

# **CRIMINAL LAW I**

**IE University**

Professor: **MARINA AKSENOVA**

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Degree course: FIRST

Semester: 2<sup>o</sup>

Category: BASIC

Number of credits: 6.0

Language: English

## **PREREQUISITES**

## **SUBJECT DESCRIPTION**

This course is designed to introduce the foundations and the general principles of criminal law to students from a comparative and international law perspectives. Given the special nature of the subject, the course has been developed to provide not only a deep knowledge of fundamentals of criminal law (concepts, aims, principles and sources), but also knowledge of legal reasoning tools and theories applied by judiciary. Since this is a comparative criminal law class, we will be focusing on Germany as an exemplification of a civil law system and on the United States as an exemplification a common law system.

## **OBJECTIVES AND SKILLS**

The aims of the course are as follows:

- I. To provide essential knowledge of the fundamentals of criminal law from a civil law perspective (mainly the German system) and a common law perspective (mainly the US);
- II. To analyze the role of criminal law in modern societies;
- III. To understand legal reasoning used in criminal law and the relationships with other legal disciplines.

Upon successful completion of this course students will be able:

- I. To understand criminal law concepts and institutions;
- II. To identify the elements of the crimes and their role according to different legal theories;
- III. To be able to identify with more precision the particularities of criminal law institutions;
- IV. To engage in an informed discussion on criminal law related issues, using clear and concise terms and to link them to broader policy concerns or arguments;
- V. The ability to apply theoretical framework of criminal law to practical settings.

## **METHODOLOGY**

The course will be heavily based on student participation. You are expected to read materials for the lecture before the class. All materials (including slides) will be uploaded in advance. Students will make presentations (in groups) on topics covered by the course. Lecture will serve primarily to clarify concepts.

<b>Teaching methodology</b>	<b>Weighting</b>	<b>Estimated time a student should dedicate to prepare for and participate in</b>
Lectures	33.33 %	50 hours
Discussions	10.0 %	15 hours
Exercises	20.0 %	30 hours
Group work	16.67 %	25 hours
Other individual studying	20.0 %	30 hours
<b>TOTAL</b>	<b>100.0 %</b>	<b>150 hours</b>

## **PROGRAM**

### **SESSION 1**

Topics:

- Participants and Steps in the Criminal Justice Process
- Sources of Criminal Law in Civil Law countries
- Sources of Criminal Law in Common Law countries Readings:

### **SESSION 2**

### **SESSION 3**

Topics:

- Theories of Punishment I: Retribution and Prevention
- Theories of Punishment II: Rehabilitation and Incapacitation
- The Death Penalty

### **SESSION 4**

### **SESSION 5**

Topics:

1. Scope of Application of Criminal Law (time, persons, space)
2. Statute of Limitation or Prescription
3. Types of Crimes
4. General principles of criminal law Legality Clarity Interpretation

### **SESSION 6**

### **SESSION 7**

Topics:

- Defining the crime: the criminal act ("actus reus")
- Voluntariness
- Omissions
- Causation

### **SESSION 8**

## **SESSION 9**

Topics:

- Defining the crime: the criminal mind ("mens rea")
- Intent
- Strict Liability
- Mistake of Fact
- Mistake of Law

## **SESSION 10**

## **SESSION 11**

Topics:

- Causation

## **SESSION 12**

## **SESSION 13**

Topics:

- Inchoate offences Attempt Conspiracy Solicitation Renunciation

## **SESSION 14**

## **SESSION 15**

Midterm

## **SESSION 16**

## **SESSION 17**

## **SESSION 18**

## **SESSION 19**

Topics:

- Defences Introduction Self-Defense Necessity Duress Intoxication Insanity Superior

## **SESSION 20**

## **SESSION 21**

## **SESSION 22**

## **SESSION 23**

Topics:

- Beyond reasonable doubt
- Principles concerning sentencing
- Aggravating and Mitigating Circumstances
- Concurrence of Offenses
- Pardon and Commutation of Sentences Assignment:

## **SESSION 24**

## **SESSION 25**

Group exercise and revisions.

## **SESSION 26**

Group exercise and revisions.

## **SESSION 27**

Group exercise and revisions.

## **SESSION 28**

## **SESSION 29**

Final exam (overview of the whole course).

## **SESSION 30**

Final exam (overview of the whole course).



## **BIBLIOGRAPHY**

The students are expected to read the readings attached to each session before the class.

## EVALUATION CRITERIA

Each student has four attempts over two consecutive academic years to pass this course.

Students must attend at least 70% of the sessions. Students who do not comply with the 70% attendance rule will lose their 1st and 2nd chance, and go directly to the 3rd one (they will need to enrol again in this course next academic year).

Students who are in third or fourth call should contact the professor during the first two weeks of the course.

Your final grade in the course will be based on both individual and group work of different characteristics that will be weighted in the following way:

<b>Criteria</b>	<b>Percentage</b>	<b>Comments</b>
Midterm	20 %	
Class Participation	20 %	
Group Presentation	15 %	
Final Exam	45 %	

## PROFESSOR BIO

Professor: **MARINA AKSENOVA**  
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**OTHER INFORMATION**

- Students must read and prepare before each class
- Group presentations are essential

## CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than 5 minutes late will be marked as “Absent”.

Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.
3. **Do not leave the room during the lecture:** Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as “Absent”.

Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).

4. **Do not engage in side conversation.** As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. If you do not want to ask it during the lecture, feel free to approach your teacher after class.

If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as “Absent”.

5. **Use your laptop for course-related purposes only.** The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as “Absent”.
6. **No cellular phones:** IE University implements a “Phone-free Classroom” policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.
7. **Escalation policy: 1/3/5.** Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as “Absent.” IE University implements an “escalation policy”: The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.