

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

Code	44552
Name	Penal guardianship and economic globalisation
Cycle	Master's degree
ECTS Credits	3.0
Academic year	2020 - 2021

Study (s)

Degree	Center	Acad. year	Period
2217 - M.U. en Derecho, empresa y justicia 17-V.2	Faculty of Law	1	First term

Subject-matter

Degree	Subject-matter	Character
2217 - M.U. en Derecho, empresa y justicia 17-V.2	5 - Tutela penal y globalización económica	Obligatory

Coordination

Name	Department
BORJA JIMENEZ, EMILIANO	72 - Criminal Law

SUMMARY

The subject *Criminal protection and economic globalization*, aims to provide a real insight into a phenomenon of paramount importance worldwide, particularly the economic and ideological globalization and its projection in the areas of modern forms of crime and the criminal justice system. This subject also refers to new theoretical concepts and social movements that support a new ideology faced with globalization process. Diverse phenomena such as the Islamic radical terrorism or the recent anti activism can be explained by the ideological differences compared with the globalized thinking and its consequences. Given the origin of most of the students (Latin America) and the growing importance of the indigenous phenomenon in this continent, this subject will present a punitive model totally opposed to the universalist system of continental criminal law. This is the original punitive model of Latin America and its coexistence with the respective official justice systems.



PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

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

Other requirements

Preferably, legal knowledge from Law or Legal Sciences Degree, in accordance with the Master's verifica.

OUTCOMES

2217 - M.U. en Derecho, empresa y justicia 17-V.2

- Students should be able to integrate knowledge and address the complexity of making informed judgments based on incomplete or limited information, including reflections on the social and ethical responsibilities associated with the application of their knowledge and judgments.
- Students should possess and understand foundational knowledge that enables original thinking and research in the field.
- Saber aplicar los conocimientos adquiridos durante el curso, a través de la resolución de problemas puntuales y multidisciplinares desde la óptica de la actividad comercial nacional e internacional y la seguridad jurídica.
- Identificar, analizar e interpretar los problemas jurídicos complejos conforme a criterios jurídicos y deontológicos, con el debido respecto a valores democráticos y a principios fundamentales, sin que tenga cabida la discriminación por razón de sexo, creencia o lugar de procedencia.
- Profundizar y valorar la interrelación e interdependencia de los diferentes sectores del ordenamiento jurídico, tanto desde una perspectiva nacional como internacional, con el propósito de garantizar el valor de la seguridad jurídica.
- Capacidad de implementación práctica de los conocimientos aprendidos en los debates y discusiones, así como ser capaces de dirigirlos e identificar y analizar las conclusiones más relevantes.
- Identificar y valorar los problemas jurídicos de interés en una sociedad globalizada en el ámbito de la actividad empresarial que requieren de una profundización en la investigación jurídica para ser afrontados de forma plural.
- Capacidad para afrontar los retos y dificultades que una sociedad globalizada y, por ende, un mercado global, plantean, para poder identificar y aplicar soluciones que minimicen sus efectos y consecuencias.
- Utilizar los conocimientos avanzados adquiridos aplicables a la realidad empresarial de forma solvente, tanto de forma individual como en equipo, desde una perspectiva pluridisciplinar.



- Analizar los problemas jurídicos que plantea la sociedad empresarial desde una perspectiva interdisciplinar que permita integrar y relacionar los conocimientos adquiridos -sustantivos y especializados- doctrinales, legislativos y jurisprudenciales.
- Identificar y valorar el papel de los mecanismos ADR (Alternative, Dispute & Resolution, que engloba figuras tales como la mediación, el arbitraje o la negociación), en la resolución de los conflictos en sociedades modernas y complejas.
- Conocer las nuevas tendencias y los problemas que de ellas derivan de la aplicación del proyecto de consolidación de una justicia europea, analizando la situación desde las diversas ramas del derecho.

LEARNING OUTCOMES

This subject allows students to acquire the knowledge and skills necessary to discuss an independent and based opinion about the basic principles of the criminal justice system in relation to the evolution of economic and ideological models of globalization.

DESCRIPTION OF CONTENTS

1. Globalization and extension of criminal law

1. Introduction: reasons behind the extension
 - 1.1. General reasons
 - 1.2. Social pressure measures
2. Extension and media
 - 2.1. The influence of media in the extension of legal pressure
 - 2.2. The influence of media in the criminal imitation
3. Economic globalization and criminal behaviour
 - 3.1. Unlawful transnationalisation
 - 3.2. Economic criminal behaviour and global world
 - 3.3. Trafficking in human beings and terrorism: examples of criminal globalization
4. Globalization and criminal policy

2. Implementation in the Spanish Criminal Code

1. Expansionary trends and growth of penalties and criminal types
 - 1.1. Recent criminal reforms
 - 1.2. The criminal law of the enemy: only terrorists and organized criminals are enemies?
2. Analysis of some specific types
 - 2.1. Trafficking in organs
 - 2.2. Trafficking in human beings
 - 2.3. Illicit drug trafficking
 - 2.4. Terrorism
 - 2.5. To sum up, organized criminality



WORKLOAD

ACTIVITY	Hours	% To be attended
Theory classes	30,00	100
TOTAL	30,00	

TEACHING METHODOLOGY

Creating discussion forums through Moodle.

Preparation and reading documents and other materials.

Performance of work by the student individually and coordinated with the other students.

Virtual tutorials

EVALUATION

20-10-2016

1. Continuous assessment of each student based on regular attendance and active participation in discussion forums, individual and global tutorials, etc., degree of involvement in the teaching-learning process and the skills and attitudes shown during development the online activities. 55.0%
2. Assessment of the public speech to be carried out by each student in virtual meetings. 45.0%

REFERENCES

Basic

- BORJA JIMÉNEZ, E., Globalización y concepciones del derecho penal, Estudios penales y criminológicos, XXIX, Universidad de Santiago de Compostela, 2010.
- BORJA JIMÉNEZ, E., El fundamento intercultural del derecho penal, Anuario de Derecho penal y ciencias políticas, Tomo LXII 2009, p. 283-311.
- BORJA JIMÉNEZ, E., Curso de política criminal, 2ª edic., Tirant lo Blanch, Valencia, 2011.
- BORJA JIMÉNEZ, E., Acerca de lo universal y particular del derecho penal, Tirant lo Blanch, Valencia, 2012.
- BORJA JIMENEZ, E., Justicia penal preventiva y derecho penal de la globalización: proyecciones en el ámbito del terrorismo, Anuario de Derecho Penal y ciencias penales, 2017, pp. 28-71



- BORJA JIMENEZ, E., Delitos de posesión: una perspectiva desde la justicia penal preventiva, Revista general de Derecho Penal, 2018, n. 30

ADDENDUM COVID-19

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

This subject is fully taught on-line during the first semester of the course. Therefore, it is not affected by any exceptional measure adopted due to the COVID-19 pandemic.