



## Teaching Guide

| Teaching Guide         |                                                                                                                                                                       |        |                                                                                                                                                        |           |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| Identifying Data       |                                                                                                                                                                       |        |                                                                                                                                                        | 2023/24   |
| Subject (*)            | Criminal Law: General                                                                                                                                                 |        | Code                                                                                                                                                   | 612G01010 |
| Study programme        | Grao en Dereito                                                                                                                                                       |        |                                                                                                                                                        |           |
| Descriptors            |                                                                                                                                                                       |        |                                                                                                                                                        |           |
| Cycle                  | Period                                                                                                                                                                | Year   | Type                                                                                                                                                   | Credits   |
| First and Second Cycle | 2nd four-month period                                                                                                                                                 | First  | Obligatory                                                                                                                                             | 6         |
| Language               | SpanishGalician                                                                                                                                                       |        |                                                                                                                                                        |           |
| Teaching method        | Face-to-face                                                                                                                                                          |        |                                                                                                                                                        |           |
| Prerequisites          |                                                                                                                                                                       |        |                                                                                                                                                        |           |
| Department             | Dereito Público                                                                                                                                                       |        |                                                                                                                                                        |           |
| Coordinador            | Souto García, Eva María                                                                                                                                               | E-mail | eva.maria.soutog@udc.es                                                                                                                                |           |
| Lecturers              | Brandariz Garcia, Jose angel<br>Lampón Sánchez, Eduardo<br>Puente Aba, Luz María<br>Ramos Vazquez, Jose Antonio<br>Rodríguez López, Silvia<br>Souto García, Eva María | E-mail | jose.angel.brandariz@udc.es<br>eduardo.lampon@udc.es<br>l.puente@udc.es<br>jose.ramos.vazquez@udc.es<br>s.rodriguezl@udc.es<br>eva.maria.soutog@udc.es |           |
| Web                    |                                                                                                                                                                       |        |                                                                                                                                                        |           |
| General description    | The primary purpose of the subject is the study of the basic principles of Criminal Law and the legal theory of crime.                                                |        |                                                                                                                                                        |           |

## Study programme competences / results

| Code | Study programme competences / results                                                                                                                                            |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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.                                                                                                        |

## Learning outcomes

| Learning outcomes | Study programme competences / results |
|-------------------|---------------------------------------|
|                   |                                       |



|                                                                                                                              |                                     |                        |                |
|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|------------------------|----------------|
| To understand the role of criminal law as a formal means of social control integrated into a complex legal system.           | A1<br>A3<br>A9<br>A11<br>A12<br>A14 | B11<br>B12<br>B3<br>B5 | C3<br>C4<br>C7 |
| To understand criminal regulations in their internal structure, their interpretation and their spatial-temporal application. | A8                                  |                        |                |
| To understand the constitutive elements of crime.                                                                            | A10                                 |                        |                |
| To analyse specific facts and argue whether or not criminal liability exists.                                                |                                     | B8                     |                |

| Contents                                                           |                                                                                                                              |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Topic                                                              | Sub-topic                                                                                                                    |
| LESSON 1. CRIMINAL LAW: CONCEPT AND FUNCTIONS.                     | 1. Concept of Criminal Law.<br>2. Functions of Criminal Law.                                                                 |
| LESSON 2. PRINCIPLES OF CRIMINAL LAW.                              | 1. The principle of legality.<br>2. Proportionality principle.<br>3. The "ne bis in idem" principle.<br>4. Other principles. |
| LESSON 3. SOURCES OF CRIMINAL LAW.                                 | 1. Criminal Law.<br>2. The problem of blanket criminal clauses<br>3. Other sources of Criminal law?                          |
| LESSON 4. INTERPRETATION OF CRIMINAL LAW.                          | 1. Concept of interpretation.<br>2. Types of interpretation.                                                                 |
| LESSON 5. SPATIAL-TEMPORAL APPLICATION OF CRIMINAL LAW.            | 1. Retroactivity in Criminal law<br>2. The principle of territoriality of Criminal law.                                      |
| LESSON 6. LEGAL THEORY OF CRIME. GENERAL APPROACH.                 | 1. Methodology<br>2. Structure of the legal theory of crime.                                                                 |
| LESSON 7. HUMAN ACTION AND TYPICALITY.                             | 1. The concept of action.<br>2. The criminal type.                                                                           |
| LESSON 8. THE PROBLEM OF TYPE-APPROPRIATENESS IN CRIMES OF RESULT. | 1. Causation.<br>2. The theory of objective attribution.                                                                     |
| LESSON 9. MATERIAL ILLEGALITY.                                     | 1. Concept.<br>2. The legal interest.                                                                                        |
| LESSON 10. THE OMISSION.                                           | 1. Proper omission.<br>2. Improper omission.                                                                                 |
| LESSON 11. FORMAL ILLEGALITY.                                      | 1. Intention/negligence.<br>2. Exclusion of wrongdoing.                                                                      |
| LESSON 12. CULPABILITY.                                            | 1. Concept of inculpability.<br>2. Exclusion of guilt.                                                                       |
| LESSON 13. PUNISHABILITY.                                          | 1. Objective conditions of punishability.<br>2. Personal causes for the exclusion of punishability.                          |
| LESSON 14. ITER CRIMINIS.                                          | 1. Punishable preparatory acts.<br>2. Attempt.                                                                               |
| LESSON 15. PERPETRATOR AND ACCOMPLICE.                             | 1. Perpetrator.<br>2. Accomplice.                                                                                            |
| LESSON 16. UNITY AND PLURALITY OF CRIMES.                          | 1. Apparent concurrence of rules.<br>2. Concurrence of offences.                                                             |



| Planning                                                                                                                        |                                                   |                                      |                               |             |
|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------|-------------------------------|-------------|
| Methodologies / tests                                                                                                           | Competencies / Results                            | Teaching hours (in-person & virtual) | Student?s personal work hours | Total hours |
| Directed discussion                                                                                                             | A3 A9 A11 A12 A14<br>B8 B11 B12 B3 B5 C3<br>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 doutrinais...) 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 adquira certas nocións de como se investiga nas disciplinas xurídicas, manexo de bibliografía etc.<br>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 | Personalised attention to students will not be linked to just one methodology, but will be constant. In this regard, both the content of the theory classes and the personal study of the students or any of the activities that make up the course will include the possibility of tutoring by the teacher, so that students can raise any queries or difficulties they may have and teacher can adjust the methodologies to suit the specific needs of each person. To this end, the students will be able to count on personalised attention (always, of course, in an organised manner) both in teaching hours and in the tutoring timetables. |

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

| Assessment comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <p>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 3,5 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 7 points, and it will be necessary to obtain a minimum of 3.5 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.).</p> <p>Students enrolled part-time with a waiver will be assessed in the same way as students enrolled full-time.</p> <p>Any form of cheating and plagiarism will be strictly sanctioned. In case of cheating or plagiarism, students' essays or exams will be marked with 0 out of 10, and the case will be reported to the corresponding University authorities.</p> |



## 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>- DÍEZ RIPOLLÉS, J. L. (2020). Derecho Penal Español Parte General . Valencia. Tirant lo Blanch</li> <li>- Górriz Royo, E. (2019). Introduction to substantive Criminal Law. Tirant lo Blanch, Valencia</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <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>- 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>- ECRIM Criminalidade e Xustiza Penal no século XXI (). <a href="http://www.ecrim.es">http://www.ecrim.es</a>.</li> </ul> |

## 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.