

COURSE OF STUDY *Law legal services for immigration, human rights and interculturality (L-14)*

ACADEMIC YEAR *2024-2025*

ACADEMIC SUBJECT *Criminal law*

General information	
Year of the course	<i>II° year</i>
Academic calendar (starting and ending date)	<i>II° semester (from 24 February 2025 to 19 May 2025, every Monday morning from 10:00 to 13:00 a.m.)</i>
Credits (CFU/ETCS):	<i>6</i>
SSD	<i>GSD 12/GIUR-14 SSD GIUR-14/A</i>
Language	<i>Italian</i>
Mode of attendance	<i>Optional</i>

Professor/ Lecturer	
Name and Surname	<i>Dott.ssa Filomena Pisconti</i>
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Telephone	<i>/</i>
Department and address	<i>Ionian Department of Law, Economics and Environment of Taranto</i>
Virtual room	<i>The Teams code for tutoring activities will be communicated via email</i>
Office Hours (and modalities: e.g., by appointment, online, etc.)	<i>The reception should be previously agreed with the teacher</i>

Work schedule			
Hours			
Total	Lectures	Hands-on (laboratory, workshops, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
<i>150</i>	<i>48</i>	<i>12</i>	<i>90</i>
CFU/ETCS			
<i>6</i>	<i>6</i>	<i>/</i>	<i>/</i>

Learning Objectives
<p><i>As indicated in the SUA-CdS, the Course aims to train professional figures capable of dealing with problems about the phenomenon of immigration. In particular, the graduate student must be able to fit into different social contexts with specific skills regarding the processes of integration and protection of the human fundamental rights. These professional figures will be trained with skills acquired through the fruitful scientific and educational exchange between legal, economic and human sciences in a general sense.</i></p> <p><i>As specified in the Teaching Regulations of the Course, at the end of the three-year period, the Course of study aims to refine the ability to analyze and combine the skills and the ability to set reasoning and argumentation suitable for a correct setting of legal issues.</i></p> <p><i>During the Course the teaching of Criminal law has the aim of developing knowledge of the elements of the general part and of the crimes of the special part in a multi-systemic perspective, individualizing interconnections with the system of constitutional guarantees and the European principles about the protection of fundamental rights. It also has the aim of analyzing the evolution of the criminal laws on immigration which fall within the dimension of the so-called.</i></p>

	<i>“cimmigration”, through the study of criminal cases and the most recent reforms, both in the international and national fields, which are based on the intersection between criminal law and immigration law.</i>
Course prerequisites	<i>As prerequisites for the course, basic knowledge of philosophy of law and the theory of interpretation, private law and constitutional law are requested. The disciplines of Institutions of Private Law and Constitutional Law, both first-year disciplines, are preparatory to the Criminal law exam.</i>
Teaching strategie	<i>The course involves the use of the traditional frontal lesson as main teaching method, to illustrate the contents of the teaching and encourage the acquisition of theoretical elements. The students could participate to eventual thematic seminars. During the lessons, PowerPoint presentations will be projected in the classroom.</i>
Expected learning outcomes in terms of:	
Knowledge and understanding on:	<ul style="list-style-type: none"> - Dublin Descriptor 1: Knowledge and understanding: <ul style="list-style-type: none"> o Knowledge of the fundamental elements of Criminal law, connected with International and European law and knowledge of the main interconnections between criminal law and migratory phenomena - Dublin Descriptor 2: ability to apply knowledge and understanding: <ul style="list-style-type: none"> o Ability to understand and apply the knowledge and support legal arguments about the main issues of Criminal law, through the study of so-called “diritto vivente” and through the analysis of the most recent jurisprudential conclusions - Dublin 3 Descriptor: critical and judgment skills <ul style="list-style-type: none"> • <i>Autonomy of judgement</i> <p>At the end of the course the student must be able to:</p> <ul style="list-style-type: none"> o Acquire the ability to critically study of the elements of Criminal law and the most significant jurisprudential conclusions - Dublin 4 Descriptor: ability to communicate what has been learned <ul style="list-style-type: none"> • Communication skills <p>At the end of the course the student must be able to:</p> <ul style="list-style-type: none"> o Acquire adequate technical-legal terminology, as well as good expository and argumentative skills, to be capable of reconstructing autonomously normative rules and jurisprudential tendencies - Dublin 5 Descriptor: ability to continue studying independently throughout life <ul style="list-style-type: none"> • Ability to learn independently <p>At the end of the course the student must be able to:</p> <ul style="list-style-type: none"> o Have learnt, also in a systemic and practical way, the elements and to consider the arguments in support of the various hermeneutical approaches as well as to understand the evolutions of the penal system
Applying knowledge and understanding on:	At the end of the course, the student must be able to interpret the general elements of criminal law and the individual incriminating rules covered by the course and to know the jurisprudential approaches in criminal matters.
Soft skills	<ul style="list-style-type: none"> • <i>Making informed judgments and choices</i>

	<p>Ability to relate the criminal matters acquired to other fields of Italian law and interpret them also thanks to soft skills of other fields, such as economic and human sciences knowledge.</p> <ul style="list-style-type: none"> • <i>Communicating knowledge and understanding</i> <p>Ability to apply the acquired knowledge to specific criminal offences object of study, through practical examples and case studies.</p> <ul style="list-style-type: none"> • <i>Capacities to continue learning</i> <p>Ability to individual study criminal law matters beyond the teacher's study suggestions.</p>
Syllabus	
Content knowledge	<p>General Section</p> <ul style="list-style-type: none"> • Introduzione al diritto penale. Definizioni. • Il principio di legalità. Fondamenti e funzioni. Il principio di legalità nella giurisprudenza della Corte Europea dei Diritti dell'Uomo. • I corollari del principio di legalità: riserva di legge formale e sostanziale, determinatezza e precisione. • Il principio di tassatività e il divieto di analogia. • L'interpretazione della legge penale. • La legge penale nel tempo. Principi e regole. • La legge penale nello spazio. Principi e regole. • Il principio di offensività e il concetto di bene giuridico. • Le sanzioni. Funzioni, principi e disciplina della pena. • Sanzioni accessorie, misure alternative alla detenzione e misure sostitutive delle pene brevi. • Misure di sicurezza e misure di prevenzione. Presupposti applicativi. • Il reato. Elementi oggettivi (condotta, nesso di causalità ed evento) e soggettivi (dolo, colpa, preterintenzione, responsabilità oggettiva) • Il principio di personalità della responsabilità penale e il concetto di colpevolezza. Gli elementi della colpevolezza. • L'imputabilità del reo. • Le forme di manifestazione del reato. Circostanze, tentativo e concorso di persone. • Unità e pluralità di reati. • L'antigiuridicità del reato. Le scriminanti e i cd. reati culturalmente motivati (cenni). • La punibilità (cenni). Ipotesi di esclusione della punibilità. <p>Special Section</p> <ul style="list-style-type: none"> • Il diritto penale dell'immigrazione e il fenomeno della cd. "crimmigration". Definizioni e casistiche. • Le principali fattispecie penali nel Testo Unico Immigrazione (D. lgs 25 luglio 1998, n. 286): ingresso e soggiorno illegale nel territorio dello Stato e favoreggiamento dell'ingresso e della permanenza illegale dello straniero. • Il sistema dell'espulsione dello straniero e i reati connessi all'espulsione (Cenni). • Rilievi penalistici della disciplina in materia di soccorsi in mare: analisi delle principali norme e dei principali casi giurisprudenziali (Cenni). • Immigrazione e sfruttamento lavorativo degli stranieri (Cenni) • I delitti di schiavitù, servitù e tratta di persona.

Texts and readings	<p><i>To General Section (the students will have to choose one of their choice):</i></p> <p><i>Contento G., Corso di diritto penale, Laterza, ult. Ed.</i> <i>Fiandaca G. – Musco E., Diritto penale. Parte generale, Zamichelli editore, ult. Ed.</i> <i>Marinucci G. – Dolcini E., Diritto penale. Parte generale, Giuffrè editore, ult. Ed.</i> <i>Palazzo F. – Bartoli R., Corso di diritto penale. Parte generale, Giappichelli editore, ult. Ed.</i> <i>Pulitanò D., Diritto penale, Giappichelli editore, ult. ed.</i></p> <p><i>To Special Section, study materials will be indicated during lessons and communicated to non-attenders students.</i></p>
Notes, additional materials	<i>Slides with course contents and insights (reserved for attenders students)</i>
Repository	<p><i>As regards the special part, the study materials will be provided directly by the teacher via e-mail.</i></p> <p><i>The main source sites are:</i> https://archiviodpc.dirittopenaleuomo.org/ http://www.archivepenale.it/ https://dicrimen.it/ https://www.giurisprudenzapenale.com/ http://www.la legislazione penale.eu/ https://www.sistemapenale.it/</p> <p><i>Furthermore, reading books chapters or parts of scientific journals can be indicated.</i></p>

Assessment	
Assessment methods	<p><i>The final exam takes place in oral form; the final mark will be expressed in thirtieths - also for the intermediate test- with eventually laud.</i> <i>Any optional intermediate evaluation tests will be carried out during the course, in the form of questionnaires containing open and/or multiple-choice questions.</i> <i>These may be considered for the final evaluation and there will be, therefore, a grade point average of intermediate test with that of the final exam.</i> <i>Any materials useful for taking the test will be allowed, such as the penal code and special criminal laws, not explained or commented on.</i></p>
Assessment criteria	<ul style="list-style-type: none"> • Knowledge and understanding: <i>The student must demonstrate that he has learned the elements and fundamental principles of criminal law and to be able to debate about the scientific literature and in the jurisprudential approaches.</i> • Applied knowledge and understanding: <i>The student must be able to apply the theoretical knowledge learned and to analyse them also in a critical and systematic way.</i> • Independent judgment: <i>The student must have acquired his own autonomy of judgment of theoretical knowledge.</i> • Communication skills: <i>The student must demonstrate not only that he has understood the knowledge learned, but also that he is able to communicate this knowledge effectively.</i> • Ability to learn: <i>The student must demonstrate that they have a solid legal basis in Criminal law useful in their future professional career.</i>
Final exam and grading criteria	<p><i>The exam is considered passed when the grade is greater than or equal to 18.</i> <i>The correctness of the answers, the ability to analyse, summarize and re-elaborate the contents learned will be adequately evaluated.</i></p>

	<p><i>The high evaluation will be achieved if the student demonstrates that he/she has acquired excellent autonomy of judgment and adequate argumentation and technical exposition skills.</i></p> <p><i>Laud is awarded in cases where all the answers, in addition to being correct on a formal and content level, demonstrate in-depth and individual study by the student as well as a high level of originality from a critical-reflective point of view.</i></p> <p><i>The following rating scale will be used:</i></p> <ul style="list-style-type: none"> - <i>Not suitable: Cognitive deficiencies and insufficient knowledge of the subject</i> - <i>18/20: Just sufficient knowledge of the subject</i> - <i>21 / 23: More than sufficient knowledge of the subject</i> - <i>24 / 26: Fair knowledge of the subject</i> - <i>27 / 28: Good knowledge of the subject</i> - <i>30 / 30 L: More than good/excellent knowledge of the subject</i>
Further information	/