

Faculty of Law



DPCR2339 Criminal Business Law

[30h] 4.5 credits

This two-yearly course is taught in 2007-2008, 2009-2010,...

This course is taught in the 2nd semester

Teacher(s): Christian-Paul De Valkeneer, Thierry Moreau
Language: French
Level: Second cycle

Aims

This course pursues several objectives :- study of the growing frequency of criminal law in the business world (company law) -extension of notions of criminal law in special acts, juridical subjects with their different approaches and methods : criminal law, commercial law, labour law, social security law, criminal procedure. Familiarity with non juridical subjects such as economics, accountancy and criminology;- reflections on the imperative character of juridical norms as applied in business.

Main themes

- a) Criminal aspects of reglementation relating to company accounting;
- b) simple and fraudulent bankruptcy (autonomy of criminal law) - detection of companies in difficulty - constitutive facts in bankruptcy - imputability - criminal participation - simple or fraudulent bankruptcy - public information of condemnations - constitution of civil party;
- c) Criminal procedures relating to birth and to the functioning of companies with false bankruptcies (constitution of the companies - fraud - swindling - company advertising - company management - voting rights - balance sheets and results - foreign companies - falsified balance-sheets - fictitious dividends- public industrial initiatives);
- d) application of the general principles of criminal law in social criminal law (article 100 of the penal code - criminally punishable individuals - modifying circumstances of guilt - exclusive circumstances for offences - non-retroactivity - law in space);
- e) application of criminal procedures in social criminal law (control of application of social laws - practice and termination of public action);
- f) sanctions
(criminal sanction - civil responsibility in the payment of fines -administrative fines);
- g) civil processes in social criminal law (civil action -civil responsibility - options for injured parties - communication with the public ministry - automatic condemnation for payment of a sum of money - prescription for civil action);
- h) Reflections on the effectiveness and opportunity for criminal repression in social law.

Lecture based on a syllabus written by the course tutor as well as case studies or analysis of judgements. (case book).

Content and teaching methods

TEACHING METHODS

In the case of high number of students, the teaching will take the form of lectures with recourse to the codes and with examples of concrete situations as the starting point. The students will be required to more or less actively participate depending on the number of participants involved

SUMMARY

Given the huge number and variety of laws relating to company criminal law, an exhaustive student of the subject is not possible. Some examples, of significant value, will be developed. It is in this way that criminal social law and criminal tax law will be chosen as examples for the sometimes original application of the general principles of criminal law or criminal law procedures. It is in this way that crimes linked to bankruptcy, abuse of social goods, initiated crime, fraud or prejudice to the financial interests of the European Community and criminal environmental law will be selected as examples of charged crimes in this sector.

The list is likely to evolve together with current legislation.

Other credits in programs

CRIM21MS	Première année du master en criminologie, à finalité spécialisée	(4.5 credits)
CRIM22	Deuxième licence en criminologie	
CRIM22MS	Deuxième année du master en criminologie, à finalité spécialisée	(4.5 credits)