UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Economic Criminal Law

2627-5-A5810194

Learning objectives

The course aims to provide students with an in-depth knowledge of the main issues of corporate criminal law.
It concerns the general principles and the main offences of corporate criminal law.
After acquiring the basic theoretical notions, the course aims to provide students with the tools needed to independently identify and critically analyse the problematic issues emerging from case law.
By the end of the course, in line with the Dublin Descriptors, students are expected to have acquired:
Dublin Descriptor 1 – Knowledge and understanding
Knowledge of the general principles of corporate criminal law, of the main offences in corporate, financial and bankruptcy matters.
Dublin Descriptor 2 – Applying knowledge and understanding
Ability to apply the notions learned to the analysis of concrete cases and to the resolution of legal issues relating to corporate criminal law, including through the examination of case law.
Dublin Descriptor 3 – Making judgements
Critical ability in interpreting legal provisions and identifying the most appropriate legal solutions, developed through the oral discussion of practical cases and the drafting of short written contributions during interactive lessons.
Dublin Descriptor 4 – Communication skills
Ability to present and argue legal issues, both in writing and orally, developed through in-class debate on the cases examined and through the final oral examination.
Dublin Descriptor 5 – Learning skills
Ability to pursue independent study, through the informed use of the legislative, doctrinal and case-law sources indicated in the reading materials.

Contents

It addresses the general-part topics of corporate criminal law, as well as the main offences in corporate, bankruptcy and financial-market matters.

Detailed program

The course of Corporate criminal law is devoted to the general principles of liability in economic matters: de facto director; delegation of functions; liability within collegial bodies.
The main corporate, financial (market abuse) and bankruptcy offences are then examined. Topics are addressed through a case-law approach focusing on problematic issues.

Prerequisites

A basic knowledge of the fundamental institutions of criminal law (general part) is required. We will clarify certain topics to ensure a consistent understanding of the basic concepts.

Teaching methods

Classes are held face to face and are video-recorded.
In accordance with the teaching taxonomy (DE/DI), the course is structured as follows:

1. Lecturing/interactive nature: the first week of classes is delivered in lecturing mode (front lessons on general principles); from the second week onward, classes are delivered in interactive mode, through the analysis of concrete cases both orally (in-class debate) and in writing (short written contributions completed during class and corrected individually during office hours).
2. Type of teaching activity: lectures (first week); case analysis through debate and written contributions (from the second week onward).
3. Hours delivered remotely: up to a maximum of 4 hours of class may be delivered remotely, approximately 10% of the course's 42 total hours and therefore well within the limit set by ministerial directives.
   Recordings are also made available to: 1) public administration employees, under the "P.A. 110 e lode" agreement; 2) students with documented employment in the private sector; 3) students needing to make up for no more than two missed classes.
   Active student participation in the analysis of case law and practical problems is required. The course makes use of slides.
   Students must have an updated edition of the Civil Code and the Criminal Code from the start of classes.

Assessment methods

Assessment consists of an optional ongoing written test, reserved for students taking part in the interactive teaching activities, and a final oral examination, compulsory for all students.

1. Ongoing test (written, optional)
   Consists of a short written paper, completed at the end of classes, on a practical case related to the topics covered in the interactive classes. The test assesses the student's ability to apply theoretical notions to the analysis of a concrete case (Dublin Descriptor 2) and the autonomy of judgement in identifying the problematic issues underlying the case (Dublin Descriptor 3). The result of the ongoing test contributes to the overall assessment but does not replace the final oral examination.
2. Final oral examination (compulsory)

It will cover the topics addressed in the written exam, for those who took it, or the topics in the syllabus and the indicated reference texts, for students who did not take the written exam. The examination assesses knowledge and understanding of the subject matter (Dublin Descriptor 1), the ability to present and argue legal issues (Dublin Descriptor 4), and the student's ability to navigate independently among legislative, doctrinal and case-law sources (Dublin Descriptor 5).
Assessment criteria
For each test, the Examination Board assesses the technical-legal accuracy of the notions presented, the ability to systematically frame the legal institutions discussed, the appropriateness of legal language, and the ability to critically argue and to connect different institutions. For the ongoing written test, the ability to apply theoretical categories to the concrete case proposed is also taken into account. The final grade, expressed out of thirty, is graduated according to the depth of knowledge demonstrated and, for attending students, takes into account the result of the ongoing test.

Textbooks and Reading Materials

1. A. Alessandri - S. Seminara, Diritto penale commerciale. I principi generali, vol. I, Giappichelli, 2018 [excluding chapter 3, on corporate liability];
2. S. Seminara, Diritto penale commerciale. I reati societari, vol. II, Giappichelli, Torino, 2021;
3. S. Seminara, Diritto penale commerciale. Il diritto penale del mercato mobiliare, vol. III, Giappichelli, Torino, 2022;
4. A. Alessandri, Diritto penale commerciale. Reati nelle procedure concorsuali, vol. IV, Giappichelli, 2023.

Sustainable Development Goals

DECENT WORK AND ECONOMIC GROWTH | INDUSTRY, INNOVATION AND INFRASTRUCTURE | PEACE, JUSTICE AND STRONG INSTITUTIONS