



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza
ACADEMIC YEAR	2019/2020
MASTER'S DEGREE (MSC)	LAW
SUBJECT	ECONOMIC CRIMINAL 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	11151
SCIENTIFIC SECTOR(S)	IUS/17
HEAD PROFESSOR(S)	MILITELLO VINCENZO Professore Ordinario Univ. di PALERMO
OTHER PROFESSOR(S)	
CREDITS	6
INDIVIDUAL STUDY (Hrs)	102
COURSE ACTIVITY (Hrs)	48
PROPAEDEUTICAL SUBJECTS	18747 - CRIMINAL LAW - INTEGRATED COURSE
MUTUALIZATION	
YEAR	5
TERM (SEMESTER)	2° semester
ATTENDANCE	Not mandatory
EVALUATION	Out of 30
TEACHER OFFICE HOURS	MILITELLO VINCENZO Wednesday 08:30 - 10:30 stanza docente II Piano area diritto penale plesso centrale Giurisprudenza

<p>PREREQUISITES</p>	<p>Knowledge and mastery (a) the notions and institutions of public law (sources of law; constitutional order, etc.) (b) criminal law, general part and structure of the special part (c) the main institutes of private and commercial law</p>
<p>LEARNING OUTCOMES</p>	<p>EXPECTED LEARNING OUTCOMES KNOWLEDGE AND CAPACITY TO UNDERSTAND: Knowledge of the notions of corporate criminal law both in general part and in the areas covered, with particular reference to the criminal liability of legal persons. Ability to link the notions of the general part of criminal law with the protection requirements connected with economic markets and the subjects operating in them, in the constitutional and European framework. CAPACITY TO APPLY KNOWLEDGE AND UNDERSTANDING: The course aims to stimulate the connection between the notions studied and a selection of cases, also through written exercises. AUTONOMY OF JUDGEMENT: the ability to make comparative evaluations between different theories and possible applications, also by developing critical arguments in order to arrive at autonomous solutions. COMMUNICATIVE SKILLS: correct use of specific terminology and capacity for legal argumentation, also through written exercises both theoretical and case-related. LEARNING SKILLS: the ability to assimilate the texts and study materials in relation to the regulations on the subject, dogmatic elaborations and case law; the ability to organise the themes studied in an ordered system of concepts and to grasp their applicative effects on cases.</p>
<p>ASSESSMENT METHODS</p>	<p>ASSESSMENT OF LEARNING Oral or written test (chosen by the student if attending at least four fifths of the lessons) The oral test consists of an interview designed to ascertain that the student is familiar with the notions covered in the course. The evaluation is expressed in thirtieths. The questions (minimum of three) asked to the candidate either open-ended, semi-structured or in relation to cases will be formulated with the aim of verifying the student's achievement of the expected learning outcomes.</p> <p>They will aim to ascertain: 1) the level and quality of the knowledge acquired; 2) the ability to rework the notions learnt and to correlate them; 3) the possession of adequate expository capacity and technical-legal language.</p> <p>- With regard to point 1), the candidate will be required to argue the answers to the questions in such a way as to demonstrate that he/she has achieved an adequate mastery of the fundamental institutes of corporate criminal law, of the purposes and limits of protection of the criminal system, of the individual incriminations studied.</p> <p>- With regard to point 2), the test will aim to verify that the candidate a) Is able to reconstruct the structural features of the main criminal law institutions, also in the light of the most significant doctrinal contributions and of the main jurisprudential orientations. b) Is able to connect the normative data with the main trends of contemporary legal systems, with particular reference to the expansion of criminal legislation, and to the progressive influence of supranational and in particular European sources. c) Is able to apply the notions studied to cases.</p> <p>With regard to point 3), the maximum mark will be awarded to the student who demonstrates full mastery and ability to apply the technical legal language accompanied by clarity and completeness of presentation, together with a sure ability to apply the notions studied to concrete cases; the minimum mark, on the other hand, will be awarded to the student who demonstrates a barely sufficient command of the language of criminal law, at least in the presence of a barely adequate clarity of exposition capable of demonstrating an albeit essential knowledge of the main criminal law institutions and an ability to apply the notions studied to simple cases.</p> <p>In particular, the following evaluation model will be followed: - excellent (30 - 30 cum laude): excellent knowledge of the institutes and notions of the general part of criminal law and of the special part cases studied, excellent command of language, excellent analytical ability, full ability to apply the knowledge to solve the problems and/or cases proposed. - very good (26 - 29): very good mastery of the institutes and notions of the general part of criminal law and the special cases studied, full command of</p>

	<p>language, very good ability to apply the knowledge to solve the problems and/or cases proposed.</p> <p>- good (24-25): good basic knowledge of the institutions and notions of the general part of criminal law and the special cases studied, good command of language, with limited ability to independently apply the knowledge to solve problems and/or cases proposed.</p> <p>- satisfactory (21-23): not full but nevertheless more than sufficient mastery of the institutes and notions of the general part of criminal law and of the special part cases studied; satisfactory command of language; limited ability to independently apply the acquired knowledge to the proposed cases.</p> <p>- Sufficient (18 - 20): minimal basic knowledge of the institutions and notions of the general part of criminal law and of the special cases studied and of the technical language; little or limited ability to independently apply the acquired knowledge also to the proposed cases.</p> <p>- Insufficient - does not possess a basic knowledge of the institutes and notions of the general part of criminal law and the special part cases studied or does not know how to apply it to proposed cases even of simple construction.</p> <p>Students who attend at least four/fifths of the course and wish to be assessed on a written test will be offered 3 written exercises at the end of specific parts of the course; the relative assessments will be made according to the criteria and scale indicated above.</p>
EDUCATIONAL OBJECTIVES	<p>The course aims to provide a clear and knowledgeable framing of a number of topics of particular relevance to corporate criminal law, as it results from both theoretical elaborations and jurisprudential approaches, giving the student all the tools for a correct approach to solving concrete application cases.</p> <p>The selection of special part topics aims at acquiring the ability to link general institutes to individual areas of protection, applying notions of crime theory (structure and sanctions) to specific indictments.</p>
TEACHING METHODS	<p>- Lectures, also characterized by interaction between lecturer and students, who may participate not only with questions and observations on the topics covered, but also by commenting on judgments, maxims and cases proposed in the course.</p> <p>No. 6 exercises on the topics covered in lecture, consisting of writing short papers, or researching case law and solving cases</p>
SUGGESTED BIBLIOGRAPHY	<p>Il materiale didattico per gli studenti frequentanti sarà indicato dal docente durante lo svolgimento del corso.</p> <p>Gli studenti non frequentanti potranno utilizzare nelle parti corrispondenti agli argomenti del programma di cui alle parti I e III:</p> <p>N. MAZZACUVA – E. AMATI, Diritto penale dell'economia, VI ed. Wolters Kluver, 2022. (p.3-32; 89-137; 155-187; 201-270)</p> <p>Per la parte II del Programma:</p> <p>Responsabilità da reato degli enti – Vol. I diritto sostanziale, a cura di LATTANZI – SEVERINO, Giappichelli, Torino 2020 (p. 71-347; 381-422; 507-532; 561-582).</p>

SYLLABUS

Hrs	Frontal teaching
16	<p>Part I - Introduction and general problems:</p> <p>1. Object and techniques of criminal protection in the field of economics (4 hours)</p> <p>2. Active subjects (hrs. 6)</p> <p>3. Delegation of functions and personal liability in the enterprise (hrs. 6)</p>
18	<p>Part II - Criminal liability of entities:</p> <p>1. liability criteria (hrs. 6)</p> <p>2. sanctions (hrs. 4)</p> <p>3. relevant crimes (8)</p>
14	<p>Part III SELECTION OF SPECIAL PARTIES:</p> <p>1. Bankruptcy offenses: The bankruptcy cases (4 hours)</p> <p>2. Corporate offenses: false corporate communications (hrs. 4); infidelity of assets (hrs. 3); bribery among private individuals (hrs. 3)</p>