



## DRT

### DPCR1209 Criminal Law

[45h+30h exercises] 4.5 credits

This course is taught in the 1st and 2nd semester

**Teacher(s):** Geneviève Schamps  
**Language:** french  
**Level:** 1st cycle course

#### Aims

At the end of this course, students will know the rules of Belgian criminal law and will be able to apply them to concrete cases. They will have developed a critical and reflective approach to the questions that arise in society and the answers given by the criminal law. They will have a knowledge of human rights and will be familiar with the relationships between criminal law and other branches of law. They will also have some knowledge of comparative law.

#### Main themes

The course examines successively:

- Criminal statute (Notions - Application of criminal statute in space and time - Legal qualification of fact);
- Actus reus (Material fact and causes of aggravation - Attempt - Defences: necessity, legal order or permission, self-defence - legal obstacles to proceedings and judgement);
- Mens rea, defences of infancy, insanity, diminished responsibility, mistake;
- Penalty: objectives - classifications - measures of penalty's substitution - legal excuses - combination of offences - aggravating circumstances - recidivism - attenuating circumstances - suspension, stay of execution, probation - early release - obstacles to execution of penalty - obliteration of sentence.

Finally the course examines humanitarian criminal law and the law of armed conflicts. The statute of social defence of July 1, 1964, the statute on the protection of the young of April 8, 1965 and the decree of March 4, 1991 relating to assistance to the young are taught during the first and second year.

#### Content and teaching methods

The course first analyses the definitions and processes of criminal law, and its relations with other branches of law (at national, international and European level). The emphasis is put on the sources of criminal law, their interpretation, and the application of criminal statutes in space and time. The course also covers the classifications of offences, their conditions (legal element, actus reus, mens rea) and the agents. The foundations, characteristics, objectives, types and delivery of penalties are examined. Security measures and the civil consequences of offences are analysed. An introduction to armed conflict law and humanitarian law is also given. Possible reforms and relevant aspects of comparative law are considered.

Since the teaching is intended for hundreds of students, it consists of lectures illustrated with many examples. It is adapted to current events and to fundamental questions that arise in society and media. It is supplemented by a compilation of texts. Some classes utilise a more active pedagogy, within the framework of discussions about case law relating to particular aspects of criminal law or lawsuits. Students may take the floor during class and ask questions. They are also invited to take part in debates after lectures given by experts or foreign tutors. It is also possible for students to improve their knowledge of legal Dutch since, in the compilation of texts, Dutch legal decisions are available.

PowerPoint software is used to illustrate the structure of the course and its fundamental data.

#### Other information (prerequisite, evaluation (assessment methods), course materials recommended readings, ...)

To reach the objectives, the course uses a case study and question methodology. At the beginning of the course students are provided with a book of criminal law (syllabus). Evaluation is by oral or written examination, with the cooperation of assistants. Great importance is attached to analyses of case law.

**Other credits in programs**

<b>DROI12</b>	Deuxième candidature en droit	(4.5 credits)	Mandatory
<b>DROI1EP</b>	Année de formation préparatoire à la licence en droit	(4.5 credits)	Mandatory