

Faculty of Law



ECRI1504 Elements of Criminal Law and Criminal Procedure

[60h] 6 credits

This course is taught in the 2nd semester

Teacher(s): Damien Vandermeersch
Language: French
Level: First cycle

Aims

The aim is to provide students, future criminologists, coming from diverse backgrounds, with as complete a survey as possible of the fundamental rules and principles of criminal law and procedure.

The study of criminal law and Procedure involves fundamental principles affecting individual rights and freedoms. The course also covers the multiplicity of situations with which a party appearing before the court may be confronted, be that party the suspect or the victim of a crime, or the witness to a crime.

The effectiveness of a law is often dependent upon the information and the understanding which the parties concerned have of the law. The criminologist is called upon to play a front-line role in this regard, alongside the parties appearing before the court. The student, who is not a law student, is thus called upon to familiarize himself with concepts of criminal law and procedure, but he must also be capable of analyzing and explaining the implications of a concrete situation with which he could be faced in his latter practice as a criminologist.

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Main themes

The study of criminal law is centered on the knowledge and understanding of the general principles of criminal law; on the constituent elements of the offense; on the rules relative to the perpetrator, as well as on the relevant penalties and their application. By way of example, we enumerate a few topics:

Under what conditions can an individual find himself in a situation justifying the use of force in self-defense?

Can a minor (or a person suffering from mental disorder) be tried by criminal court?

What is a suspended sentence on probation and under what conditions can it be adjudged?

In this part, the professor outlines basic rights, such as the presumption of innocence, the right to remain silent, the right to a fair trial, the rights of the defense, the right to individual freedom, the inviolability of the home - and their concrete implications. The course covers a prosecution, describing the role and the powers of the various players (prosecution, defense, party seeking civil damages, judge, etc.).

Content and teaching methods

The course relies on written materials which contain the basis of the knowledge which the student must master and on lectures whose purpose is to illustrate the course content with concrete cases.

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

Damien Vandermeersch, "Eléments de droit pénal et de procédure pénale", Bruges, La Charte, 2003.
 Oral exam.

Other credits in programs

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| CRIM21 | Première licence en criminologie | (6 credits) | Mandatory |
| CRIM21MS | Première année du master en criminologie, à finalité spécialisée | (6 credits) | Mandatory |
| CRIM22 | Deuxième licence en criminologie | (6 credits) | |
| CRIM22MS | Deuxième année du master en criminologie, à finalité spécialisée | (6 credits) | Mandatory |
| CRIM2MS | Master en criminologie, à finalité spécialisée | (6 credits) | Mandatory |
| FSA12BA | Deuxième année de bachelier en sciences de l'ingénieur, orientation ingénieur civil | (6 credits) | |