



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza
ACADEMIC YEAR	2018/2019
MASTER'S DEGREE (MSC)	LAW
SUBJECT	CRIMINAL ENFORCEMENT LAW AND PENITENTIARY LAW
TYPE OF EDUCATIONAL ACTIVITY	X
AMBIT	20015-Attività formative in ambiti disciplinari affini o integrativi a quelli di base e caratterizzanti, anche con riguardo alle culture di contesto e alla formazione interdisciplinare
CODE	10288
SCIENTIFIC SECTOR(S)	IUS/16
HEAD PROFESSOR(S)	MAGGIO PAOLA Professore Associato Univ. di PALERMO
OTHER PROFESSOR(S)	
CREDITS	6
INDIVIDUAL STUDY (Hrs)	102
COURSE ACTIVITY (Hrs)	48
PROPAEDEUTICAL SUBJECTS	02547 - CRIMINAL PROCEDURAL LAW - - INTEGRATED COURSE
MUTUALIZATION	
YEAR	5
TERM (SEMESTER)	1° semester
ATTENDANCE	Not mandatory
EVALUATION	Out of 30
TEACHER OFFICE HOURS	MAGGIO PAOLA Monday 10:00 11:00 DEMS Giurisprudenza 3° piano. Durante il periodo di emergenza Covid Via teams.

DOCENTE: Prof.ssa PAOLA MAGGIO

PREREQUISITES	Knowledge of criminal procedure law sources at national and supranational level; knowledge of the functioning of criminal trial, with reference to the res judicata.
LEARNING OUTCOMES	<p>According to Dublin descriptors- see Teaching Section in the website of Law degree - and to the RAD.</p> <p>Acquisition of an adequate knowledge and ability to understand: knowledge of normative sources of criminal law enforcement and penitentiary law; ability to understand the basic structure of the system.</p> <p>Ability to apply knowledge and understanding: ability to apply principles which govern the enforcement of penal judgments, in the interpretation of criminal procedural rules and Penitentiary Rules, between the examination of case law both of tribunals and Supreme Court.</p> <p>Making judgments: ability to make connections among the normative sources and to develop their own judgments in the face of controversial opinions formulated by scholars and by case law.</p> <p>Ability to communicate: ability to transmit knowledges in a clear manner and using a proper technical language.</p> <p>Capacity Learning: ability to rebuild principles and the evolution of matter, departing from the Constitutional, International and European normative sources.</p>
ASSESSMENT METHODS	<p>The student's assessment is based on an oral exam, which consists of an interview on questions related to topics object of the programme of the course. Questions are aimed to ascertain the achievement by students of learning outcomes. In particular, are aimed to ascertain: 1) level and quality of knowledge; 2) ability to explain legal concepts and to connect them; 3) possession of an adequate capacity of communication and of technical-juridical language.</p> <p>FINAL EXAM- Grades on a scales between 18 and 30 cum laude</p> <p>The interview consist of a minimum of four questions</p> <p>The assessment will take place in conformity to the following grid</p> <ul style="list-style-type: none">- Excellent 30- 30 cum laude: excellent knowledge of topics object of the programme, excellent property language, excellent capacity of analysis, full ability to apply theoretical knowledge to real cases- Very good 26-29: good knowledge of topics and of general legal concept of the matter; fully property of language, very good ability to apply theoretical knowledge to solve questions proposed.- Good 24-25: good knowledge of main topics, good property of language, with limited ability to apply autonomously theoretical knowledge to the solution of questions proposed.- Satisfactory 21-23: more than sufficient mastery of main topics and property language; poor ability to apply autonomously knowledge.- Sufficient 18-20: minimum basic knowledge of general concepts and technical language; minimum ability to autonomously apply knowledge.- Insufficient: does not have minimum basic knowledge of the notions of the matter.
EDUCATIONAL OBJECTIVES	The aim of the course is to introduce students to an appropriate knowledge of res judicata, of its effects and of penitentiary law. A special attention will be devoted to the study of the influence of Strasbourg case law on res judicata and on the system of alternatives to the detention, more often applied by the judges in the perspective of reducing the overcrowding of prisons.
TEACHING METHODS	Lessons; exercises
SUGGESTED BIBLIOGRAPHY	<p>Gaito-Ranaldi, Esecuzione penale, Giuffrè, Milano, 2016, p. 1-288.</p> <p>Spangher- Filippi, Manuale di diritto penitenziario, Giuffrè, Milano, 2011, spec. p. 106-226.</p> <p>Codice sistematico di procedura penale, a cura di Belluta- Gialuz-Luparia, Giappichelli, Torino, 2018.</p> <p>Bernardi (ed.) Prison overcrowding and alternatives to detention, European Sources and National Legal System, Jovene, 2017.</p>

SYLLABUS

Hrs	Frontal teaching
10	The preclusive effects of penal judgment (ne bis in idem principle) and the positive effects (the extrapenal effectiveness of the judgment).
12	The role of the Public Prosecutor in the implementation of judgments. The enforcement proceedings.
8	Surveillance Tribunal and Surveillance Judge. The surveillance proceedings.
4	Penitentiary system, Normative sources
10	Alternative measures to the detention. Rewarding schemes. Penalty measures (art. 41 bis o.p.). Amnesty, pardon and grace.
4	The protection of the rights of prisoners and the influence of European case law.