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| 5.00 credits | 30.0 h | Q1 |
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| Teacher(s) | De Valkeneer Christian-Paul ;Moreau Thierry ; |
| Language : | French |
| Place of the course | Louvain-la-Neuve |
| Main themes | <p>a) The criminal responsibility of the individual; b) Responsibility in criminal law in business; c) Penal aspects of the laws relative to liability of businesses; d) Straight forward bankruptcy and fraudulent bankruptcy (independence of criminal law - detection of businesses in difficulty - causes of bankruptcy - liability - criminal involvement - straight forward bankruptcy and fraudulent bankruptcy - publication of convictions - filing of civil actions); e) Legal arrangements relative to the start-up and running of companies and false accounting (formation of companies - forgery - fraud - advertising of companies - management of companies - right to vote - accounts and statements of results - foreign companies - falsifying accounts - fictional dividends -public industrial initiatives); f) Financial criminal law (abuse of confidence, abuse of social benefits, insider trading, laundering money,...) h) The application in social criminal law of the general principals of criminal law (article 100 of the penal code - the person criminally punishable - moderating circumstances - extenuating circumstances - non retroactivity - legal conflicts in space); i) The application in social criminal law of the general principals of criminal procedure (control of the application of social laws - the exercise or suppression of public action); j) Sanctions (penal sanctions - civic responsibility in paying fines - administrative fines); k) The civic repercussions of social criminal law (civil action - civic responsibility - options of the injured party - communication with the Director of Public Prosecutions - automatic imposition of fines - prescription of civil action); l) Study of the effectiveness and opportunity of legal repression in social law. m) Computer crimes. Given the considerable number and variety of laws relative to criminal law in business, it will not be possible to attempt an exhaustive study. Specific examples will be used to show the application, sometimes unique, of the general principles of criminal law or the criminal law procedure. Thus the offences linked to insolvency, the abuse of social benefits, insider trading, fraud or damages to the financial interests of the European Community and criminal law relative to the environment will be used as examples of incriminations in this sector. The list may evolve with current legal developments.</p> |
| Learning outcomes | <p>At the end of this learning unit, the student is able to :</p> <p>This course has several objectives: - to study the growing incidence of criminal law in business life (business law); - an in-depth study of the fundamentals of criminal law in specific laws; - the comparison of legal disciplines which use different means and methods: criminal law, commercial law, work law, social security law, financial law, criminal procedure. The comparison with non-legal subjects such as the economy, accounting and criminology; - consideration of the peremptory nature of the judicial standards applied in business. This course forms a part of a coherent specialised option. The lecturers responsible are part of an educational team: they meet on the contents and methods in each course to ensure that they are complementary. When ever possible and taking into account the numbers enrolled, the course is based on active participation. The lecturer will use illustrative examples and invite the students to apply their newly acquired knowledge to specific situations.</p> <p>1</p> |

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| <p>Evaluation methods</p> | <p>The course is a continuous assessment course.</p> <p>As this is a continuous assessment course, attendance at this course is required. In accordance with article 72 of the General Regulations for Studies and Examinations, the Professors may propose to the jury that a student who has at least three unjustified absences for the course, be refused registration for the January, June or September session.</p> <p>The evaluation can take various forms.</p> <p>In the first term :</p> <p>1) Each lecture is prepared in advance by the students. They must read the powerpoints and the reading binder. They may be required to do some research. Before the preparation, a question can be transmitted by the teacher. The student must submit a written and personal answer on the course website at the latest the day before the course. The preparation work can also end with a MCQ to be completed before the course.</p> <p>2) At the end of each of the two parts of the course, the student will have to complete a summary exercise in the form of a take home or MCQ.</p> <p>There are no exams during the session.</p> <p>The evaluation criteria will be as follows</p> <ul style="list-style-type: none"> - understanding of the material (ability to identify and mobilize concepts and sources in an adequate manner, rigor, precision) - critical analysis (ability to fuel the debate and broaden the problematic, relevance and depth of the argument) - formal aspects (spelling, syntax, punctuation, precision of vocabulary...). <p>In the second session, there are two possible scenarios :</p> <p>1) Either, the student who has failed has submitted all of his or her preparations (unless exempted), attended the classes and presented the two summary exercises in the first session. In this case, the exam will be a take-home exam that will include exercises from both parts of the course.</p> <p>2) Or the student has not submitted all his preparations, attended the courses and presented the two summary exercises in the first session. In this case, he/she must complete a double performance:</p> <ul style="list-style-type: none"> - The take home provided in case 1) - A 40-page paper to be handed in by email to the teachers on the first day of the session. Regarding this work, students must contact one of the teachers before July 15 to identify themselves and ask for the theme of the work. <p>This work requires at least:</p> <ul style="list-style-type: none"> § Familiarity with all the documents included in the preparation of the course § A personal research § A practical approach |
| <p>Teaching methods</p> | <p>The course is continuously assessed.</p> <p>The course is built on a process whereby the student acquires the knowledge of the subject matter by himself. Students are encouraged to do their own preparatory work (reading and research).</p> <p>The face-to-face classes are devoted to :</p> <ul style="list-style-type: none"> - answering students' questions about the material being prepared - deepening certain parts of the subject - illustrating the subject with examples - doing exercises - participating in debates within the audience <p>The preparation work to be done corresponds to the work to be done in the block, the student being immersed in the subject matter for the duration of the course.</p> |
| <p>Inline resources</p> | <p>The student must register on Moodle to have access to the texts to be read and to deposit the documents and comments requested for the evaluations.</p> |
| <p>Bibliography</p> | <ul style="list-style-type: none"> • Code de droit pénal des affaires publié chez Larcier, collection codes essentiels |
| <p>Faculty or entity in charge</p> | <p>BUDR</p> |

| Programmes containing this learning unit (UE) | | | | |
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| Program title | Acronym | Credits | Prerequisite | Learning outcomes |
| Master [120] in Law | DROI2M | 5 | |  |