

## Substantive Criminal Law (B001632)

**Course size** *(nominal values; actual values may depend on programme)*

**Credits 5.0** **Study time 150 h**

**Course offerings in academic year 2024-2025**

A (semester 1) Dutch Gent

**Lecturers in academic year 2024-2025**

De Bondt, Wendy RE23 lecturer-in-charge

**Offered in the following programmes in 2024-2025**

<a href="#">Bachelor of Science in Criminological Sciences</a>	<b>crdts</b>	<b>offering</b>
	5	A

**Teaching languages**

Dutch

**Keywords**

Substantive criminal law, Crime, Incrimination, Criminal liability, Sanction, Punishment, Criminal Code, Policy advice

**Position of the course**

The course focuses on (i) the historical and intrinsic theoretical foundations of Belgian criminal law and (ii) on the application of theoretical knowledge acquired by students, by learning to write a policy advice.

The basic insight into the historical and institutional/substantive developments at the level of European and international justice, home affairs and security policy acquired in previous courses will allow students to better grasp the European and international dimension included in this course. In its turn, this course will provide the necessary basic insight to better understand the contents of specialist courses on specific criminal offences.

**Contents**

**GENERAL**

Historic and substantive founding principles of the Belgian criminal law (including the influence of international and European developments) as found in Book I of the Belgian Criminal Code and further developed in Book II and a number of special complementary laws.

Throughout the course, due attention will be paid to possible upcoming changes in light of the general review of our criminal code.

The following parts are dealt with:

**PART 1 - INTRODUCTION**

- the historical development of criminal law and doctrine;
- the sources of criminal law;
- the basic principles of criminal law; and
- the application of criminal law *ratione temporis*, *ratione loci* and *ratione personae*;

**PART 2 – CRIMINAL OFFENCES**

- constituent elements;
- classification;
- grounds for justification and excuse, mitigating circumstances; and
- aggravating circumstances.

### **PART 3 - CRIMINAL LIABILITY**

- the moral component of a criminal offence; and
- grounds for exclusion of guilt.

### **PART 4 – ATTEMPT AND PARTICIPATION**

### **PART 5 – SANCTIONS**

- sentencing;
- execution of sentences (to a lesser extent); and
- rehabilitation and automatic erasure of convictions.

#### **Initial competences**

No particular preliminary knowledge required

#### **Final competences**

- 1 To know and to be able to apply the relevant domain specific jargon, basic principles and theoretical foundation of criminal law
- 2 To have profound knowledge of and insight into the basic principles underlying the Belgian criminal justice system, especially the aspects of incrimination, sanctioning and execution of sanctions
- 3 To have insight into the historical, political, economical and sociological dimension of criminal law
- 4 To have proper knowledge of and insight into the European and international influences on the Belgian substantive criminal law
- 5 To identify and interpret the main legal sources relevant to substantive criminal law with a view to using them correctly
- 6 To be aware of the responsibility of a criminologist regarding the further development of our substantive criminal law and to be able to demonstrate that criminal law is an important related science for the Criminological study of deviance and crime phenomena
- 7 To know and to be able (i) to comment on and (ii) to critically evaluate current developments in substantive criminal law, with a view to writing a police advice
- 8 To have a critical and open mindset to reflect on legislative or policy developments in the field of substantive criminal law and to orally communicate on that reflection in a structured way
- 9 To have a critical and open mindset to reflect on legislative or policy developments in the field of substantive criminal law and to communicate on that reflection in a structured written way
- 10 To be able to reflect on the study progress made and where necessary adapt the study strategy, based on the outcome of the self-evaluation modules made available via Ufora

#### **Conditions for credit contract**

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

#### **Conditions for exam contract**

This course unit cannot be taken via an exam contract

#### **Teaching methods**

Seminar, Lecture, Independent work

#### **Extra information on the teaching methods**

**Lectures:** The material is mainly taught in the form of lectures. These lectures aim at familiarising students with the principles and structure of the criminal law. Additionally, the lectures aim at offering students insights into the historical, political, economical and sociological dimension of criminal law. The student gets multidisciplinary insights into the principles of criminal law, adding to criminological study of crime and deviance. The self-discovering character is activated by the technique of hearing and responding lectures. By asking questions and provoking reactions, active participation and critical thinking is spurred. To that end, statements are presented to the students, pending legislative proposals and recent legislative changes are discussed in class and reference is made to media coverage of topics that are relevant to the course. Such critical reflections facilitate group discussion and encourage students to practice oral skills.

**Seminar:** Students will learn to critically reflect on and argue about pending legislative proposals and highly topical issues in order to be able to write a proper policy advice. By means of interactive guided exercises in smaller groups, the student is familiarised with specific topics of the substantive criminal law and the current discussions regarding these topics. The interaction between substantive criminal law as enshrined in law and the criminal law policy being pursued is central. Students are presented with several propositions/legislative proposals on which they are required to formulate their opinions. In this way, students learn to think critically about certain initiatives and are placed in their social context. The results form the basis for a group discussion, during which students are given the opportunity to practice their oral skills and defend their position on a proposition/legislative proposal. After each seminar, an example of a policy advice regarding the statements/legislative proposals, based on the arguments that were submitted in class, will be uploaded to Ufora. Preliminary to the final seminar, students have the possibility to write a policy advice independently, as practiced during the seminars. This assignment will be discussed in group during the final seminar. After this final seminar, a session will be organised during which students are expected to independently (with the use of a criminal code) write an advice on several statements/legislative proposal.

**Guided self-study:**

Several self-evaluation modules will be made available, whether or not in preparation for a lecture. The modules aim at encouraging students to critically reflect on their own learning process. In doing so the students are further motivated to develop an attitude of continued self-study. In addition to the built-in feedback, the main difficulties that become apparent from the results of the tests will be discussed in group during the lectures where there will also be room for student questions.

**Study material**

Type: Handbook

Name: Strafrecht, strafprocesrecht en internationaal strafrecht in hoofdlijnen deel I

Indicative price: € 65

Optional: no

Language : Dutch

Author : C. Van den Wyngaert

Additional information: Attention: as of today (June 2024) it is still undecided whether to work with C. Van den Wyngaert's manual or Prof. Tom Vanderbeken's manual because of the new penal code and the fact that no new version of C. Van den Wyngaert's manual will be published.

Type: Slides

Name: Materieel Strafrecht

Indicative price: Free or paid by faculty

Optional: no

Language : Dutch

Available on Ufora : Yes

Type: Other

Name: Strafwetboek, Wetboek van Strafvordering, Bijzondere wetten

Indicative price: € 25

Optional: no

Language : Dutch

Author : G. Vermeulen

**References**

Included in learning material.

**Course content-related study coaching**

- Continuous feedback/coaching possible
- Interactive assistance via UFora (documents, e-mail)
- Office-hours

**Assessment moments**

end-of-term and continuous assessment

**Examination methods in case of periodic assessment during the first examination period**

Oral assessment, Written assessment

#### **Examination methods in case of periodic assessment during the second examination period**

Oral assessment, Written assessment

#### **Examination methods in case of permanent assessment**

Written assessment

#### **Possibilities of retake in case of permanent assessment**

examination during the second examination period is possible in modified form

#### **Extra information on the examination methods**

##### **NON-PERIODIC EVALUATION**

**Written examination - At the end of the series of seminars, the skills of the students are tested on the basis of a written examination, with a view to individually reflect on several statements/legislative proposals presented to them.**

##### **PERIODIC EVALUATION**

**Written and oral examination, with use of a codex, entailing open and short questions.**

The exam tests the knowledge, insights and scientific thinking abilities and written and oral communication skills of the examinandus. The questions aim at testing if the student has gained insights and knowledge related to the terminology, the relevant structures, the system, and the principles of criminal law. Finally, the questions aim at testing if the student shows the ability to critically reflect on the role of criminal law in society.

#### **Calculation of the examination mark**

##### **NON-PERIODIC EVALUATION**

- 5p based on the written examination

Transfer of these results to the second exam session is possible. Students are to decide whether or not they wish to take a resit for the non-periodic evaluation.

##### **PERIODIC EVALUATION**

- 10p comprising a written examination
- 5p comprising an oral examination

##### **GENERAL RULE**

Students who do not participate in all evaluation components (both period and non-period) will **not be able to pass** the exam. In practice this means that if students do not participate in all evaluations, they achieve maximum 7/20 for this course.

#### **Facilities for Working Students**

An evening session will be organised for each seminar to allow working students to be present. Written assignments may be handed in electronically. Given the mandatory participation, the written examination of the non-periodic evaluation will be organised during the evening in the first half of December.