**Master's Degree in Law**

Free choice training activity

**Criminal Law in Medicine**

**Academic Year 2023/2024, II Semester, 6 ECTS credits**

Prof. **Vincenzo Tigano**

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| **Information about the course** | Free choice training activity - II semester – 6 ECTS credits – Hours of lessons 42.Disciplinary-scientific area IUS/17.Language of the course: Italian. |
| ProfessorInformation | Vincenzo TiganoDepartment of Law, Economics and Sociologye-mail: *vtigano@unicz.it*Student Reception: during the course of lessons, at the end of each lesson. In the remaining period, unless otherwise indicated on the website, every Friday, from 10 a.m. to 12 a.m., in the room of Criminal Law Professors of the Department of Law, Economic, and Sociology.  |
| Course description | The course is divided into lectures of frontal teaching, for a total of 6 hours a week, spread over three days. |
| **Course aims and expected learning outcomes** | The course focuses on the analysis of issues arisen in the field of intersection between criminal law, medical liability and bio-law. The first part of the course aims at the in-depth study of institutions of the general part of criminal law that have been the subject of particular discussion in relation to the responsibility of the healthcare professional - such as causation of adverse events (death, injury), consent of the patient, medical negligence - or that have found in medicine its conceptual basis - such as imputability, with particular attention to the contribution of neuroscience -. The second part of the course takes place through the examination of certain special issues, mostly relating to the intervention of criminal law in early-life and end-of-life issues, such as medical assisted reproduction, abortion, experimentation on embryos, organ trafficking and euthanasia. |
| **Program (contents, methods of execution)****Possible distinction between programs of attending and non-attending students** | The fundamental principles of criminal law. The constitutive elements of the crime. Actus reus, with particular regard to the causal link and the distinction between commissive and omissive offenses. Unlawfulness, with particular regard to the general discipline and the consent of persons undergoing medical-surgical treatment; the law n. 219 of 2017. Mens rea, with particular regard to imputability, psychological coefficients and medical negligence; art. 590-sexies of the criminal code; the permitted risk. SPECIAL SECTION Early-life issues, with particular regard to the requirements for access to medically assisted procreation, the crime of surrogate motherhood and that of experimentation on embryos. The dispositive acts on the body, with particular regard to regulation of organ donation and repression of organ trafficking. End-of-life issues, with particular regard to the prohibition of therapeutic persistence, the crime of murder of the consenting person and that of instigation and aid in suicide.Non-attending students are required to observe scrupulously the program indicated in this syllabus. Attending students will have to follow the instructions that the teacher will give them during the course. It is planned to provide attending students with ad hoc teaching materials (judgments, articles, in-depth studies, etc.), provided during the lessons. |
| **Estimate of the time commitment required for individual study** | Without prejudice to the University didactic regulations and the subjectivity of the study methods of each student, an average study commitment of 100 hours is estimated. |
| **Teaching methods used** | Lessons of frontal teaching, in-depth seminars. |
| **Learning resources (suggested textbooks, any further readings recommended for further study, other teaching material)** | Recommended texts:- S. CANESTRARI, *Principi di biodiritto penale*, 2nd ed., Il Mulino, Bologna 2023, pp. 128.It is also necessary to study the following sentences:* Crim. Court of Cass., United Sections, 10 July 2002 - 11 September 2002 n. 30328;
* Crim. Court of Cass., United Sections, 18 December 2008 - 21 January 2009, n. 2437;
* Crim. Court of Cass., United Sections, **21 December 2017 – 22 February 2018, n. 8770;**
* Crim. Court of Cass., united sections, **25 January 2005 - 8 March 2005 n. 9163;**
* **Constitutional Court, 8 May 2009, n. 151;**
* **Constitutional Court,10 June 2014, n. 162;**
* **Constitutional Court, 5 June 2015, n. 96;**
* **Constitutional Court, 11 November 2015, n. 229;**
* **Constitutional Court, 22 November 2019, n. 242.**

Further legislative updates and in-depth jurisprudence will be indicated by professor during the course. |
| **Support activities** | Further study paths can be agreed with students. |
| **Attendance modes** | Attendance of the course is optional. |
| **Evaluation methods** | Oral examination. In order to pass the exam, the student must demonstrate to know sufficiently the program in its entirety and to be able to express it in a satisfactory language on a syntactic and technical level. The total or partial lack of these basic elements will entail the negative evaluation of the test and therefore the student's unsuitability to pass the exam.Once the presence of these minimum requirements has been established, the evaluation of the student, aimed at identifying the final grade (from 18 to 30) will be carried out using the following parameters shown in schematic form:

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| **Vote** | **Knowledge and understanding of the subject** | **Skills of analysis and synthesis** | **Use of references** |
| Unsuitable | Important deficiencies. Significant inaccuracies | Irrelevant. Frequent generalizations. Inability to synthesize | Completely inappropriate |
| 18-20 | At threshold level. Obvious imperfections | Barely sufficient capacity | As soon as appropriate |
| 21-23 | Routine knowledge | The student is capable of correct analysis and synthesis and argues logically and coherently | The student uses the standard references |
| 24-26 | Good knowledge | The student has good analytical and synthesis skills. Arguments are expressed consistently | The student uses the standard references |
| 27-29 | More than good knowledge | The student has considerable analytical and synthesis skills | The student has deepened the arguments |
| 30-30L | Excellent knowledge | The student has excellent analytical and synthesis skills | Important insights |

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