

Specific Criminal Offences (B001715)

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

Credits 6.0

Study time 180 h

Course offerings and teaching methods in academic year 2023-2024

A (semester 2)

Dutch

Gent

group work

lecture

independent work

peer teaching

Lecturers in academic year 2023-2024

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RE23

lecturer-in-charge

Offered in the following programmes in 2023-2024

Master of Science in Teaching in Social Sciences(main subject Laws)

crdts

6

offering

A

Master of Laws in Laws

6

A

Teaching languages

Dutch

Keywords

Legislation on criminal offences, Constitutive elements of crime, Case law, Legal doctrine, Comparative criminal law

Position of the course

This course aims at gaining insight in the multitude of criminal offences and provides instruments and methods to analyse this legislation (constitutive elements of the crime, case law, legal doctrine and contextualisation in time and space)

The course builds upon the knowledge and competences acquired during the courses "Criminal Law" and "Legal Skills II: Criminal Law"

Contents

PART 1 – Introduction

- the development of criminal law
- the offence (constitutive elements, classification, grounds for justification and excuse, mitigating and aggravating circumstances)
- the criminal responsibility (moral elements of crimes, grounds for exclusion of guilt)
- the attempt and participation
- recidivism (temporary, permanent and special forms)
- the sanction (sentencing and execution)
- comparative law

PART 2 – Analysis of crimes

- Collective in depth analysis of several crimes to allow students to gain insight and improve their legal skills
- Illegal adoption, sale of children, surrogacy (phenomenological assessment, legal framework, current criminalisations, future policy options/requirements)
- Corruption (public and private corruption) & swindling
- Drug related offences (with a specific focus on the international legal context and the possibility of legalising/decriminalising/depenalising/regulating cannabis related offences)
- Money laundering (with a link to fiscal fraud) (with a specific focus on the importance of comparative legal research to expose differences in criminal legislation between different jurisdictions)
- Discrimination, racism & xenophobia (phenomenological assessment, legal • framework, current criminalisations) (with a specific focus on the current initiatives inspired by

(Approved)

conservative right-wing politics)

- Terrorism and participation in a criminal organisation (including the discussion on the need for more criminal measures in the fight against radicalisation and extremism) (with a specific focus on the importance of comparative legal research to expose differences in criminal legislation between different jurisdictions)
- Final topic is decided on ad hoc, in light of ongoing discussions and/or recently taken legal initiatives. In preparation of this class, students draft an answer to a topical question in a short individual paper.

PART 3 – Group assignment

- The topics of the group assignment are determined at the beginning of the lecture series together with the students (e.g. rape and other sexual offences, breach of professional secrecy, slander, disobedience, insubmission, hit and run, surrogacy, organised crime, euthanasia, abortion, suicide, assault & battery,...)
- Students form duo's or small groups do conduct an analysis of a crime phenomenon and the criminal law provisions linked to it, to identify problems and critically reflect on the consistency within our criminal law provisions.
- Discussion-sessions to allow students to present their crime analysis to the other students, ask critical questions and provide each other with feedback

Initial competences

Students are expected to have elementary knowledge of

- the general principles of criminal law
- the sources of criminal law and how to find them
- the international, European and national dynamics surrounding the development of crimes

Final competences

- 1 Having a command of and being able to apply the jargon of the study of criminal offences
- 2 Having the ability to discuss the historical, political, economical and/or sociological context in which certain criminal offences arise
- 3 Having a critical-scientific attitude towards sources and (scientific) literature on criminal offences
- 4 Being able to evaluate the work of other students and provide constructive feedback based on a set of criteria
- 5 Ability to reflect in a critical-scientific manner (including being able to draft a relevant research question and through offering a scientifically researched analysis and logical legal reasoning)
- 6 Being able to assess and elaborate on the added value of comparative legal research for the study and further development of criminal offences
- 7 Having the ability to discuss topics with peers and working together as a team
- 8 Ability to communicate in a structured way both orally and in writing on legal and policy developments (a.o. through presenting and defending the results of own research and through participating in a debate)
- 9 Being aware of the societal role lawyers (could) have regarding the development of criminal offences
- 10 Ability to assess current developments in a balanced, mature fashion.

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

Group work, Lecture, Independent work, Peer teaching

Extra information on the teaching methods

Lectures: The material is mainly taught in the form of hearing- and responding lectures. The lectures aim at familiarising students with the influence and application of the principles relevant for the process underlying the development of crimes, as well as with the techniques to critically evaluate those crimes. With a view to improving the evaluation skills, the lectures are aimed at encouraging students to use a multidisciplinary perspective taking due account of the historical, political, economic and sociological context. The self-exploring character is activated by the technique of hearing-and responding-lectures. By asking questions and provoking reactions, active participation and critical thinking is spurred.

During the lectures, students are explicitly confronted with pending legal proposals to raise awareness of their societal role and responsibilities as future criminologists

Guided self-study: students independently prepare a number of aspects or topics related to the selected offences for the exam, based on the directions provided for and skills picked up during the lectures.

Independent work: students formulate an answer to a topical question, in a short paper.

Group work: students – divided in small study groups – are to formulate a research question, relevant for the course. On the basis of that question, they are to write a critical paper. In this paper, they are to defend a creative viewpoint regarding a relevant question by offering a scientifically researched analysis and logical reasoning.

Microteaching: students assess papers of their peers and provide constructive feedback on their written work. Thereafter, papers are orally defended, students ask each other critical questions on their papers and/or presentations and engage in a debate on the topic.

Lifelong learning: Students are informed about relevant scientific activities such as workshops and seminars relevant for the course.

Learning materials and price

- W. De Bondt, "Basisteksten Bijzonder Strafrecht", Gompel & Svacina, latest edition (estimated price €30) (may be used during the exam);
- comprehensive reader with literature made available through Topcopy (cannot be used during the exam) (estimated price €20);
- slides of the lecturer distributed via Ufora and complemented with the students' own lecture notes; and
- student papers complemented with the comments made during the discussion in class.

References

Included in learning material

Course content-related study coaching

- Continuous feedback/coaching possible;
- Interactive assistance via Ufora; and
- Office-hours.

Assessment moments

end-of-term and continuous assessment

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

Written assessment

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

Written assessment

Examination methods in case of permanent assessment

Oral assessment, Participation, Peer and/or self assessment, Assignment

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

Students prepare an individual and a course related group paper as elaborated on above, prepare an oral discussion at which occasion students demonstrate their capacity to orally defend their position and respond to critical questions addressed to them by their co-students. Additionally, students are evaluated on their ability to evaluate the written work of their co-students by means of providing constructive feedback, their ability to (prepare and) formulate critical and relevant questions and their ability to participate ad hoc in the debate.

Periodic evaluation

The exam tests the knowledge, insights and scientific thinking abilities and written communication skills of the examinandus. The questions aim at testing if the student has gained insights and knowledge relating to the terminology, the relevant structures, the system, and the principles of the course area. Finally, the questions aim at testing if the student can apply the gained knowledge by formulating an opinion regarding a complex legal issue.

Calculation of the examination mark

Non-periodic evaluation 12/20 comprised of

- 4p - individual assignment - course paper as described above, in preparation of the last class lecture.

- 5p - group assignment - course related paper as described above, in preparation of the group discussions after the Easter holidays
- 3p - oral discussion of the group paper, at the occasion of which students are evaluated on their skills to defend their position and build a legally solid line of argumentation including evaluation and feedback provided to other students, critical reflection and formulation of questions, participation during the debate.

Periodic evaluation 8/20

Participation requirement

The students are required to participate in all evaluations (the periodic as well as the non periodic evaluation). If not, the student will be declared failed. In practice this means that, students who do not participate in all evaluations can achieve maximum 7/20 for this course.

Facilities for Working Students

Working students are allowed to hand in their course paper solely in an electronic format. In light of the non-periodic evaluation, it is however essential to be able to be present in (at least) the classes after the Easter Holidays.