UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Criminal Law

2627-2-E1402A009

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

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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.

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

The exam consists of a final oral examination, mandatory for all students. Students who wish to do so may, in advance, take two optional written partial tests: those who pass both are examined orally only on the topics not covered by the written tests; all other students are examined orally on the entire syllabus.

Written partial exams (optional)

Eligibility requirements
Only students enrolled in the second year of Legal Services Sciences, in good standing with their study plan, may take the written partial exams.
The written partial exams are optional, intermediate tests held during the teaching period of the first semester. They are not repeated within the academic year. Since access is reserved to second-year students, a student who fails one of the two tests in the year in which they are taken permanently loses the possibility of using this exam mode: it cannot be made up in subsequent academic years.

Structure of the tests
The exam is divided into two written tests, each covering a distinct portion of the syllabus: the first test serves as an intermediate check and covers the first part of the syllabus; the second serves as a final check and covers the second part. The detailed list of topics covered by each test will be announced during the year.
A student who chooses this exam mode must take both partial tests. Only a student who has passed the first test may take the second.
If a student fails one of the two written tests, they will take the oral exam on the entire syllabus.
If a student passes both tests, they are admitted to the final oral exam, which will cover exclusively the part of the syllabus not addressed by the written tests (see next section).

Format and administration of the test
Each test consists of a closed-ended (multiple-choice) test made up of 30 questions. The questions, both theoretical and practical, include case-based problems designed to assess not only knowledge of the relevant legal concepts but also the ability to identify, among plausible alternatives, the correct solution on the basis of legal reasoning.

Time allowed: 1 hour.
Scoring: each correct answer is worth 1 point; there is no penalty for incorrect or unanswered questions.
Passing threshold: 18/30.
The order of the questions, and of the answer options within each question, is randomly generated and differs for each student.
The test is administered on the Esami online platform of the University of Milano-Bicocca, accessed using @campus.unimib.it account credentials.
The use of any electronic device during the test is prohibited. Violation of this rule results in immediate termination of the test and its invalidation.

Objectives and assessment criteria
The written tests assess the achievement of the intended learning outcomes set out in the "Course objectives" section of the Syllabus, with particular reference to knowledge and understanding of the fundamental contents of the discipline (outcome A) and the ability to apply them to the solution of practical cases (outcome B). The outcomes relating to making judgements and oral communication skills (outcomes C and D) remain subject to assessment in the oral exam, even for students who have passed both written tests.

Final oral examination (mandatory)

The oral exam consists of an interview designed to assess the candidate's preparation on the topics covered in the syllabus, as set out in the recommended texts and study materials.
The aim of the test is to ascertain, through theoretical and applied questions, the candidate's level of learning and understanding of the course content, as well as their ability to analyse, interpret, and apply criminal law to specific factual situations.
The assessment criteria applied concern: clarity of presentation and completeness of argument; theoretical accuracy and logical-systematic coherence in framing legal concepts; the degree of maturity of exegetical and argumentative skills and of reasoning, both abstract and applied; and command of technical legal language.
Students who have passed both written partial exams will be examined on the topics not covered by the written tests. All other students are examined on the entire syllabus.

Determination of the final grade

For a student who has not used the optional mode, or who has failed one of the two written partial tests: the final grade coincides with the grade obtained in the oral exam, covering the entire syllabus.
For a student who has passed both written partial tests: the final grade is the arithmetic average of the grades obtained in the two written tests and in the oral exam.

Textbooks and Reading Materials

Students prepare the exam on one of the following textbooks:

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

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