



## Teaching Guide

Identifying Data					2020/21
Subject (*)	Criminal Law: General	Code	612G01010		
Study programme	Grao en Dereito				
Descriptors					
Cycle	Period	Year	Type	Credits	
Graduate	2nd four-month period	First	Obligatory	6	
Language	SpanishGalician				
Teaching method	Face-to-face				
Prerequisites					
Department	Dereito Público				
Coordinador	Ramos Vazquez, Jose Antonio	E-mail	jose.ramos.vazquez@udc.es		
Lecturers	Martínez-Buján Pérez, Carlos	E-mail	c.martinez-bujan@udc.es		
	Ramos Vazquez, Jose Antonio		jose.ramos.vazquez@udc.es		
Web					
General description	Estudo da norma penal e da teoría xurídica do delito				
Contingency plan	<p>1. Modifications to the contents</p> <p>2. Methodologies</p> <p>*Teaching methodologies that are maintained</p> <p>*Teaching methodologies that are modified</p> <p>3. Mechanisms for personalized attention to students</p> <p>4. Modifications in the evaluation</p> <p>*Evaluation observations:</p> <p>5. Modifications to the bibliography or webgraphy</p>				

## Study programme competences

Code	Study programme competences
A1	Knowledge of the main legal institutions
A3	Grasping the systematic nature of the legal system
A8	Basic knowledge of legal argumentation.
A9	Ability to handle legal sources (legal, jurisprudential and doctrinal).
A10	Ability to interpret and critically assess the legal system.
A11	Ability to understand and write legal documents.
A12	Management of legal oratory (ability to express themselves properly in public).
A14	Ability to draft legal norms.
B3	Ability to gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on social, scientific or ethical relevant issues.
B5	Acquisition and assessment of those learning skills necessary to undertake further studies with a high degree of autonomy
B8	Critical, logical, and creative thinking.
B11	Ethical and social responsibility.
B12	Effective workplace communication and oral and written skills in Spanish, Galician and foreign languages.
C3	Using ICT in working contexts and lifelong learning.
C4	Exercising an open, educated, critical, committed, democratic and supportive citizenship for the sake of the common good.



C7	Assume as a professional and citizen the importance of lifelong learning.
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Learning outcomes			
Learning outcomes	Study programme competences		
Coñecer o papel do Dereito penal como medio formal de control social integrado nun ordenamento xurídico complexo	A1 A3 A9 A11 A12 A14	B11 B12 B3 B5	C3 C4 C7
Coñecer a norma penal na súa estrutura interna, a súa interpretación e a súa aplicación tempo-espacial	A8		
Coñecer a infracción penal nos seus elementos constitutivos	A10		
Analizar uns feitos concretos e argumentar a existencia ou non de responsabilidade penal		B8	

Contents	
Topic	Sub-topic
TEMA 1 O DEREITO PENAL: CONCEPTO E FUNCÍONS	1. Concepto de Dereito penal 2. Funcións do Dereito penal
TEMA 2: PRINCIPIOS INFORMADORES DO DEREITO PENAL	1. O principio de legalidade 2. O principio de proporcionalidade 3. O principio "ne bis in idem" 4. Outros principios
TEMA 3 FONTES DO DEREITO PENAL	1. A lei penal 2. O problema das leis penais en branco 3. ¿Outras fontes do Dereito penal?
TEMA 4 INTERPRETACIÓN DA NORMA PENAL	1. Concepto de interpretación 2. Tipos de interpretación
TEMA 5 APLICACIÓN DA NORMA PENAL NO ESPAZO E NO TEMPO	1. A retroactividade en Dereito penal 2. O principio de territorialidade da Lei penal
TEMA 6: TEORÍA XURÍDICA DO DELITO : PRANTEXAMENTO XERAL	1. Metodoloxía seguida 2. Estrutura da teoría Xurídica do delito
TEMA 7: ACCIÓN E TIPCIDADE	1. O concepto de acción 2. O tipo penal
TEMA 8: EL PROBLEMA DA ADECUACIÓN A TIPO NOS DELITOS DE RESULTADO	1. Causalidade 2. Imputación obxectiva
TEMA 9 A ANTIXURIDICIDADE MATERIAL.	1. Concepto 2. O ben xurídico
TEMA 10 A OMISIÓN	1. Omisión propia 2. Omisión impropia
TEMA 11 A ANTIXURIDICIDADE FORMAL	1. Dolo e imprudencia 2. As causas de xustificación
TEMA 12 A CULPABILIDADE	1. Concepto de inculpabilidade 2. Causas de exclusión da culpabilidade



TEMA 13 A PUNIBILIDADE. OUTROS PRESUPOSTOS DA PENA ALLEOS Ó DELITO	1. Condiciones obxectivas de punibilidade 2. Causas personais de exclusión da pena
TEMA 14 O ITER CRIMINIS	1. Actos preparatorios punibles 2. A tentativa
TEMA 15 AUTORÍA E PARTICIPACIÓN	1. Autoría 2. Participación

Planning				
Methodologies / tests	Competencies	Ordinary class hours	Student?s personal work hours	Total hours
Directed discussion	A3 A9 A11 A12 A14 B8 B11 B12 B3 B5 C3 C4 C7	10	0	10
Collaborative learning	A10	10	0	10
Case study	A1	10	10	20
Events academic / information	A8	10	0	10
Workbook	A1	0	20	20
Oral presentation	A10	1	10	11
Objective test	A8	2	0	2
Speaking test	B8	1	0	1
Field trip	A1	5	0	5
Guest lecture / keynote speech	B8	21	0	21
Problem solving	B8	5	0	5
Document analysis	B8	5	0	5
Supervised projects	B8	2	18	20
Personalized attention		10	0	10

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

Methodologies	
Methodologies	Description
Directed discussion	Nas clases prácticas, o docente organizará debates sobre temas penais de actualidade.
Collaborative learning	Os estudantes traballarán en grupo diversos temas, debendo mostrarse activos e colaboradores cos compañeiros do seu grupo.
Case study	A praxe é un dos elementos clave da nosa disciplina. Por el, a formulación e resolución de casos prácticos en clase será un dos elementos basilares do desenvolvemento da docencia.
Events academic / information	Ao longo do curso, a Área organizará diversas xornadas, conferencias, etc. sobre temas de interese para o estudante, complementándose así a súa formación.
Workbook	Ao longo do curso poderá proxectarse un filme, que será a base para a análise dalgunhas cuestións penais básicas.
Oral presentation	A lo largo del curso, los estudiantes deberán presentar ante sus compañeros las conclusiones del trabajo tutelado al que se hace referencia infra.
Objective test	Formulación de preguntas acerca dos temas do programa da materia
Speaking test	Non haberá proba oral.
Field trip	Organizaranse visitas aos diversos xulgados e tribunais da cidade, co fin de que o estudante poida ver in situ o desenvolvemento da praxe xudicial.



Guest lecture / keynote speech	Tendo en conta que o programa vén dividido en 21 leccións, a metodoloxía docente discorrerá do seguinte modo: a cada lección corresponderalle unha hora teórica na que -mediante o sistema de lección maxistral- o docente introducirá o estudante nos aspectos básicos de cada tema. Como soporte ás súas explicacións, o docente poderá proporcionar materiais (sentenzas, extractos de obras doutriniais...) e, eventualmente, un esquema-guía cos puntos clave do desenvolvemento da súa explicación. En todo caso, a explicación do docente deberá ser complementada polo estudante tanto cos materiais que lle fosen proporcionados ao efecto como pola consulta dos manuais que aparecen na bibliografía recomendada.
Problem solving	O docente formulará tanto nas horas teóricas coma nas prácticas problemas conceptuais de certo calado, debendo o alumno, apoiado polos materiais ofrecidos e o razoamento xurídico, ofrecer posibles solucións (en todo caso, sempre deberán ser fundamentadas e razoadas).
Document analysis	Análise das principais fontes de Dereito penal
Supervised projects	Ao longo do curso, o docente poderá tutorizar traballos sobre aspectos particularmente interesantes do programa co fin de que o estudante adquiera certas nocións de como se investiga nas disciplinas xurídicas, manexo de bibliografía etc. As conclusións do devandito traballo deberán ser presentadas ante os seus compañeiros, fomentándose así o intercambio de ideas.

### Personalized attention

Methodologies	Description
Guest lecture / keynote speech	.

### Assessment

Methodologies	Competencies	Description	Qualification
Case study	A1	Análise de casos reais	30
Objective test	A8	Examen teórico práctico sobre a materia	70

### Assessment comments

The students' final grade will be calculated as follows: 70% of the grade will come from the result of an objective theory or theory-practical test; this objective test will be worth 7 points, and it will be necessary to obtain a minimum of 3 points in order to add the grade achieved to the other activities carried out during the term. The remaining 30% will come from the various activities carried out throughout the course (practical cases, theory-practical tests, etc.). If a student does not pass the May-June test (1st opportunity), in July (2nd opportunity) only the objective test will be repeated, retaining the score achieved in the activities carried out throughout the course. It must be noted that the grade assigned to the different methodologies in the other activities carried out during the term aside from the objective test, should be understood to be a mere guideline, so if one of the results is not used during the course, the corresponding score will be added to those that are used. Therefore, the dates set for each test and their marks will be observed (70% of the grade will come from the the result of a theory or theory-practical test. This objective test will be worth 8 points, and it will be necessary to obtain a minimum of 4 points in order to add the grade achieved to the other activities carried out during the term. The remaining 30% will come from the various activities carried out throughout the course (practical cases, theory-practical tests, etc.).

### Sources of information

<b>Basic</b>	<ul style="list-style-type: none"> <li>- ORTS BERENGUER, E./GONZÁLEZ CUSSAC, J.L. (2019). Compendio de Derecho Penal (Parte General y Parte Especial). Valencia. Tirant Lo Blanch</li> <li>- MIR PUIG, S. (2015). Derecho penal. parte general.</li> <li>- DÍEZ RIPOLLÉS, J. L. (2016). Derecho Penal Español Parte General . Valencia. Tirant lo Blanch</li> </ul>
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<b>Complementary</b>	<ul style="list-style-type: none"><li>- CRIMIMEDIA (). <a href="http://crimimedia.uab.cat/index.php?option=com_content&amp;task=view&amp;id=13&amp;Itemid=28">http://crimimedia.uab.cat/index.php?option=com_content&amp;task=view&amp;id=13&amp;Itemid=28</a>.</li><li>- CRIMINET (). <a href="http://criminet.ugr.es/">http://criminet.ugr.es/</a>.</li><li>- CONGRESO DE LOS DIPUTADOS (). <a href="http://www.congreso.es">http://www.congreso.es</a>.</li><li>- TRIBUNAL CONSTITUCIONAL (). <a href="http://www.tribunalconstitucional.es">http://www.tribunalconstitucional.es</a>.</li><li>- CONSEJO GENERAL DEL PODER JUDICIAL (). <a href="http://www.poderjudicial.es">http://www.poderjudicial.es</a>.</li><li>- MINISTERIO DE JUSTICIA (). <a href="http://www.mjusticia.es">http://www.mjusticia.es</a>.</li><li>- ÁREA DERECHO PENAL. UPF (). <a href="http://www.upf.edu/bibtic/es/dret/penal.html">http://www.upf.edu/bibtic/es/dret/penal.html</a>.</li><li>- ASOCIACIÓN INTERNACIONAL DE DERECHO PENAL (). <a href="http://www.penal.org/new/index.php?langage=es">http://www.penal.org/new/index.php?langage=es</a>.</li><li>- QUINTERO OLIVARES, G. (2011 ). Comentarios al Código penal español. Cizur Menor. Thomson Aranzadi</li><li>- ZUGALDÍA ESPINAR, J.M. et al. (2010). Fundamentos de Derecho penal. Parte general . Valencia. Tirant Lo Blanch</li> <li>- ECRIM Criminalidade e Xustiza Penal no século XXI (). <a href="http://www.ecrim.es">http://www.ecrim.es</a>.</li></ul>
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## Recommendations

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

Constitutional Law: Sources of Law and Fundamental Rights/612G01003

Oral and Written Communication/612G01004

### Subjects that are recommended to be taken simultaneously

Jurisprudence/612G01006

Constitutional Organisation of the State/612G01009

Legal Reasoning Theory and Practice/612G01041

### Subjects that continue the syllabus

Legal Penalties/612G01020

Criminal Law: Special Part/612G01025

Final Dissertation/612G01031

Criminology/612G01038

Prison Law/612G01039

Work Placement/612G01048

### Other comments

(\*)The teaching guide is the document in which the URV publishes the information about all its courses. It is a public document and cannot be modified. Only in exceptional cases can it be revised by the competent agent or duly revised so that it is in line with current legislation.