UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Criminal Law

2526-2-E1401A008

Learning objectives

The course provides a basic knowledge of the principles, institutions and dogmatic categories of Italian criminal law in the light of doctrinal and jurisprudential developments.
It promotes in the student a mastery of the penal code, the ability to reason and argue on legal issues and to use the language of criminal law appropriately.

Expected learning outcomes at the end of the course

(A) Knowledge and ability to understand.
The student will acquire a basic knowledge and understanding of the concept and function of the offence and the criminal sanction within the contemporary legal system, of the constitutional principles of criminal law and of the provisions of the Criminal Code that regulate the sources of criminal law, the prerequisites of criminal liability and the regulation of punishability, also in the light of doctrinal and jurisprudential developments.

B) Applied knowledge and understanding.
The student will be able to find, interpret and apply the sources of criminal law, integrating them with constitutional, national and supranational principles. He/she will also demonstrate the ability to analyse, summarise and systematise information useful for solving practical cases, organising it in a clear and structured manner.

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 topics of criminal liability, sanctioning and non-sanctioning responses to crime, 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 criminal policy makers -

by 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, the student will develop autonomy in the study and acquire methodological tools useful to update and adapt his/her knowledge, also in relation to the continuous changes of the legal and socio-educational context of reference.

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 studying Criminal Law (Academic Regulations - Academic Year 2022-2023).

Teaching methods

The course consists of 31 lectures and 5 practical lessons.
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 exam 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.
The objective of the written tests is to check, by means of theoretical and practical questions concerning the solution of cases, the student's ability to adequately understand certain topics and fundamental aspects of the subject.
The assessment criteria for the skills indicated are based on knowledge and understanding of the fundamental content of the discipline and the ability to apply the knowledge acquired.

Final oral exam (compulsory mode).
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.

Students who have passed both partial exams will be questioned on the topics that were not covered in the written tests. The final mark is the arithmetic mean of the marks of the two written exams and the oral exam.

Textbooks and Reading Materials

Students prepare the exam on one of the following textbooks:

- PULITANO', *Diritto penale*, Giappichelli, Torino, 2025
- MARINUCCI-DOLCINI-GATTA, *Manuale di diritto penale. Parte Generale*, Lefebvre Giuffré, Milano, 2025
- PADOVANI, *Diritto penale*, Lefebvre Giuffré, Milano, 2025

as well as in-depth teaching materials, which will be uploaded onto the e-learning platform.

Direct consultation of the updated edition of the Criminal Code is indispensable.

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS