

## **Penitentiary Law 2024/2025**

**2nd semester, 6 credits**

**Professor Elena Andolina 3 CFU**

**Professor Giuseppe Tabasco 3 CFU**

Course Information	The Penitentiary Law course lasts six months and takes place in the second semester for a total of 6 credits (42 hours)
Teacher information	Prof. Elena Augusta Andolina, Associate of Criminal Procedural Law elena.andolina@unicz.it Prof. Giuseppe Tabasco, Type Researcher (B)IUS/16 giuseppe.tabasco@unicz.it The office hours are indicated on the teacher page of the Department website.
Course Description	The course delves into a sector of the legal system of fundamental importance in the training of criminal lawyers. Not only for the primary importance of the constitutional values at play in the penitentiary execution phase (on both the substantive and procedural penal side). The underlying theme is the ever-increasing practical relevance of the institutions of penitentiary law which are suitable for influencing the content of the criminal judgement, modifying it with a view to pursuing the re-educational purpose of the punishment pursuant to art. 27 paragraph 3 of the Constitution. Without neglecting that the duty of the (democratic) State to work towards the re-education of the convicted derives from the constitutional guarantee, as well as the right of the individual to be re-educated.

<p>Course Objectives e Expected Learning Outcomes</p>	<ol style="list-style-type: none"> <li>1. Offer students the knowledge and ability to understand the phase that follows the cognition procedure in the dual dimension of formal and substantial execution. The principles and rules of criminal execution and the penitentiary system are analyzed in a broader research context, encouraging the ability to integrate with knowledge relating to other sectors of the criminal legal system.</li> <li>2. Promote the ability to criticize and make judgment regarding the topics covered during the lessons through additional activities which will put them in direct contact with the issues addressed in the classroom (visits to penitentiary institutions and seminars with sector operators).</li> <li>3. Encourage students to intervene on the issues addressed in class, also through constant attention paid to regulatory and jurisprudential emergencies, thus also acquiring an adequate technical language.</li> <li>4. Raise awareness towards the main regulatory profiles subject to reform tensions.</li> </ol>
	<p>Constitutional principles and execution phase of the sentence;  Educational law: art.27 paragraph 3 of the Constitution;  The penitentiary legislation and its changes from ECHR jurisprudence;  Protection of prisoners' rights;  The treatment of the condemned;  The individualization of treatment and choice of the institute;  The elements of individualized treatment: education and religion  Penitentiary work  Contacts with the external way: the socialization of prisoner;</p>

The discipline of interviews;  
Reward permits and need permits;  
Penitentiary security;  
From art.90 of the penal order to the security order reads  
“Gozzini”;  
Particular surveillance;  
Order and security exart.41-biscomma1ord.pen.;  
The penitentiary double track; the prison system  
foreclosures;  
Article 4-bis ord. pen.:the presumptive mechanism;  
The suspension of the normal rules of treatment: art.41-  
bis comma 2;  
The surveillance procedure;  
Alternative measures to detention: foster careon trial  
Home detention and semi-freedom

Early release  
Conditional release and sure repentance.

<p>Estimate of Commitment Requested time for the Studio individual</p>	<p>Or dedicate to studying for serious preparation: 150 hours.</p>
<p>Teaching Methods used</p>	<p>The course develops through 42 hours of frontal teaching. Supplementary seminars may also be held in order to delve deeper into certain topics and discuss concrete cases.</p>

Resources for Learning (textbooks)	<p>The texts indicated for the study of the subject are:</p> <ul style="list-style-type: none"><li>- AA.VV., Manual of penitentiary law, edited by F. DellaCasa and G. Giostra, Giappichelli Editore, Turin, latest edition;</li></ul> <p>or</p> <ul style="list-style-type: none"><li>-A.Diddi, Penitentiary Law Manual, Pacini Giuridica, Pisa, latest edition.</li></ul> <p>Warnings:</p> <p>The study of textbooks must absolutely be integrated with constant consultation of the code. Given the continuous flow of regulatory data, we point out the absolute necessity 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 amendments, as well as with any sentences of the Constitutional Court.</p>
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Support Activities	Alongside the course lessons, additional activities are planned such as seminars with the presence of teachers from other universities and qualified magistrates, as well as visits to penitentiary institutions.
Frequency Mode	Course attendance will take place in the 2nd semester. Although it is not mandatory, it is also strongly recommended for the purpose of a guided approach to study topics.
Assessment method	The profit exam will be carried out in an oral manner. Intermediate verification tests of an exonerative nature are not expected to be carried out. the student will have to demonstrate sufficiently know the program in its entirety and to be able to express it in satisfactory language on the

syntactical and technical plan. Total or partial lack of these basic elements will result in the negative evaluation of the  
proves the student's unsuitability to pass

Once the presence of these minimum requirements has been verified, the evaluation of the student, aimed at identifying the grade final (from 18 to 30) will be carried out using the liquid parameters below reported in the appropriate grid:

Rating	Knowledge and Ability to Use	understanding
18•20	Threshold level. Capacity	Just
21•23	Knowledge and ability to use routine analysis and references correct summary. standard Argue in logical way and coherent	Just appropriate obvious enough
24•26	Knowledge Has ability to use good analysis and references good summary. Standard The topics are expressed consistently	Significant Inability to synthesis
27•29	Knowledgemore Has notable Has in-depth what a good ability in arguments analysis and synthesis	Significant Inability to synthesis
30•30	L Knowledge Has excellent Important excellent ability for in-depth analysis and analysis and synthesis.	Significant Inability to synthesis





