-A5810252

Learning objectives

The course aims to offer an in-depth analysis of the cultural matrices, the normative foundations and the dogmatic categories that inform the penal and administrative system responsible for the prevention and repression of deviance and juvenile crime. It deals in a historical and critical perspective with the evolution of the main political-criminal guidelines that have shaped public intervention in relation to juvenile offenders, highlighting the interaction between normative changes and transformations in socio-educational models and health-assistance paradigms.
Particular attention is devoted to the analysis of the legal sources in force, to the constitutional and supranational principles governing juvenile criminal responsibility, as well as to the procedural and administrative institutes aimed at the re-education and social reintegration of juveniles. The course promotes in the student the full mastery of legislation, doctrine and specialised legal vocabulary, as well as the development of argumentative and critical skills in dealing with legal issues concerning the prevention, responsibility and treatment of deviant or chargeable juveniles.

Expected learning outcomes at the end of the course:

A) Knowledge and understanding skills.
The student will acquire a sound knowledge and understanding of the peculiar function of juvenile criminal jurisdiction, of the relevant constitutional principles, as well as of the current legislation on criminal responsibility and criminal proceedings against juveniles, and the administrative system of re-education measures and prevention of juvenile deviance.

B) Applied knowledge and understanding.
The student will be able to find and interpret the sources of juvenile administrative and criminal law, integrating them with constitutional, national and supranational principles. He/she will demonstrate the ability to analyse, synthesise and systematise information, organising it in a clear and structured manner. In particular, he/she will be able to understand the connections between the needs of juveniles - at the basis of deviant behaviour - and the functioning of the juvenile penal system, with particular attention to educational and preventive interventions.

C) Autonomy of judgement.

Through the analysis of concrete cases, the student will develop critical and analytical thinking skills as well as problem-solving skills. He/she will be able to identify, assess and apply appropriate legal solutions in relation to the issues of juvenile criminal responsibility, sanctioning and non-sanctioning responses to crime, as well as the adoption of re-education and prevention measures, formulating coherent, reasoned and well-structured legal arguments.

D) Communication skills.
The student will have developed, through individual or group discussion of practical cases, the ability to explain clearly and effectively, in oral form, the main legal problems relating to the subject. He/she will be able to communicate with public and private parties - including legal practitioners, educators and those responsible for juvenile policies - illustrating the essential regulatory elements and possible interpretative and applicative solutions.

E) Ability to learn.
Through exercises on the retrieval and analysis of normative, jurisprudential and doctrinal sources, as well as through the study and discussion of practical cases, students will develop autonomy in their study and acquire methodological tools useful to update and adapt their knowledge, also in relation to the continuous changes in the legal and socio-educational context of reference.*

Contents

The study of criminal policy, in the particular context of juvenile justice, is characterised by an interdisciplinary method of investigation, which is indispensable in order to understand and verify the tightness of legal categories, primarily of substantive and procedural criminal law, but also of the administrative law of prevention. Criminology, psychology, psychiatry and sociology provide useful elements for the construction of a juvenile criminal and administrative system that places the person of the child, his protection and the promotion of his individual rights at the centre. The aim of the course is therefore to draw the lines of a juvenile law that conforms to the constitutional and international perspective, taking into account criminological issues and current trends in criminal policy.

Detailed program

General Part
Definition of criminal policy. Criminal law, instrument and limit of criminal policy. The Enlightenment foundation of the power to punish. The 'necessities' of punishment: from the constitutional model to the crisis of criminal policy. Criminal policy and criminological science. Criminal law as a social technique or as an affirmation of values? General prevention revisited. The special prevention. The policy of legal goods. Criminal policy, legal dogmatics, application of the law. Criminal policy and theory of crime. Non-rational elements in the 'need for punishment'. From criminal policy to social policy.

Special Part
Part I: The juvenile in the justice system. 1. Evolutionary and criminal-political lines of the juvenile system. 2. Deviance and juvenile crime: political-criminal, socio-psychological, empirical-statistical considerations. 3. Judicial and educational-social-welfare responses to juvenile distress.
Part II: Re-education and prevention administrative measures.
Part III: The criminal responsibility of the juvenile. The subjects of the juvenile criminal jurisdiction. The peculiarities of the juvenile procedural model. The discipline of personal liberty. The juvenile decisional formulas (percorso di rieducazione del minore; irrilevanza del fatto; perdono giudiziale; sospensione del processo e messa alla prova). Juvenile penal mediation. The system of penalties and security measures for juvenile offenders. Prison regulations.

Prerequisites

It is recommended to have passed the Criminal Law, Criminal Procedure and Criminology exams.

Teaching methods

The course consists of 21 lectures, mainly face-to-face. 2 lectures will be delivered remotely in asynchronous mode.
15 lectures are delivered in lecture mode, 6 in interactive mode.
In the lecture part, principles, rules and theoretical categories of criminal policy will be explained.
In the interactive part the evolutionary trends of Italian criminal legislation will be presented, analysed and discussed.

Assessment methods

The oral exam consists of an interview aimed at verifying the candidate's preparation on the topics covered in the exam programme, as outlined in the recommended texts and study materials.
The objective of the exam is to ascertain, by means of theoretical and applicative questions, the candidate's level of learning and understanding of the subject matter, as well as his or her ability to analyse, interpret and apply juvenile criminal and administrative law to concrete situations.
The assessment criteria adopted concern: clarity of exposition and completeness of argumentation; theoretical correctness and logical-systematic coherence in the framing of legal institutions; the degree of maturation of exegetical, argumentative and reasoning skills, both abstract and concrete; mastery of technical-legal language.

Textbooks and Reading Materials

For effective preparation for the exam, we recommend studying the following volume, together with the documents published in the “Teaching materials” section of the course's e-learning page:
M. Bertolino (ed.), La giustizia penale minorile, Giappichelli, Turin, 2025
The sections to be studied are as follows:
— Part One (Il sistema della giustizia minorile): in its entirety;
— Part Two (Il minore vittima di reato: tutele sostanziali e processuali): limited to Section II (Procedural safeguards);
— Part Three (Il minore autore di reato: dalla prevenzione amministrativa a quella penale): in its entirety, with the exception of Chapter XIV.

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS