

**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>	2022 - 2023

**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 - Double Degree Programme 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 - Double Degree Programme Law-Criminology	3 - Year 2 compulsory subjects	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
CORRECHER MIRA, JORGE	72 - Criminal Law

**SUMMARY**

The Criminal Policy subject is itself a cultural and educational discipline, which links sectors of Criminology and Criminal Law with others of the social sciences such as History, Sociology, Philosophy or Political Science. It aims to reveal the social and political conflicts generated by the criminal phenomenon. It examines the responses offered by the social sectors involved in these conflicts and the public powers; and relates them to the ideological systems to rationally base each proposal. For this reason, it is, or should be, at the center of the Degree in Criminology and very close to these other subjects of a cultural and evaluative nature.



## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

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

### Other requirements

A minimum knowledge of other disciplines is required, such as Criminology I or Criminal Law I. It is directly linked to disciplines such as Criminology, Criminal Law, Criminal Procedure Law, Penitentiary Law, Juvenile Criminal Law and Victimology. The criminal phenomenon is studied as a social problem that public powers have to face through criminal law and through other extra-penal mechanisms. Some cultural background and training in social sciences is required.

## COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

### 1302 - Degree in Criminology

- Interpretar las políticas criminales utilizadas por los poderes públicos para hacer frente al fenómeno criminal. G: 8 y E: 2, 8, 22
- Entendimiento del significado y función de la Política Criminal. G: 1, 4 y E: 21, 22
- Comprensión de la evolución histórica del Estado y sus correspondientes políticas criminales. G: 4, 8 y E: 22
- Comprensión y asimilación del fundamento político-criminal de cada institución del sistema penal. G: 4, 8 y E: 16
- Conocimiento de los principales conflictos político-criminales que se generan en las modernas sociedades occidentales, y sus respuestas teóricas y prácticas generadas por los poderes públicos. G: 8 y E: 21, 22

## LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)

- Situating Criminal Policy within Politics.
- Identify the State model and its corresponding criminal policy.
- Identify a conflict of a political-criminal nature.
- Reveal the ideological aspects of technicians in political-criminal conflicts.
- Establish the different political-criminal objectives pursued by each institution of the penal system.
- Identify the different political-criminal measures and strategies in response to crime with their ideological position.
- To understand and explain penal reforms based on political-criminal approaches.



## 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 minors.

## **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, the, 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 qualification of the subject will be determined from the qualifications obtained from the continuous evaluation developed in each group, which corresponds to 30% of the final qualification, and from the completion of the final test on the dates set by the Faculty. which corresponds to 70% of the final grade.

It will be necessary to obtain a minimum passing grade in the final test to pass the subject, regardless of the grade obtained in the continuous evaluation.

The professor's annex will detail the conditions of the continuous evaluation and the oral or written nature of the final test, as well as whether a partial test, liberating or not, will be carried out on the dates set by the Faculty.





Students who do not take the continuous assessment may take the final test on the first call, and the grade obtained will be limited to the weighted value that this test has in the final grade (70%), so that, at most, they can get a 7 as a final grade.

In case of failing the first call, for the second call the grade obtained in the continuous evaluation is kept. If the teacher's annex foresees that there is some activity as recoverable, it will determine the way to obtain the qualification of the same/s in the second call.

## 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 GALLEGU, 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.