

**COURSE DATA****Data Subject**

<b>Code</b>	35069
<b>Name</b>	Criminal politics
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2021 - 2022

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. year</b>	<b>Period</b>
1302 - Degree in Criminology	Faculty of Law	2	First term
1923 - D.D. in Law-Criminology	Faculty of Law	2	First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1302 - Degree in Criminology	10 - Criminal policy	Obligatory
1923 - D.D. in Law-Criminology	3 - Year 2 compulsory subjects	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
BORJA JIMENEZ, EMILIANO	72 - Criminal Law

**SUMMARY**

Brief summary of the asignatura that allows to have an initial idea of the contents of the same, his location or sense inside the plan of studies, etc.

The asignatura Political Criminal is properly a cultural and formative discipline, that links sectors of the Criminology and the Penal Right with others of the social sciences like the History, the sociology, the Philosophy or the Political Science. It pretends desvelar the social conflicts and politicians that generates the criminal phenomenon. It examines the answers that offer the social sectors involved in these conflicts and the public powers; and it relates them with the ideological systems to base racionalmente each proposal. Thus it finds , or it would have to find, in the centre of the Degree of Criminology and very next to these other asignaturas of cultural nature and valorativa.



## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

### Other requirements

It requires some minimum knowledges of other disciplines, such like Criminology I or Penal Right I. It is directly linked with disciplines like Criminology, Penal Right, Penal Procedural Right, Right Penitenciario, juvenile Penal Right and Victimología. It studies the criminal phenomenon like social problem to the that have to confront the public powers through the penal law and by means of other extra mechanisms-penal.

It requires some cultural base and training in social sciences.

## OUTCOMES

### 1302 - Degree in Criminology

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## LEARNING OUTCOMES

Situate the Criminal Politics inside the Politics.

Identify model of State and his corresponding criminal politics.

Identify a conflict of political nature-criminal.

Desvelar The ideological appearances of the technicians in conflicts of political nature-crimnal.

Establish the different political aims-criminal that pursues each institution of the penal system.

Identify the distinct measures and political strategies-criminal of answer to the crime with his ideological position.

## DESCRIPTION OF CONTENTS

### 1. Policy, Criminal Policy and Criminal Law

1. Concept of Criminal Policy.
2. General policy and criminal policy.
3. Criminal Law: Dogmatic and Criminal Policy.



## **2. Evolution of the State and evolution of Criminal Policy**

1. Evolution of criminal legislation and Criminal Policy.
2. Illustration and Codification: The birth of the liberal State of Law.
3. Interventionism and Criminal Law: The Social Rule of Law.
4. Criminal Law and individual guarantees: The democratic State of Law.
5. The political-criminal conception of the Spanish Constitution.

## **3. Criminal Policy, Criminology and the Legal Penal System**

1. Criminology and Criminal Policy.
2. Victimology and Criminal Policy.
3. Punitive system and Criminal Policy: Special reference to death PENALTY, imprisonment and its alternatives. Criminal mediation.
4. Penitentiary system and Criminal Policy.
5. Criminal prosecution system and Criminal Policy.
6. System of legal criminal responsibility of minors and Criminal Policy

## **4. Modern trends and projections of Criminal Policy in a globalized world**

1. Globalization and Criminal Policy.
2. Criminal Policy and functionalist Criminal Law.
3. Criminal Policy and symbolic Criminal Law.
4. Criminal Policy and Criminal Law of the Enemy.

## **5. Legal penal safeguard of life**

1. Legal-criminal protection of human life.
2. The distinction between homicide and murder.
3. Suicide and the social debate about euthanasia.
4. Legality and illegality of abortion consented by the pregnant woman.

## **6. Legal penal protection of freedom**

1. Liberty as an object of criminal protection.
2. Freedom of movement: Detention and kidnapping.

## **7. Legal criminal safeguard of sexual self-determination and indemnity**

1. Sexual freedom and indemnity in the rule of law.
2. Sexual freedom, prostitution and human dignity.
3. Legal criminal protection of sexual indemnity of tminors.



### **8. Legal criminal limits of freedom of speech**

1. Honor, privacy and freedom of speech.
2. Media and conflict of constitutional rights.

### **9. Legal penal safeguard of the family**

1. Intra-family conflicts in a broad sense, respect for privacy and intervention of public powers.
2. Domestic and gender violence: the response of Criminal Law.

### **10. Legal penal protection of collective interests**

1. Legal criminal protection of supra-individual legal values.
2. Criminal policy on trade in illegal drugs.
3. Urban planning, environment and forest fires: Deterioration, policy and legal criminal reaction.
4. Criminal policy on road traffic safety.
5. Socio-economic crimes and so-called white-collar crime. The legal criminal response to economic and political corruption.

### **11. Political Criminal Law**

1. Legal criminal protection of the international community.
2. Legal criminal protection of the Constitution and public order: Terrorism.
3. Criminal policy and cultural diversity. The challenges of Criminal Law in heterogeneous societies.

### **12. Criminal Policy and modern technologies**

1. Technological and communications revolution, evolution of society and transformation of the State.
2. The new forms of crime and the challenges of the Criminal Law of the Third Industrial Revolution.



## WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	60,00	100
Attendance at events and external activities	12,00	0
Development of individual work	12,00	0
Study and independent work	16,00	0
Readings supplementary material	5,00	0
Preparation of evaluation activities	20,00	0
Preparing lectures	25,00	0
<b>TOTAL</b>	<b>150,00</b>	

## TEACHING METHODOLOGY

In the face-to-face classes, the teaching will be theoretical-practical, assigning particular importance to the continuous evaluation of the learning through the activities developed in class, as it puts of self-evident in the criteria of evaluation.

In the development of the sessions will alternate , then , exhibitions of the professor with different activities that demanding an active implication by part of the student will serve to develop, complement and apply the distinct contents of the asignatura. These activities will be object of evaluation. To title ejemplificativo, will propose : comments of text (analysing theoretical contributions or news in media), debates on problematic questions, projection of documentaries or films and forums of discussion on these, exhibition and discussion of works directed...

The work of the student out of the schedule of classes involves so much a strictly individual work like cooperative activities; and it will be object of evaluation to través: 1) of the proofs of evaluation, 2) of the activities developed in class, and 3) of concrete results contributed to the professor.

They will propose common complementary activities, that will form part of the formative program and will be able to incorporate, in his case, tasks or works grupales or individual susceptible of evaluation.

## EVALUATION

The final qualification of the asignatura will determine from the qualifications obtained of the continuous evaluation developed, to which corresponds 30% of the qualification, and of the realisation of the final proof in the dates fixed by the Faculty, to which corresponds 70% of the qualification. The annex of programming of the professor will detail these extremes and the conditions of the continuous evaluation and of the final proof, being able to likewise establish a partial proof of character liberatorio or no in the dates fixed to the effect.

The students that do not realise the continuous evaluation will be able to present to the final proof, and the note obtained will remain limited to the value ponderado that this examination has in the final note (70%), so that, at most, will be able to obtain a 7 like final qualification.

In case to suspend the first announcement, for the second announcement conserves the qualification



obtained in the continuous evaluation.

## REFERENCES

### Basic

- BORJA JIMÉNEZ, Emiliano.: Curso de Política Criminal. 3ª Edición. Editorial Tirant lo Blanch. Valencia, 2021.

### Additional

- ÁLVAREZ GARCÍA, F. J./MANJÓN-CABEZA OLMEDA, A./VENTURA PÜSCHEL, A (Coords.): la adecuación del derecho penal español al ordenamiento de la unión europea: la política criminal europea, Valencia, 2009.
- BARONA VILAR, S (Coord.): Justicia civil y penal en la era global, Valencia, 2017.
- BECERRA MUÑOZ, J. (Dir.)/NIETO MARTÍN, A. (Dir.)/MUÑOZ DE MORALES ROMERO, M. (Dir.): Hacia una evaluación racional de las leyes penales, Madrid, 2016
- BENITO SÁNCHEZ, D.: Evidencia empírica y populismo punitivo: el diseño de la política criminal, Barcelona, 2020.
- BRANDARIZ GARCÍA, J. A.: El gobierno de la penalidad: la complejidad de la política criminal contemporánea, Madrid, 2014.
- CARBONELL MATEU, J. C.: Derecho Penal: concepto y principios constitucionales. 3ª Edic. Valencia, 1999.
- DE LA CUESTA ARZAMENDI, J. L./DE LA MATA BARRANCO, N. J./ BLANCO CORDERO, I. (Coords.): Adaptación del derecho penal español a la política criminal de la Unión Europea, Pamplona, 2017.
- DELMAS-MARTY, M.: Modelos actuales de política criminal Traducción bajo la dirección de BARBERO SANTOS, M, Madrid, 1986.
- DÍEZ RIPOLLÉS, J. L.: Delitos y penas en España, Madrid, 2015.
- DIEZ RIPOLLÉS, J. L.: Política Criminal y Derecho Penal, Estudios. Valencia, 2013.
- FARALDO CABANA, P. (Dir.)/PUENTE ALBA, L. M. (Coord.)/RAMOS VÁZQUEZ, J. A. (Coord.): Política Criminal y reformas penales, Valencia, 2007.
- LANDROVE DÍAZ, G.: El nuevo Derecho Penal. Valencia, 2009.
- MELENDO PARDOS, M./CALLEJO GALLEGO, M. J./ LACRUZ LÓPEZ, J. M.: Apuntes de Política Criminal, Madrid, 2019.
- MIR PUIG, S. (Dir.)/CORCOY BIDASOLO, M. (Dir.)/GÓMEZ MARTÍN, V. (Coord.): Política Criminal y reforma penal, Madrid, 2007.
- MIR PUIG, S. (Dir.)/CORCOY BIDASOLO, M. (Dir.)/GÓMEZ MARTÍN, V. (Coord.): La Política Criminal en Europa, Barcelona, 2004.
- PÉREZ CEPEDA, A. I. (Dir.): Política Criminal ante el reto de la delincuencia transnacional, Salamanca, 2016.
- POZUELO PÉREZ, L.: La política Criminal mediática: génesis, desarrollo y costes, Madrid, 2013.
- RÍOS MARTÍN, J. C.: Cuestiones de política criminal: funciones y miserias del sistema penal, Granada, 2017.
- ROCA DE AGAPITO, L. (Dir.): Un sistema de sanciones penales para el siglo XXI, Valencia, 2019.



ROMEO CASABONA, C. M.: Dogmática penal, Política Criminal y criminología en evolución, La Laguna, 1997.

ROXIN, Claus: Política Criminal y sistema de Derecho penal, Traducido por MUÑOZ CONDE, Francisco; Barcelona, 1972.

SÁNCHEZ-OSTIZ GUTIÉRREZ, P./SILVA SÁNCHEZ, J.-M.: Fundamentos de Política Criminal: un retorno a los principios, Madrid, 2012.

- SANZ MULAS, N.: Política Criminal, Salamanca, 2018.

SILVA SÁNCHEZ, J. M.: La expansión del Derecho Penal. Aspectos de política criminal en las sociedades postindustriales, Buenos Aires, 2006.

VERDUGO GÓMEZ DE LA TORRE, I./MUÑOZ CONDE, F: Viejo y nuevo derecho penal: principios y desafíos del derecho penal de hoy, Madrid, 2012.

VIVES ANTÓN, T. S.: La libertad como pretexto, Valencia, 1995.

ZÚÑIGA RODRÍGUEZ, L.: Nociones de Política Criminal, Salamanca, 2010.

## **ADDENDUM COVID-19**

**This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council**

### **BLENDED TEACHING MODEL:**

If academic authorities so state, this subject will be adapted to the blended teaching model established by the Faculty of Law, under which students will attend in-person theoretical-practical classes in alternate weeks. To this end, the Secretariat of the Faculty will divide the group into as many subgroups as necessary, and lectures will take place for a subgroup in the classroom at the schedule established for the subject according to the calendar established by the Faculty, whereas the others will attend the class, as a priority, through synchronous VIDEOCONFERENCE.

The contents, volume of work and assessment remain in the terms initially foreseen in the academic guide.

### **NON-PRESENTIAL TEACHING MODEL:**

If academic authorities declare the change into non-presential teaching, this subject will be taught to all students under the same conditions as those indicated for the distance teaching of the blended system.

The contents, volume of work and evaluation remain in the terms initially foreseen in the academic guide.