



UNIVERSITÀ DEGLI STUDI DI PALERMO

DEPARTMENT	Giurisprudenza
ACADEMIC YEAR	2021/2022
MASTER'S DEGREE (MSC)	LAW
INTEGRATED COURSE	CRIMINAL LAW - INTEGRATED COURSE
CODE	18747
MODULES	Yes
NUMBER OF MODULES	2
SCIENTIFIC SECTOR(S)	IUS/17
HEAD PROFESSOR(S)	SPENA ALESSANDRO Professore Ordinario Univ. di PALERMO ROMANO Professore Ordinario Univ. di PALERMO BARTOLOMEO MILITELLO VINCENZO Professore Ordinario Univ. di PALERMO GIACONA IGNAZIO Professore Ordinario Univ. di PALERMO
OTHER PROFESSOR(S)	SPENA ALESSANDRO Professore Ordinario Univ. di PALERMO TESAURO Professore Ordinario Univ. di PALERMO ALESSANDRO ROMANO Professore Ordinario Univ. di PALERMO BARTOLOMEO GIACONA IGNAZIO Professore Ordinario Univ. di PALERMO MILITELLO VINCENZO Professore Ordinario Univ. di PALERMO
CREDITS	16
PROPAEDEUTICAL SUBJECTS	02432 - CONSTITUTIONAL LAW - INTEGRATED COURSE 04035 - ELEMENTS OF PRIVATE LAW
MUTUALIZATION	
YEAR	3
TERM (SEMESTER)	Annual
ATTENDANCE	Not mandatory
EVALUATION	Out of 30
TEACHER OFFICE HOURS	GIACONA IGNAZIO Friday 10:30 11:30 Teams - stanza "ricevimento" - https://teams.microsoft.com/l/team/19%3aJfQT-ahDQCJguN-GecWCzxWgbZ3QY-maieiyyu7GSZ41%40thread.tacv2/conversations?groupId=4ac1c295-ae98-4b5d-8e97-80b662749261&tenantId=bf17c3fc-3ccd-4f1 MILITELLO VINCENZO Wednesday 08:30 10:30 stanza docente II Piano area diritto penale plesso centrale Giurisprudenza ROMANO BARTOLOMEO Thursday 17:00 18:00 Dipartimento di Giurisprudenza - Stanza del Professore B. Romano. SPENA ALESSANDRO Monday 14:00 15:00 Aula 2 (al termine della lezione) o mio ufficio (Sezione di Diritto penale) Wednesday 13:00 14:00 Aula 1 (al termine della lezione) o mio ufficio (Sezione di Diritto penale) Thursday 17:00 18:00 Aula circolare (al termine della lezione) o mio ufficio (Sezione di Diritto penale) TESAURO ALESSANDRO Monday 10:00 11:30 piazza Bologni piano 2 stanza 8. Gli studenti potranno raggiungermi anche a margine delle lezioni in aula 2 il mercoledì alle 11.00, il giovedì alle 15.00 e il venerdì alle 16.00

PREREQUISITES	Knowledge and competence regarding: a) the basic notions of public law, also in historical perspective; b) the categories of the general theory of law and state; c) the fundamental concepts of private law. These notions are a necessary requisite in order to understand the fundamental doctrines of the criminal law's general part.
LEARNING OUTCOMES	(On Dublin descriptors - section 'Didattica' of the website 'Giurisprudenza' - and according to RAD). KNOWLEDGE AND UNDERSTANDING: Knowledge of the general part of the Italian criminal law, as well as of the structure of the Italian criminal code's special part, with references to the so-called complementary criminal law. This knowledge base will be addressed to understand the links between the criminal law's general doctrines, the criminal law's protection aims and the specific crimes that will be studied during the course. Both the constitutional and the EU general contexts will also be given due consideration. APPLYING KNOWLEDGE AND UNDERSTANDING: Ability to grasp the practical relevance of the criminal law's general doctrines and their applicability to specific cases. MAKING JUDGEMENTS: Ability to make comparative evaluations as well as to develop critical arguments regarding criminal law subjects. COMMUNICATION SKILLS: Ability to use the technical language of both criminal law and criminal law theory. LEARNING SKILLS: Ability to understand criminal statutes, doctrinal arguments and judicial decisions; ability to systematically organize the criminal law's fundamental concepts.
ASSESSMENT METHODS	Oral final exam and intermediate optional exam. Oral exam. The oral exam consists of an interview aimed at ascertaining the candidate's knowledge of the general part of the Italian criminal law, as well as his/her knowledge of the general structure of the Italian criminal code's special part. The interview consists of a minimum of three questions. Positive evaluation of the exam will be provided on a scale ranging from 18 to 30 cum laude points. Questions will be aimed at ascertaining: 1) the candidate's knowledge of the topics in the syllabus; 2) his/her ability to use and apply the learned notions, as well as to relate them to each other; 3) his/her ability to use appropriately the criminal law theory's language. The evaluation will take place 'in conformity' to the following evaluation grid: - Excellent (30-30 cum laude): excellent knowledge of the topics in the syllabus, excellent ability to use the criminal law's technical language, excellent capacity of analysis; excellent ability to apply theoretical knowledge to real cases which are proposed to be analysed; excellent ability to properly argue possible solutions, including multiple alternatives. - Very good (26-29): very good knowledge of the topics in the syllabus, very good ability to use the criminal law's technical language, very good capacity of analysis; very good ability to apply theoretical knowledge to real cases which are proposed to be analysed; very good ability to properly argue possible solutions, including multiple alternatives. - Good (24-25): good knowledge of the topics in the syllabus, good ability to use the criminal law's technical language, with a certain ability to apply theoretical knowledge to real cases which are proposed to be analysed. - Satisfactory (21-23): satisfactory knowledge of the topics in the syllabus; satisfactory ability to use the criminal law's technical language, albeit with a poor ability to adequately apply theoretical knowledge to real cases which are proposed to be analyzed. - Sufficient (18-20): basic knowledge of the main teaching; basic ability to use the criminal law's technical language; limited or no capacity to adequately apply theoretical knowledge to real cases which are proposed to be analyzed. - Insufficient outcome: the student does not have an acceptable knowledge of the topics in the syllabus. Optional intermediate exam It can be either oral or written, at the professor's discretion. It will consist of a maximum of 4 questions, one of which at least will have practical character. If written, the intermediate exam will last 3 hours at most. Should the intermediate exam be successful, the final oral exam will only be focussed on different topics from those with which the intermediate exam was concerned. The evaluation will take place 'in conformity' to the following evaluation grid: - Excellent (30-30 cum laude): excellent knowledge of the topics in the syllabus, excellent ability to use the criminal law's technical language, excellent capacity of analysis; excellent ability to apply theoretical knowledge to real cases which are proposed to be analysed; excellent ability to properly argue possible solutions, including multiple alternatives. - Very good (26-29): very good knowledge of the topics in the syllabus, very good ability to use the criminal law's technical language, very good capacity of analysis; very good ability to apply theoretical knowledge to real cases which are proposed to be analysed; very good ability to properly argue possible solutions, including multiple alternatives. - Good (24-25): good knowledge of the topics in the syllabus, good ability to use the criminal law's technical language, with a certain ability to apply theoretical knowledge to real cases which are proposed to be

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TEACHING METHODS	- Lectures with an interactive method and possible interventions of experts - Seminars - Classroom exercises

PREREQUISITES	Knowledge and competence regarding: a) the basic notions of public law, also in historical perspective; b) the categories of the general theory of law and state; c) the fundamental concepts of private law. These notions are a necessary requisite in order to understand the fundamental doctrines of the criminal law's general part.
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ASSESSMENT METHODS	Oral final exam and intermediate optional exams. Positive evaluation of the exams will always provided on a scale ranging from 18 to 30 cum laude points. Oral exam The oral exam consists of an interview aimed at ascertaining the candidate's knowledge of the general part of the Italian criminal law, as well as his/her knowledge of the general structure of the Italian criminal code's special part. The interview consists of a minimum of three questions. Questions will be aimed at ascertaining: 1) the candidate's knowledge of the topics in the syllabus; 2) his/her ability to use and apply the learned notions, as well as to relate them each other; 3) his/her ability to use appropriately the criminal law theory's language. The evaluation will take place 'in conformity' to the following evaluation grid: - Excellent (30-30 cum laude): excellent knowledge of the topics in the syllabus, excellent ability to use the criminal law's technical language, excellent capacity of analysis; excellent ability to apply theoretical knowledge to real cases which are proposed to be analysed; excellent ability to properly argue possible solutions, including multiple alternatives. - Very good (26-29): very good knowledge of the topics in the syllabus, very good ability to use the criminal law's technical language, very good capacity of analysis; very good ability to apply theoretical knowledge to real cases which are proposed to be analysed; very good ability to properly argue possible solutions, including multiple alternatives. - Good (24-25): good knowledge of the topics in the syllabus, good ability to use the criminal law's technical language, with a certain ability to apply theoretical knowledge to real cases which are proposed to be analysed. - Satisfactory (21-23): satisfactory knowledge of the topics in the syllabus; satisfactory ability to use the criminal law's technical language, albeit with a poor ability to adequately apply theoretical knowledge to real cases which are proposed to be analyzed. - Sufficient (18-20): basic knowledge of the main teaching; basic ability to use the criminal law's technical language; limited or no capacity to adequately apply theoretical knowledge to real cases which are proposed to be analyzed. - Insufficient outcome: the student does not have an acceptable knowledge of the topics in the syllabus. Optional intermediate exams. It can be either oral or written, at the professor's discretion. It will consist of maximum 4 questions, one of which at least will have practical character or reference to case law. If written, the intermediate exam will last 3 hours at most. Should the intermediate exam be successful, the final oral exam will only be focussed on different topics from those with which the intermediate exam was concerned. The evaluation will take place 'in conformity' to the following evaluation grid: - Excellent (30-30 cum laude): excellent knowledge of the topics in the syllabus, excellent ability to use the criminal law's technical language, excellent capacity of analysis; excellent ability to apply theoretical knowledge to real cases which are proposed to be analysed; excellent ability to properly argue possible

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TEACHING METHODS	- Lectures with interactive method and possible interventions of experts - Classroom written exercises

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TEACHING METHODS	- Lectures with interactive method - Classroom written exercises

MODULE CRIMINAL LAW (I MODULE)

Prof. ALESSANDRO SPENA - Lettere S-Z, - Lettere S-Z

SUGGESTED BIBLIOGRAPHY

ASSOLUTAMENTE INDISPENSABILE è accompagnare lo studio della materia e la frequenza del corso alla consultazione di un Codice penale (in un volume che includa anche le più importanti leggi complementari), nell'ultima edizione disponibile.

Per la PARTE GENERALE, uno dei seguenti testi, a scelta dello studente:

- A Pagliaro, Principi di diritto penale, Parte generale, Giuffrè, ultima edizione (a cura di V. Militello, M. Parodi Giusino, A. Spena).
- F. Palazzo, Corso di diritto penale, Giappichelli, ultima edizione.
- F. Mantovani, Diritto penale. Parte generale, CEDAM, ultima edizione.
- G. Marinucci, E. Dolcini, G.L. Gatta, Corso di diritto penale, Giuffrè, ultima edizione.

AMBIT	20012-Penalistico
INDIVIDUAL STUDY (Hrs)	136
COURSE ACTIVITY (Hrs)	64

EDUCATIONAL OBJECTIVES OF THE MODULE

By means of an in-depth analysis of some heavily debated topics taken from both the general and the special part of the criminal law, the Modulo aims at equipping students with the ability to concretely apply the criminal law's general principles and fundamental notions.

SYLLABUS

Hrs	Frontal teaching
6	Introduction: concept and historical evolution of criminal law. Criminal law and criminal policy. Foundations and limits of criminal law
6	Criminal punishment: concept, justification, aims. Criminal sanctions in Italian criminal law. Punishment, security measures and preventive measures. Imputability and social dangerousness, between criminal law, criminal law and criminology (in brief). The distinction between delicts and contraventions (in brief).
4	General introduction to fundamental principles of criminal law, between code, constitution and inter- and supranational sources
5	The rule of law and the sources of criminal law
3	Vagueness and analogy in criminal law
6	Criminal law and time: non-retroactivity, retroactivity and ultra-activity of criminal norms
3	Criminal law in space: territoriality and beyond
12	Concept and conceptions of crime between criminal law, criminal policy and criminology. Delicts and contraventions (in-depth). The principles of materiality, harm (including fragmentarity, subsidiarity and laicity) and culpability of crime
4	The structure of crime: an exposition of the most relevant approaches (bipartition, tripartition, quadripartition, and the theory of Antonio Pagliaro)
15	The subjects: A) The author. Criminal law and citizenship: the foreigner as a criminal (with a link to: "Criminal law in space"). Complicity (in brief). Imputability and social dangerousness (in-depth). Corporate criminal responsibility. So-called immunities. B) The victim of crime (also with a reference to restorative criminal justice). The relationships between author and victim. C) The persons harmed by the crime

MODULE CRIMINAL LAW (II MODULE)

Prof. ALESSANDRO SPENA - Lettere S-Z, - Lettere S-Z

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- G. Marinucci, E. Dolcini, G.L. Gatta, Corso di diritto penale, Giuffrè, ultima edizione.

Per la PARTE SPECIALE:

A) studenti non frequentanti:

- 1) T. Padovani, L. Stortoni, Diritto penale e fattispecie criminose, Bologna, il Mulino, ultima edizione;
- 2) A. Spena, La parola(-)odio. Sovraesposizione, criminalizzazione e interpretazione dello hate speech, in Criminalia 2016, p. 577 ss. (<http://www.edizioniets.com/scheda.asp?n=9788846751065>);
- 3) A. Spena, Per una critica dell'art. 319 quater c.p.: una terza via tra corruzione e concussione?, in Diritto penale contemporaneo, 23 marzo 2013 (<https://archiviodpc.dirittopenaleuomo.org/d/2174-per-una-critica-dell-art-319-quater-cp>);
- 4) A. Spena, Una storia semplice? Surrogazioni, alterazioni, falsificazioni, in Rivista italiana di medicina legale, 2015, p. 1546-1570 (la rivista è disponibile presso la biblioteca del Dipartimento, sezione penalistica);
- 5) R. Bartoli, Legislazione e prassi in tema di contrasto al terrorismo internazionale: un nuovo paradigma emergenziale?, in Diritto penale contemporaneo, 3/2017 (<https://archiviodpc.dirittopenaleuomo.org/upload/9401-bartoli317.pdf>).

AMBIT	20012-Penalistico
INDIVIDUAL STUDY (Hrs)	136
COURSE ACTIVITY (Hrs)	64

EDUCATIONAL OBJECTIVES OF THE MODULE

The course aims at providing students with adequate knowledge and understanding of the criminal law system, as it results from both theoretical reasonings and judicial decisions.

SYLLABUS

Hrs	Frontal teaching
22	The elements of the crime: A) The conduct's prerequisites. B) Conduct: acting vs. omitting. Crimes without conduct? C) Event, harm and objective conditions of punishability (I). D) Causality and objective imputation. E) Mens rea: intention, negligence and strict liability. F) Justifications (including rights and duties), excuses, mere exclusions of punishability. G) So-called circumstances of the crime (in brief)
4	Forms and requisites of complicity
8	Graduations of criminal harm (and responsibility): A) Consummated vs. attempted crime; inchoate crimes. B) So-called circumstances of crime (in-depth). C) Sentencing. D) Tenuity of crime. E) Reparation (I)
6	Crime and punishability. Objective conditions of punishability (II). The apparent concurrence of criminal norms and effective concurrence of crimes. Reparations (II). "Extinction" of crime and of punishment
6	Motherhood surrogacy and civil status's falsification
6	Corruption, extortion and unlawful inducement
6	Hate speech and freedom of expression
6	Terrorism, security and the enemy criminal law

**MODULE
CRIMINAL LAW (II MODULE)**

Prof. ALESSANDRO TESAURO - Lettere M-R, - Lettere M-R

SUGGESTED BIBLIOGRAPHY

Le ultime edizioni dei seguenti manuali: - Fiandaca-Musco, Diritto penale. Parte speciale, vol. I, Zanichelli, Bologna; - Fiandaca-Musco, Diritto penale. Parte speciale, vol. II, Delitti contro la persona, Zanichelli, Bologna; - Fiandaca-Musco, Diritto penale. Parte speciale, vol. II, Delitti contro il patrimonio, Zanichelli, Bologna.

AMBIT	20012-Penalistico
INDIVIDUAL STUDY (Hrs)	136
COURSE ACTIVITY (Hrs)	64

EDUCATIONAL OBJECTIVES OF THE MODULE

The cours aim to provide conceptual tools for the purpose of an aware approach to the analysis of concret pratical cases in the light of both theoretical and case-law background.

SYLLABUS

Hrs	Frontal teaching
22	crimes against the person
15	crimes against public administration
15	crimes against public policy and security
12	crimes against property.
64	--

**MODULE
CRIMINAL LAW (I MODULE)**

Prof. BARTOLOMEO ROMANO - Lettere D-L, - Lettere D-L

SUGGESTED BIBLIOGRAPHY

B. ROMANO, Diritto penale, parte generale, 4ª ed., Giuffrè Francis Lefebvre, Milano, 2020, pp. 3-600 (l'Appendice sarà, invece, di indispensabile ausilio per i seminari, che si svolgeranno nel corso dell'anno accademico).

AMBIT	20012-Penalistico
INDIVIDUAL STUDY (Hrs)	136
COURSE ACTIVITY (Hrs)	64

EDUCATIONAL OBJECTIVES OF THE MODULE

Educational Objectives The course aims at providing students with an adequate knowledge and understanding of the criminal law system, as it results from both theoretical reasonings and judicial decisions.

SYLLABUS

Hrs	Frontal teaching
48	Criminal law, general part; Crimes against the administration of justice; Crimes against the person's sexuality.
Hrs	Practice
10	Law on the topics covered.
Hrs	Workshops
10	Participations in Conferences and Seminars.

**MODULE
CRIMINAL LAW (II MODULE)**

Prof. BARTOLOMEO ROMANO - Lettere D-L, - Lettere D-L

SUGGESTED BIBLIOGRAPHY

B. ROMANO, Delitti contro l'amministrazione della giustizia, 7^a ed., Giuffrè Francis Lefebvre, Milano, 2022, pp. 3-275.
B. ROMANO, Delitti contro la sfera sessuale della persona, 7^a ed., Giuffrè Francis Lefebvre, Milano, 2022, pp. 3-344.

AMBIT	20012-Penalistico
INDIVIDUAL STUDY (Hrs)	136
COURSE ACTIVITY (Hrs)	64

EDUCATIONAL OBJECTIVES OF THE MODULE

The selection of topics of special part aims at acquiring the ability to connect the general institutes to individual sectors of protection, applying the notions of the theory of crime (structure and sanctions) to specific incriminations

SYLLABUS

Hrs	Frontal teaching
64	Criminal law, general part; Crimes against the administration of justice; Crimes against the person's sexuality.
Hrs	Practice
10	Law on the topics covered.
Hrs	Workshops
10	Participations in Conferences and Seminars.

**MODULE
CRIMINAL LAW (I MODULE)**

Prof. IGNAZIO GIACONA - Lettere M-R, - Lettere M-R

SUGGESTED BIBLIOGRAPHY

FIANDACA/MUSCO, Diritto penale, parte generale, Zanichelli ed., Bologna, ultima edizione.

AMBIT	20012-Penalistico
INDIVIDUAL STUDY (Hrs)	136
COURSE ACTIVITY (Hrs)	64

EDUCATIONAL OBJECTIVES OF THE MODULE

The course aims at providing students with an adequate knowledge and understanding of the criminal law system, as it results from both theoretical reasonings and judicial decisions.

SYLLABUS

Hrs	Frontal teaching
2	Features and Functions of Criminal Law
8	Rule of Law
20	Commissive Intentional Crimes
10	Circumstances; Attempt; Complicity
4	Commissive Unintentional Crimes
4	Omission
4	Strict Liability
6	Concurrent Offences
6	Criminal Sanctions

**MODULE
CRIMINAL LAW (I MODULE)**

Prof. VINCENZO MILITELLO - Lettere A-C, - Lettere A-C

SUGGESTED BIBLIOGRAPHY

INDISPENSABILE e' lo studio di un codice penale aggiornato e completo delle principali leggi complementari.

PER LA PARTE GENERALE:

Pagliari, Principi di diritto penale. P.G., Giuffre' Milano, ultima edizione, con gli aggiornamenti che saranno indicati a lezione e messi a disposizione sul portale del corso per gli studenti iscritti.

OPPURE: Pulitano', Diritto penale, Giappichelli Torino, ultima edizione

PER LA PARTE SPECIALE:

Mantovani, Diritto penale. Parte speciale II: Delitti contro il patrimonio, CEDAM ultima edizione;

oppure: Bartoli, I delitti contro il patrimonio, in Bartoli-Pelissero-Seminara, Giappichelli, 2021, p.219-397; oppure: Pagliaro, Principi di diritto penale. P.S., Reati contro il patrimonio, Giuffre' 2003, con gli aggiornamenti che saranno indicati a lezione e messi a disposizione sul portale del corso per gli studenti iscritti.

AMBIT	20012-Penalistico
INDIVIDUAL STUDY (Hrs)	136
COURSE ACTIVITY (Hrs)	64

EDUCATIONAL OBJECTIVES OF THE MODULE

The course aims at providing students with an adequate knowledge and understanding of the criminal law system, as it results from both theoretical reasonings and judicial decisions. The lesson method is interactive, with oral and written contribution of the students.

SYLLABUS

Hrs	Frontal teaching
8	Introduction of criminal law
18	Sources of criminal law
24	Elements of crime and general defences
10	Structure of the Special Part of Criminal Law System and Crimes against Property (general introduction)

**MODULE
CRIMINAL LAW (II MODULE)**

Prof. VINCENZO MILITELLO - Lettere A-C, - Lettere A-C

SUGGESTED BIBLIOGRAPHY

INDISPENSABILE e' lo studio di un codice penale aggiornato e completo delle principali leggi complementari.

PER LA PARTE GENERALE:

Pagliari, Principi di diritto penale. P.G., Giuffre' Milano, ultima edizione, con gli aggiornamenti che saranno indicati a lezione e messi a disposizione sul portale del corso per gli studenti iscritti.

OPPURE: Pulitano', Diritto penale, Giappichelli Torino, ultima edizione

PER LA PARTE SPECIALE: PER LA PARTE SPECIALE:

Mantovani, Diritto penale. Parte speciale II: Delitti contro il patrimonio, CEDAM ultima edizione;

oppure: Bartoli, I delitti contro il patrimonio, in Bartoli-Pelissero-Seminara, Giappichelli, 2021, p.219-397; oppure: Pagliaro, Principi di diritto penale. P.S., Reati contro il patrimonio, Giuffre' 2003, con gli aggiornamenti che saranno indicati a lezione e messi a disposizione sul portale del corso per gli studenti iscritti.

AMBIT	20012-Penalistico
INDIVIDUAL STUDY (Hrs)	136
COURSE ACTIVITY (Hrs)	64

EDUCATIONAL OBJECTIVES OF THE MODULE

The course (in two modules) aims at providing students with an adequate knowledge and understanding of the criminal law system, as it results from both theoretical reasonings and judicial decisions. The lesson method is interactive, with oral and written contribution of the students.

SYLLABUS

Hrs	Frontal teaching
22	Accomplices, Attempt, Sentencing
14	Criminal sanctions and preventive measures
14	Crimes against property through violence (Theft, Robbery, criminal damage, extortion, misappropriation).
14	Crimes against property through fraud (e.g. Fraud, Usury, Money Laundering)