



# UNIVERSITÀ DEGLI STUDI DI PALERMO

<b>DEPARTMENT</b>	Giurisprudenza		
<b>ACADEMIC YEAR</b>	2022/2023		
<b>MASTER'S DEGREE (MSC)</b>	LAW		
<b>INTEGRATED COURSE</b>	CRIMINAL LAW - INTEGRATED COURSE		
<b>CODE</b>	18747		
<b>MODULES</b>	Yes		
<b>NUMBER OF MODULES</b>	2		
<b>SCIENTIFIC SECTOR(S)</b>	IUS/17		
<b>HEAD PROFESSOR(S)</b>	SIRACUSA LICIA	Professore Associato	Univ. di PALERMO
<b>OTHER PROFESSOR(S)</b>	TUMMINELLO LUCA	Professore Associato	Univ. di PALERMO
	SIRACUSA LICIA	Professore Associato	Univ. di PALERMO
<b>CREDITS</b>	16		
<b>PROPAEDEUTICAL SUBJECTS</b>	04035 - ELEMENTS OF PRIVATE LAW 02432 - CONSTITUTIONAL LAW - INTEGRATED COURSE		
<b>MUTUALIZATION</b>			
<b>YEAR</b>	3		
<b>TERM (SEMESTER)</b>	Annual		
<b>ATTENDANCE</b>	Not mandatory		
<b>EVALUATION</b>	Out of 30		
<b>TEACHER OFFICE HOURS</b>	<p><b>SIRACUSA LICIA</b> Tuesday 14:00 15:00 Dipartimento di Giurisprudenza Sezione penalistica II° Piano</p> <p><b>TUMMINELLO LUCA</b> Monday 9:30 13:30 Dipartimento di Giurisprudenza - piano II (sez. penalistica) - ufficio del docente. Si invitano cortesemente gli studenti a effettuare la prenotazione del ricevimento. Resta comunque attiva la modalita' di ricevimento da remoto attraverso la piattaforma Teams, previo appuntamento da concordare tramite email.</p> <p>Tuesday 18:00 19:30 Polo universitario di Trapani - dopo la lezione, previa prenotazione del ricevimento.</p>		

<b>PREREQUISITES</b>	<p>Knowledge and competence regarding:</p> <p>a) the basic notions of public law, also in historical perspective;</p> <p>b) the categories of the general theory of law and state;</p> <p>c) the fundamental concepts of private law.</p> <p>These notions are a necessary requisite in order to understand the fundamental doctrines of the criminal law's general part.</p>
<b>LEARNING OUTCOMES</b>	<p>On Dublin descriptors - section 'Didattica' of the website 'Giurisprudenza' - and according to RAD).</p> <p><b>KNOWLEDGE AND UNDERSTANDING:</b> 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.</p> <p><b>APPLYING KNOWLEDGE AND UNDERSTANDING:</b> Ability to grasp the practical relevance of the criminal law's general doctrines and their applicability to specific cases.</p> <p><b>MAKING JUDGEMENTS:</b> Ability to make comparative evaluations as well as to develop critical arguments regarding criminal law subjects.</p> <p><b>COMMUNICATION SKILLS:</b> Ability to use the technical language of both criminal law and criminal law theory.</p> <p><b>LEARNING SKILLS:</b> Ability to understand criminal statutes, doctrinal arguments and judicial decisions; ability to systematically organize the criminal law's fundamental concepts.</p>
<b>ASSESSMENT METHODS</b>	<p>Oral final exam and intermediate optional exam.</p> <p>Oral exam.</p> <p>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.</p> <p>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</p>

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

## MODULE CRIMINAL LAW (II MODULE)

*Prof. LUCA TUMMINELLO*

### SUGGESTED BIBLIOGRAPHY

A) Per la parte generale, uno dei seguenti testi a scelta dello studente:

- Pagliaro A., Principi di diritto penale. Parte generale. a cura di Militello V., Parodi Giusino M., Spena A., Milano, Giuffrè, 2020. ISBN: 9788825340
- Palazzo, F., Corso di diritto penale. Parte generale, Torino, Giappichelli, 2023.
- Fiandaca G., Musco E., Diritto penale. Parte generale, Bologna, Zanichelli, ultima edizione in commercio.

B) Per la parte speciale, uno dei seguenti testi a scelta dello studente:

- Pagliaro A., Principi di diritto penale. Parte Speciale, III, Delitti contro il patrimonio, Milano, Giuffrè, 2003.
- Mantovani F., Diritto penale. Parte speciale, II, Delitti contro il patrimonio, Cedam-Wolters Kluwer, ultima edizione in commercio.
- Fiandaca-Musco, Diritto penale. Parte speciale, vol. II, tomo II, Delitti contro il patrimonio, Zanichelli, Bologna, ultima edizione in commercio (2023).

<b>AMBIT</b>	20012-Penalistico
<b>INDIVIDUAL STUDY (Hrs)</b>	136
<b>COURSE ACTIVITY (Hrs)</b>	64

### EDUCATIONAL OBJECTIVES OF THE MODULE

The course aims to provide a clear and aware framework of the penal system, as it comes from both theoretical elaborations and jurisprudential settings, giving the student all the tools for a correct approach to the solution of concrete application cases. It therefore intends to train the student, through the knowledge of the penal principles and the general part of criminal law, also in light of the fundamental principles of the reform of the code. The selection of special part topics aims to acquire the ability to connect general institutes to individual protection sectors, applying the notions of crime theory (structure and regulations) to specific incriminations.

## SYLLABUS

Hrs	Frontal teaching
14	Justifications and Excuses
6	Circumstances of Crime.
6	The Attempt.
6	Complicity.
18	Criminal Sanctions. 1. The Functions of Punishment. Restorative Justice: leg. dec. n. 150/2022. Criminal Capacity. Sentencing. 2. Social Dangerousness (misura di sicurezza). 3. "Extinction" of Crime and of Punishment
6	Crimes against Property.
8	Thefts. Embezzlement. Extortion. Fraud.

**MODULE  
CRIMINAL LAW (I MODULE)**

*Prof.ssa LICIA SIRACUSA*

**SUGGESTED BIBLIOGRAPHY**

A) Per la parte generale, uno dei seguenti testi a scelta dello studente:

- Pagliaro A., Principi di diritto penale. Parte generale, a cura di V. Militello, M. Parodi Giusino, A. Spena. Milano, Giuffrè, 2020. ISBN: 9788825340

- Palazzo, F., Corso di diritto penale. Parte generale, Torino, Giappichelli, 2021. ISBN 9788892138278

- Fiandaca G., Musco E., Diritto penale. Parte generale, Bologna, Zanichelli, 2019. ISBN: 9788808620316

B) Per la parte speciale:

- Fiandaca G. Musco E., Diritto penale. Parte Speciale, I delitti contro la persona, Bologna, Zanichelli, 2020, ISBN: 9788808220752

- Ulteriore materiale di studio verrà indicato e fornito dal docente nel corso delle lezioni.

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**SYLLABUS**

Hrs	Frontal teaching
2	Features and Functions of Criminal Law.
3	Rule of Law.
2	Rule of Law in Italian Criminal Law.
4	No-retroactivity in malam partem and Retroactivity in bonam partem (the temporal succession of criminal law).
4	Determinatezza/tassatività of Criminal Law. Interpretation and Analogy.
3	The Principle of Fragmentation. The principle of Subsidiarity. The Harm principle.
4	The Space Validity of Criminal Law.
4	Rules and Crimes. Continued Crime.
30	The crime. 1. Structure. 2. Person. Corporate Criminal Liability. Conduct. 3. Objective aspect: action and omission; event, causality relationship (actus reus). 4. Mens rea: intention. Negligence
2	The special part of criminal law and the criminal protection of human life.
4	The Murder Crime. Criminal Law and the Forms of Help to Die.
2	Criminal profiles of HIV infection