UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Criminal Law Mod A - M-Z

2627-2-LMG01A007-LMG01A00701-MZ

Learning objectives

The Course is divided into two modules (Module A, taught by Prof. Dova, and Module B, taught by Prof. Ruga Riva) and will be delivered jointly by both lecturers, who will alternate in teaching both the General Part and the Special Part of criminal law.
The course aims to provide a foundational knowledge of the principles and institutions of Italian criminal law, drawing on both statutory provisions and doctrinal and jurisprudential developments.
The exposition of rules and principles will be accompanied by the discussion of cases, with a view to developing students' capacity for legal reasoning.
Upon completion of the course, students should have acquired:
• Knowledge and understanding of the fundamental principles of criminal law, with particular attention to the constitutional principles of legality, personal criminal responsibility and the rehabilitative aim of punishment. [Dublin Descriptor 1]
• Ability to apply the notions learned to the analysis of concrete cases and to the resolution of legal problems in the field of criminal law. [Dublin Descriptor 2]
• Autonomy of judgment in the interpretation of legal rules and in the identification of the most appropriate legal solutions. [Dublin Descriptor 3]
• Communication skills in the presentation and discussion of legal issues in the field of criminal law, both in written and oral form. [Dublin Descriptor 4]
• Autonomous learning skills, including through the consultation of legislative, doctrinal and jurisprudential sources. [Dublin Descriptor 5]

Contents

The course covers the general principles of criminal law, the constitutive elements of offences, the sanctioning system, and the main categories of crimes against the person, against property, and against public administration, examining both statutory provisions and judicial practice.

Detailed program

I. Problems and fundamental principles of criminal law.
The problem of the legitimacy and functions of criminal law. Retributive and preventive conceptions of punishment. The substantive and conventional notion of criminal offence and penalty.
II. Constitutional principles of criminal law.
Legality, harm principle (offensività), culpability.
III. Criminal legislation.
The sources of criminal law; prohibition of analogy; the principle of precision. The interpretation of criminal law. The criminal law in space.
IV. The offence.
The elements of the offence. General outline and main types: the act and the modalities of conduct; event, causation; harm and danger; permanent offences; offences of omission. Defences: general outline and specific grounds. Culpability: intent, fault, mistake, imputability. Exemption from punishment. Attempt and complicity. Aggravating and mitigating circumstances; concurrence of offences; the continuing offence.
V. The sanctioning system.
Sentencing criteria. Custodial and non-custodial sentences.
VI. Offences against the person, against property and against public administration.

Prerequisites

Students must have passed the Constitutional Law examination.

Teaching methods

Lectures will be held in person; 8 hours (approximately 11% of total teaching hours, within the 30% maximum permitted under ministerial guidelines) will be delivered remotely in synchronous mode.
The first part of each lecture follows a transmissive format (Didattica Erogativa – DE): the lecturer sets out the essential theoretical aspects of the rules and principles covered by the course. Lectures then shift to an interactive format (Didattica Interattiva – DI): concrete cases are analysed and discussed in class, both orally and in writing, through periodic learning assessments.
Active student participation in case analysis and applied problem-solving is required. The course will make use of slides.
Students must have access to an up-to-date edition of the Penal Code from the very first lesson.

Assessment methods

Students who participate in the interactive component (class discussion and at least 2 out of 3 learning assessments with a positive result) are entitled to sit a written final examination at the end of the course. The written examination covers the general part of the programme and assesses knowledge and comprehension of the relevant rules and principles (Dublin Descriptor 1) as well as the ability to apply that knowledge to concrete cases (Dublin Descriptor 2). Grades are awarded on a scale of thirty.
Where the written examination is passed, the mark obtained is combined with the grade awarded in the oral examination on the Special Part. The final grade represents the weighted average of the written and oral results.

Students who do not participate in the interactive component will sit an oral examination covering the entire programme. The oral examination assesses knowledge and comprehension of the programme (Dublin Descriptor 1), the ability to apply the relevant knowledge to concrete legal problems (Dublin Descriptor 2), and autonomy of legal reasoning in the interpretation of rules (Dublin Descriptor 3). The grading criteria are the same as those applicable to the written examination.

Textbooks and Reading Materials

1. D. PULITANÒ, Diritto penale, Giappichelli, latest available edition; or alternatively: MARINUCCI-DOLCINI, Manuale di diritto penale. Parte Generale, latest available edition.
2. R. BARTOLI, M. PELISSERO, S. SEMINARA, Diritto penale. Lineamenti di parte speciale, latest available edition; limited to the following parts: Parte prima; Parte seconda, capitoli I, II, III, IV; Parte terza, capitoli I, II, III, IV.
   The examination must not be prepared on the basis of lecture notes, which provide insufficient preparation for passing the examination. An up-to-date edition of the Penal Code is essential.

Sustainable Development Goals

GENDER EQUALITY | REDUCED INEQUALITIES | PEACE, JUSTICE AND STRONG INSTITUTIONS