



## IDENTIFYING DATA

### Criminal Law I

Subject	Criminal Law I			
Code	003G081V01302			
Study programme	Degree in Law			
Descriptors	ECTS Credits	Choose	Year	Quadmester
	9	Mandatory	2nd	1st
Teaching language	#EnglishFriendly Spanish Galician			
Department				
Coordinator	Rodríguez Vázquez, Virgilio			
Lecturers	Arias Carral, Manuel García Sobrado, José Manuel Rodríguez Vázquez, Virgilio			
E-mail	virxilio@uvigo.es			
Web				
General description	In this subject is studied general concepts of the Criminal Law, with special attention in the theory of the crime and in the theory of the penalty. English Friendly subject: International students may request from the teachers: a) materials and bibliographic references in English, b) tutoring sessions in English, c) exams and assessments in English.			

## Competencies

Code	
A2	Students will be able to apply their knowledge and skills in their professional practice or vocation and they will show they have the required expertise through the construction and discussion of arguments and the resolution of problems within the relevant area of study.
A3	Students will be able to gather and interpret relevant data (normally within their field of study) that will allow them to have a reflection-based considered opinion on important issues of social, scientific and ethical nature.
A5	Students will acquire the learning skills that are required to pursue further studies with a high degree of independence.
B1	To know the function of the Law as a regulating system of social relations.
B2	To know the different manifestations of the Law in their historical development and in their present-day incarnations.
B3	To be able to use the constitutional principles and values as tools for the interpretation of the law and to acquire the skills to argue in juridical terms.
B4	To be able to identify juridical problems and to suggest solutions from an interdisciplinary perspective.
C43	CE51 ☐ To know the concept of criminal Law, the criteria for the temporal and spatial application of criminal norms, the General Theory of crime and the juridical consequences of crime.
C44	CE52 ☐ To be able to interpret and apply the norms of criminal Law, focusing especially on the development of Spanish criminal doctrine from a comparative perspective.
D1	Analysis and synthesis skills for the development and defense of arguments, as well as skills for organizing, planning and using time in pressure situations.
D5	To be able to solve problems and interpret data from reality with their associated meanings, and to establish links with the different branches of the juridical order.

## Learning outcomes

Expected results from this subject	Training and Learning Results			
Know the meaning and function of criminal law		B1	C43	
Know the sources of criminal law	A3		C43	D5
	A5		C44	
Use the different methods of legal interpretation applied to criminal law	A3	B4	C44	D5
Know, understand, interpret and properly analyze the categories and concepts of the General Theory of Crime	A3	B1	C43	D1
		B2		D5
		B3		

Know, understand, interpret and properly analyze the Theory of Penalty	A3	B1	C43	
	A5	B3	C44	
Know and understand the problems about the law and crime contests	A3	B3	C43	D1
		B4	C44	
Resolve practical cases in criminal matters, appropriately managing doctrinal and jurisprudential contributions to legally support the solution	A2	B2	C43	D5
	A3	B3		
	A5	B4		

## Contents

### Topic

INTRODUCTION	<p>Lesson 1. Criminal law. Denomination. Objective criminal law. Formal concept of criminal law. Material concept of Criminal Law. Autonomy or accessory of criminal law. General part and special part of the criminal law.</p> <p>Lesson 2. The ius puniendi or punitive right (the so-called subjective criminal law). Rules and principles</p> <p>Lesson 3. Criminal legal science, criminal sciences and relations of criminal law with other branches of law.</p> <p>Lesson 4. Evolution of Criminal Science and Criminal Law.</p> <p>Lesson 5. The sources of criminal law. The principle of criminal legality. Other sources of criminal law.</p> <p>Lesson 6. Interpretation of the criminal law.</p> <p>Lesson 7. Temporal scope of the criminal law.</p> <p>Lesson 8. Spatial scope of the criminal law.</p>
THE CRIME	<p>Lesson 9. Concept of crime. The structure of the concept of crime: evolution. Legal concept of crime in the Spanish Law.</p> <p>Lesson 10. Actus reus: the conduct element. The voluntary act requirement,</p> <p>Lesson 11. Involuntary conduct or act. Corporate liability.</p>
THE CRIME (ACT)	<p>Lesson 12. Offences. Calsification of offences.</p> <p>Lesson 13. The unlawfulness. The legal good.</p> <p>Lesson 14. Actus reus theory.</p> <p>Lesson 15. Causation. The general principle. Interventions between conduct and result. Causal minimalism. Reasonable foreseeability.</p> <p>Lesson 16. Mens rea. The mental element. Intent. Distinguishing indirect intention and direct intention. Recklessness. Subjetive and objective forms of recklessness and inadvertence. An insufficient regard for the interest of others. Practical indifference.</p> <p>Lesson 17. Mistaken object and others. Ignorance or mistake of law</p> <p>Lesson 18. Negligence. Gross negligence.</p> <p>Lesson 19. Distinguishing between intention, recklessness and negligence. Combination.</p> <p>Lesson 20. Excuses and other defences.</p> <p>Lesson 21. Justificatory defences</p> <p>Lesson 22. Self-defence and justifiable force. Self-defence and individual autonomy. The problem of clonflicting rights. The rules and the principles. The proportionality standard. Aspects of the necessity requirement.</p> <p>Lesson 23. Necessity as a justification. The choice of evils.</p> <p>Lesson 24. Fortuitous case. Risk allowed General legal illegibility.</p> <p>Lesson 25. The fulfillment of a duty and the legitimate exercise of a right, trade or position. The question of due obedience. The consent.</p> <p>Lesson 26. Culpability. Criminal capacity. Agency, capacity and mental disorder. The minimum age of criminal responsibility. Unfitness to stand trial. The special verdict of insanity. Intoxication. Voluntary and non-voluntary intoxication. Alcoholism and drig dependency.</p> <p>Lesson 27. Ignorance or mistake of law. Reasonable mistake and putative defences. Non-justificatoy defences. The recognition of exculpatory doctrines.</p> <p>Lesson 28. Punishability. Objective conditions of punishability. Personal causes of exclusion of punishability and of excuses excuses or causes of suppression or remission of punishability.</p>
OMISSION	<p>Lesson 29. Omission. Distinction between acts and omissions. Should the criminal law punish omissions?.</p>

## INCHOATE OFFENCES AND COMPLICITY

Lesson 30. The law on inchoate offences. Attempt. Conspiracy. Incitement and Encouraging crime.  
 Lesson 31. The law of complicity. Principals and accomplices. General theories of accessory liability.  
 Lesson 32. The law of complicity. Accomplices. Aiding. Abetting. Counselling. Procuring.  
 Lesson 33. Unity and plurality of crimes. The contest of laws: rules. The crime contest. Permanent crime and habit crime. Crime continued.

## CIRCUMSTANCES

Lesson 34. Generic circumstances. Theory of the crime or the determination of the penalty. Various legislative systems.  
 Lesson 35. Mitigating circumstances. Incomplete exemptions.

## CONSEQUENCES

Lesson 36. The system of penalties in Spanish criminal law. Prison.  
 Lesson 37. Deprivation of rights. The penalty of fine. Common provisions on penalties, their classes and effects.  
 Lesson 38. Application and determination of penalties.  
 Lesson 39. Security measures. The accessory consequences.  
 Lesson 40. Extinction of criminal responsibility.  
 Lesson 41. Civil liability derived from crimes and offenses.

## Planning

	Class hours	Hours outside the classroom	Total hours
Lecturing	51.5	99.5	151
Problem solving	25	44	69
Problem and/or exercise solving	2	0	2
Objective questions exam	3	0	3

\*The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

## Methodologies

	Description
Lecturing	Exhibition by part of the professor of the contained envelope to subject object of study.
Problem solving	Activity in the that formulate practical cases and/or problems and/or exercises related with the subject. The student owes to develop the suitable solutions. it usually employs how supplement of the lesson.

## Personalized assistance

### Methodologies Description

Lecturing	The students will be attended by the professor on the timetable published in the website. It will be able to attended, previous appointment -by email-, or well through email or well through virtual dispatch in the remote campus-integrates of the University of Vigo.
Problem solving	The students will be attended by the professor on the timetable published in the website. It will be able to attended, previous appointment -by email-, or well through email or well through virtual dispatch in the remote campus-integrates of the University of Vigo.

## Assessment

	Description	Qualification	Training and Learning Results
Problem and/or exercise solving	The system of continuous evaluation will consist in the delivery of the resolution of exercises and in a final examination. It will value positively the resolution argued and delivered through the platform of "teledocencia" of the exercises pointed out pole teaching staff. They will award 2 points in the final qualification it the one who deliver resolved 100% of the exercises. In the case that no deliver 100% of the exercises, it/to student/to will not be able to received to the system of continuous evaluation, owing subjected it an only final examination. By means of the resolution of problems and/or exercises evaluate the following results of the learning: resolve practical suppositions in penal subject, handling properly the literature and jurisprudencial to substantiate juridically the solution.	20	A2 B1 C43 D1 A3 B2 C44 D5 A5 B3 B4

Objective questions exam	The continuous assessment system will consist of two parts in the final exam: the first part will focus on partial objective tests (objective questions exam, multiple choice, referred to in the previous part of the guide). The second part will focus on [problem solving] (referred to in this part of the guide). The examination corresponds to "problem solving": - it will be held on the official date of the ordinary announcement of the final exam: first opportunity, according to the official schedule approved by the Xunta de Facultade for the 2020-2021 academic year - It will consist of solving one or several practical cases and will be marked with a score of 0 to 4 points - The problems posed by the practical cases may affect the issues covered in the course syllabus. - It will be worth 40% of the final mark, with the remaining 40% corresponding to the one multiple choice objective exam. To pass the subject under the continuous assessment system, the mark from the three items, based on the weighting above, needs to be equal to or greater than 5.	80	A2 B1 C43 D1 A3 B2 C44 D5 A5 B3 B4
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## Other comments on the Evaluation

### 1. FIRST OPPORTUNITY

a) **CONTINUOUS ASSESSMENT SYSTEM** described in the sections above.

b) **FINAL EXAM SYSTEM**

For those who do not choose the continuous assessment system, the subject assessment will consist of a single final exam, on the date established in the official schedule approved by the Xunta de Facultade for the 2020-2021 academic year.

The exam will cover the whole syllabus and will be worth 100% of the mark for the subject. It will consist of two parts, a theory part and a practical part, which will both be worth 0 to 5 points each. The theory part will consist of a multiple choice test, in which correct answers will be worth twice as much as the points deducted for incorrect answers. Any answers left blank will not score anything. The practical part will consist of solving one or several practical cases. The final mark for the exam will be obtained by adding together the marks obtained in each of the parts. To pass the subject students must obtain a minimum of 5 points after adding the marks from both parts together.

### 2. SECOND OPPORTUNITY AND EXTRAORDINARY EXAM

The subject assessment will consist of a single final exam, on the date established in the official schedule approved by the Xunta de Facultade for the 2020-2021 academic year.

The exam will cover the whole syllabus and will be worth 100% of the mark for the subject. It will consist of two parts, a theory part and a practical part, which will both be worth 0 to 5 points each. The theory part will consist of a multiple choice test, in which correct answers will be worth twice as much as the points deducted for incorrect answers. Any answers left blank will not score anything. The practical part will consist of solving one or several practical cases. The final mark for the exam will be obtained by adding together the marks obtained in each of the parts. To pass the subject students must obtain a minimum of 5 points after adding the marks from both parts together.

## Sources of information

### Basic Bibliography

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## Recommendations

### Subjects that continue the syllabus

- Criminal law 2/O03G081V01402
- Criminology and Penitentiary Law/O03G081V01925
- Criminal & procedural law for minors/O03G081V01924

### Subjects that it is recommended to have taken before

- Law: Constitutional law 1/O03G081V01103
- Law: Roman law/O03G081V01104
- Law: Theory of Law/O03G081V01102
- Computer: New technologies applied to law/O03G081V01101

## Other comments

It advises to carry a constante study since it begin tie the final of the first period of the academic course.

It is necessary to study the subject through manuals and of the valid Penal Code.

The manual of reference is the following: LUZÓN PEÑA, Diego-Manuel, Lecciones de Derecho penal. Parte general, 3.ª ed., Valencia, Tirant lo Blanch, 2016.

The practices will do following the book: LUZÓN PEÑA, Diego-Manuel (dir.), Derecho Penal en casos, Parte General, Valencia, Tirant lo Blanch, 2018.

It is necessary to complete the study through the trials. Therefore, it will be accurate the suitable handle of the juridical Databases (electronic).

## Contingency plan

### Description

=== EXCEPTIONAL MEASURES SCHEDULED ===

In front of it uncertain and unpredictable evolution of the sanitary alert caused by the COVID- 19, the University establishes join extraordinary planning that will actuate in the moment in that the administrations and the @propio institution determine it attending to criteria of security, health and responsibility, and guaranteeing the \*docencia in a @escenario no \*presencial or no totally \*presencial. These already scheduled measures guarantee, in the moment that was prescriptive, the development of the learning process of a way but effective when being known beforehand (or with a wide advance) pole students and the teaching staff through the tool normalized and institutionalized of the teaching guides DOCNE\*<sup>T</sup>.

=== ADAPTATION OF The METHODOLOGIES ===

\* Teaching Methodologies that keep : It will be kept all the teaching methodologies, using the telematic resources places to the disposal by the University of Vigo: platform of "teledocencia", classrooms and virtual dispatches in the remote campus-integrates.

\* Teaching methodologies that modify : no it modifies any teaching methodology.

\* Mechanism non presentatial of attention to the students: it will attend, previous appointment by email-, or well through email or well through virtual dispatch in the remote campus-integrates of the Universidade de Vigo.

\* Modifications ( proceed) of the contained to impart: no they modify the contents to impart.

\* Additional bibliography to facilitate to car-learning: no it requires additional bibliography. By this reason recommends to the students that purchase, at least, the manual of reference of the subject, LUZÓN PEÑA, Diego-Manuel, Lecciones of Derecho penal. Parte general, 3.ª \*ed., Tirant lo Blanch, Valencia, 2016, and the Book of practical cases LUZÓN PEÑA, Diego-Manuel (dir.), Derecho Penal en casos, Parte General, Tirant lo Blanch, Valencia, 2018. Two books are pointed out in the bibliography contained in the teaching guide and can purchased in physical format and/or digital.

=== ADAPTATION OF The EVALUATION ===

It is not necessary any adaptation

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