

Master's degree in law

Criminal procedural law

A.A. 2023/2024

I and II semester 14 CFU

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| Course Information | The Criminal procedural law Course is annual and unfolds over two semesters for a total of 14 CFU (98 hours), of which 5 CFU internal availability |
| Teacher information | Prof.ssa Elena Augusta Andolina, Associate of Criminal Procedural Law Department of Law, Economics and Sociology elena.andolina@unicz.it The office hours are indicated on the lecturer page of the Department website |
| Course Description | The course is divided into two parts. According to the order of the code, we will first deal with the "static" part of the process (the system of sources, the subjects, the parties to the process, the deeds, the evidence, the precautionary »(Preliminary investigations, preliminary hearing, special rites, trial, etc.). The ultimate goal is to provide the methodological and cognitive tools aimed at the ability to understand and analyze the regulatory framework pertaining to the criminal trial as well as the underlying problems, especially related to the conflictual tension between the individual and the authorities |
| Course objectives and expected learning outcomes | 1. Allow the learning of the structural characteristics of the criminal trial and the fundamental criteria that govern it, also in relation to the principles of reference contained in the Constitutional Charter and in the International Charters of Human Rights. 2. Acquire an in-depth basic competence on how to carry out the process in its entirety, which can be used for the needs of professional practice. 3. Compulsive and refine the spirit of the interpreter aimed at finding the solution of the concrete case, also in the light of the examination of the different - or opposing - orientations of doctrine and jurisprudence. 4. Raise awareness of the main regulatory profiles subjected to reform tensions. |
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| <p>Program (contents, methods development) of</p> | <p><i>Outlines of the Italian criminal trial</i> - I. Introduction to the study of criminal procedural law. History and ideologies of the Italian criminal trial. -II. The adaptation of domestic law to European sources. -III. The Possible distinction between attending and non-attending programs as protagonists of the process.-IV. The acts.-V. The body of the right to evidence. General provisions.-VI. The means of proof. - VII. The means of seeking evidence. - VIII. Pre-precautionary measures. - IX. The precautionary measures. - X. Preliminary investigations.-XI. The preliminary hearing.-XII. Special proceedings. XIII. The ordinary judgment. - XIV. The proceeding before the Court in monochromatic composition. - XV. Criminal proceedings before the justice of the peace. - XVI. The procedure for ascertaining the liability of entities. -XVII. The juvenile criminal trial. -XVIII. Appeals in general. - XIX. The appeal. - XX. The appeal to cassation. -XXI. The Judged.-XXII. Appeal to the European Court of Human Rights.-XXIII. Extraordinary means of appeal.-XXIV. Criminal execution. - XXV. European criminal area and international judicial cooperation. - XXVI. European arrest warrant and extradition.-XXVII.Rogatoria.-XXVIII.International judicial cooperation in the execution.</p> <p>At the end of the course, an ad hoc program will be published for attending students concerning the topics covered during the course itself.</p> |
| <p>Estimate of the time commitment required for the study</p> | <p>Individual Hours to devote to study for serious preparation: 350 hours</p> |
| <p>Teaching Methods:</p> <p>Learning resources:</p> | <p>used Lectures in the classroom also aimed at involving students</p> <p>(recommended textbooks, any further recommended reading for further information, other material</p> |

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| <p>The texts indicated for the study of the subject are:</p> <p>Support Activities:</p> <p>Attendance Methods</p> | <p>DOMINIONI and Others, Criminal Procedure, Turin, G. Giappichelli Editore, latest edition; Or SCALFATI and Others, Manual of Criminal Procedure, Turin, G. Giappichelli Editore, latest edition; or O. TONINI, Manual of Criminal Procedure, Milan, A. Giuffrè Editore, latest edition. The study of textbooks must be absolutely integrated with the constant consultation of the code. Given the continuous flow of regulatory data, it is noted the absolute need to use the most recent edition of the study manuals and to consult the most recent edition of the criminal procedure code, to be integrated with any legislative changes, as well as with the any rulings of the Constitutional Court.</p> <p>In addition to the lessons of the course, additional activities are planned such as seminars with the presence of teachers from other universities and qualified magistrates, as well as participation in criminal hearings and exercises.</p> <p>The attendance of the Course will develop both in the 1st and 2nd semester. Although it is not compulsory, it is also strongly recommended for the purpose of a guided approach to the study topics.</p> |
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| <p>Method of Assessment</p> | <p>The exam will be carried out in oral form. Intermediate verification tests with an exemption nature are not envisaged. In order to pass the exam, the student must demonstrate sufficiently know the program in its entirety and of be able to express it in satisfactory language on the syntactic and technical level. The total or partial lack of these basic elements will result in the negative evaluation of the proof and therefore the student's non-suitability to pass of the exam.</p> <p>Once the presence of these minimum requirements has been ascertained, the student evaluation, aimed at identifying the grade final (18 to 30) will be done using the parameters here in shown below in the appropriate grid:</p> <p>Voting Knowledge and Ability to Use understanding analysis and references of the summary topic</p> <p>Not Important Irrelevant. Completely suitable shortcomings. Frequent inappropriate Significant generalizations. inaccuracies Inability to</p> <p>synthesis</p> <p>18/20 At the threshold level. Capacity Just Imperfections just appropriate evident sufficient</p> <p>21/23 Knowledge Is able to Use the routine analysis and references correct summaries. standard Argue in logical way e coherent</p> <p>24/26 Knowledge Has ability to use good analysis and references good summaries. standard The arguments are expressed consistently</p> <p>27/29 More remarkable knowledge Has deepened what a good ability to argue analysis and of synthesis</p> <p>30/30L Knowledge Has very good Important excellent ability to investigate analysis and of synthesis</p> |
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