

General information	
Academic subject	CRIMINAL LAW
Degree course	LAW LEGAL SERVICES FOR IMMIGRATION, HUMAN RIGHTS AND INTERCULTURALITY
Academic Year	//
European Credit Transfer and Accumulation System (ECTS)	6 CFU
Language	ITALIAN
Academic calendar (starting and ending date)	02/23/2023-05/31/2023
Attendance	

Professor/ Lecturer	
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Virtual headquarters	
Tutoring (time and day)	The reception should be previously agreed with the teacher by writing to gaetano.stea@uniba.it

Syllabus	
Learning Objectives	Autonomy of orientation between the elements of the general part and within the individual crimes of the special part that will be examined. In particular, ability to analyze the real case and know how to identify the fundamental legal characteristics
Course prerequisites	
Contents	<p>The course aims to illustrate, mainly, the topics of the general part of criminal law, analyzing the historical reasons of the criminal system, with a look at European influences and those of the jurisprudence of the supranational Courts. The course is informally structured in two parts: the first is dedicated to the study of general section of criminal law and, therefore, to the analysis of constitutional and general principles in criminal matters (legality, guilt, harm principle, etc.) as well as the definition and structure of the offence (typical fact; causes of justification; imputability, intention, negligence, ignorance, etc.) and the forms of its manifestation, in addition to the analysis of the penalty; the second is dedicated to the analysis of individual crimes that may most affect the specialist path of the student, such as crime of enslavement and those related to illegal immigration. Attention is also paid to the jurisdiction of the International Criminal Court. The examination and discussion of practical cases will make it possible to verify the specific categories of general criminal law.</p> <p>General Section</p> <p>I. Principio di legalità</p> <p><i>I.1 Dimensione della riserva di legge.</i></p> <p><i>I.2 La dimensione della tassatività/determinatezza</i></p> <p><i>I.3 La dimensione dell'irretroattività e la successione di leggi</i></p> <p><i>I.4 Ambito spaziale dell'applicazione della legge penale</i></p> <p>II. Il principio di personalità</p> <p>III. Il principio di offensività</p> <p>IV. Il reato. Definizione e distinzione in delitti e contravvenzioni</p> <p><i>IV.1 La tipicità</i></p> <p><i>IV.2 Criteri di imputazione soggettiva</i></p> <p><i>IV.2.1 Il dolo</i></p> <p><i>IV.2.2 La colpa</i></p>



	<p><i>IV.2.3 La preterintenzione</i> <i>IV.2.4 La responsabilità oggettiva</i> <i>IV.2.5 L'elemento soggettivo nelle contravvenzioni</i> V. L'antigiuridicità <i>V.1 Le cause di giustificazione</i> <i>V.2.1 Il consenso dell'avente diritto</i> <i>V.2.2 L'esercizio di un diritto</i> <i>V.2.3 L'adempimento del dovere</i> <i>V.2.4 La difesa legittima</i> <i>V.2.5 L'uso legittimo delle armi</i> <i>V.2.6 Lo stato di necessità</i> V.2.7 Le cosiddette cause di giustificazione non codificate VI. La colpevolezza <i>VI.1 L'imputabilità</i> <i>VI.1.1 Minore età</i> <i>VI.1.2 Infermità di mente</i> <i>VI.1.3 Sordomutismo</i> <i>VI.1.4 Ubriachezza e intossicazione da stupefacenti</i> <i>VI.1.5 Actio libera in causa</i> VIII. Le forme di manifestazione del reato <i>VIII.1 Il reato circostanziato</i> <i>VIII.2 Tentativo</i> <i>VIII.3 Il concorso di persone nel reato</i> <i>VIII.3.1 Concorso doloso</i> VIII. 3.2 Concorso colposo VIII.3.3 I differenti modelli descrittivi <i>VIII.3.4 Le circostanze aggravanti ed attenuanti</i> <i>VIII.3.5 I concorsi anomali</i> IX. Il concorso apparente di norme X. Il concorso di reati ed i reati continuato, complesso e abituale XI. Reato omissivo XII. La responsabilità per omesso impedimento dell'evento all'interno delle organizzazioni complesse: posizioni di garanzia e delega di funzioni XIII. Le finalità della pena <i>XIII.1 L'utilitarismo punitivo</i> XIV. I principi che regolano la sanzione penale europea ed il carattere anankastico della pena «rieducativa» XV. Il sistema delle sanzioni penali. Pena e misura di sicurezza. Gli strumenti di giustizia riparativa.</p> <p>Special Section I delitti di schiavitù, servitù e tratta di persone Il delitto di favoreggiamento dell'ingresso illegale nel territorio dello Stato Il delitto di favoreggiamento della permanenza illegale dello straniero Associazioni per delinquere anche straniere</p>
Books and bibliography	<p><u>To General Section (the students will have to choose one of their choice)</u> Contento G., <i>Corso di diritto penale</i>, Laterza, 2004, VIII ed. Canestrari, De Simone, Cornacchia, <i>Manuale di diritto penale</i>, Il Mulino, Bologna, 2017 (only parts of the program)</p> <p><u>To Special Section</u> Scevi P., <i>Nuove schiavitù e diritto penale</i>, Giuffrè, Milano, 2014 (Chapters II, III, IV)</p>
Additional materials	<p>During the course, the teacher will make available lecture notes on the topics of the general section.</p>

Work schedule			
Total	Lectures	Hands on (Laboratory, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
Hours			
150	48		90
ECTS			
6			
Teaching strategy		Lectures: special attention will be paid to the direct dialogue with students, that are invited to make proposals on issues of their peculiar interest. In order to achieve the educational goals, interdisciplinary lessons, supplementary teaching activities, insights on topical practical issues will be organized through the online frequency of seminars. Students attending will have to carry out two intermediate exercises.	
Expected learning outcomes			
Knowledge and understanding on:		At the end of the course, the student must demonstrate that he possesses the necessary knowledge to be able to orient himself independently between the elements of the general part and within the individual crimes of the special part that will be examined, assuming motivated positions that also take into account the so-called living law. In particular, he must have acquired a level of learning ability that allows him to analyze each crime and know how to identify the fundamental characteristics	
Applying knowledge and understanding on:		At the end of the course, the student must be able to interpret the individual incriminating rules covered by the course and to know the jurisprudential approaches of the Italian courts in criminal matters.	
Soft skills		The course aims at providing the students with the following competencies: - the knowledge of the general issues related to the basic elements of Criminal Law and the most relevant offences provided for in the special sector of the course; - critical thinking skills about some of the basic elements, of the legal sources and of the most relevant case-law (national courts, EU Court of Justice, ECHR); - the ability to apply the acquired knowledge to specific criminal offences object of study, through practical examples and case studies; - the mastery of technical-juridical language	

Assessment and feedback	
Methods of assessment	Evaluation of the acknowledgments and skills of students, which are requested to learn with scientific methodology, to approach in a critical way the texts and the discussions in class, with special attention to the legal sources; to be able to debate the issues of the courses.
Evaluation criteria	<ul style="list-style-type: none"> <i>Knowledge and understanding</i> The evaluation criteria used aim to verify the effective acquisition by the student of the methodology necessary for the knowledge and understanding of the institutes of criminal law indicated in the program. <i>Applying knowledge and understanding</i> The evaluation criteria used aim to verify the effective acquisition, by the student, of the methodology necessary for the application of the knowledge and understanding of the institutes of criminal law indicated in the program, also through exercises, with specific attention to the jurisprudence of the Constitutional Court, the Court of Cassation, the European Court of Rights of man and of the Court of Justice of the European Union. <i>Autonomy of judgment</i>



	<p>The evaluation criteria used aim to verify the effective acquisition and development, by the student, of the critical study capacity of the institutes of criminal law indicated in the program, also through the critical study of the most significant literature on the individual subjects subject to indepth study - through seminar type teaching activities - and more innovative jurisprudence, with specific attention to the jurisprudence of legitimacy and merit.</p> <ul style="list-style-type: none">• <i>Communicating knowledge and understanding</i> <p>The evaluation criteria used aim to verify the effective acquisition, by the student, of the ability to argue the doctrinal and jurisprudential theses, in order to be able to communicate them well in moments of sharing, comparison and discussion also in the classroom and on the platform forum. elearning, both individually and in groups.</p> <ul style="list-style-type: none">• <i>Communication skills</i> <p>The evaluation criteria used aim to verify the effective acquisition, by the student, of the ability to argue the doctrinal and jurisprudential theses, in order to be able to communicate them well in moments of sharing, comparison and discussion also in the classroom and on the platform forum. elearning, both individually and in groups.</p> <ul style="list-style-type: none">• <i>Capacities to continue learning</i> <p>The evaluation criteria used aim to verify the effective acquisition, by the student, of the methodology necessary for learning, mastery of the discipline, critical study of the main institutes of criminal law by examining the doctrine and jurisprudence more innovative on the topics under study</p>
Criteria for assessment and attribution of the final mark	The final mark will be expressed in thirtieths
Additional information	