

## JUZN15, Comparative Criminal Law, 15 credits

### *Comparative Criminal Law, 15 högskolepoäng*

Second Cycle / Avancerad nivå

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### Details of approval

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2019-01-14 to be valid from 2019-01-14, spring semester 2019.

### General Information

The course "Comparative Criminal Law" is an optional course within the program leading to a Swedish professional law degree. It is open to students on the 7th and 8th terms of the curriculum for the professional degree Master of Laws program and to students participating in international exchange programs with the Faculty of Law. The duration of the course is 10 weeks of full-time study.

*Language of instruction:* English

Lectures and course materials are in English. Working material for class assignments may be in a language other than English.

*Main field of studies*

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*Depth of study relative to the degree requirements*

A1N, Second cycle, has only first-cycle course/s as entry requirements

### Learning outcomes

The course will enable students to develop a deeper understanding of the criminal law's and the criminal procedure's fundamental concepts, structure and functions through the use of a comparative method. The students will also acquire knowledge in selected legal systems used as focal points for the purpose of comparative analysis. The course will aim to develop the skills of the students to explain and discuss one's own legal system as well as foreign law.

To pass the examination, the student shall be able to demonstrate knowledge and competences as outlined below:

## **Knowledge and understanding**

The student shall demonstrate knowledge and understanding of

- theories and methodologies of comparative studies in the field of criminal law and criminal procedure,
- fundamental principles concerning criminalization and the ideologies of crime and punishment,
- fundamental principles for the design and functions of the criminal process,
- the concept of crime and the general principles of substantive criminal law in selected legal systems,
- the structure and principles of criminal procedure in selected legal systems,
- the treatment of particular offences and punishment in selected legal systems, and
- the treatment of particular aspects of criminal procedure in selected legal systems.

## **Competence and skills**

The student shall demonstrate skills and abilities in

- searching for information on foreign law in the field of criminal law and criminal procedure,
- identifying suitable problems for illumination using the comparative method,
- explaining and discussing foreign law for a domestic audience,
- explaining and discussing one's own domestic law to an international audience, and
- elaborating issues touched upon in the course both orally and in writing.

## **Judgement and approach**

The student shall demonstrate the ability to critically evaluate one's own as well as foreign legal systems in questions concerning the criminal law's and the criminal procedure's design and justification as well as the underlying rationality, values, view on the individual and society informing the system of criminal law and criminal procedure, as well as the impact of this system's impact on different groups in society.

## **Course content**

The course comprises introductory lectures providing a solid basis for the study of comparative law and comparative criminal law, covering subjects such as criminalization, theories on crime and punishment, the concept of crime, overview of the criminal law and criminal procedure in selected legal systems as well as particular legal institutions in the field of criminal law and criminal procedure.

The course comprises also a specialized part where the students work with the search for as well as the analysis and comparison of material from different legal systems. In this part of the course, the students will focus on the in-depth analysis of selected aspects of comparative criminal law.

## **Course design**

Students acquire knowledge, understanding and skills through

- participation in lectures,
- participation in tutorials under individual or group supervision, and
- participation in group projects with written reports and oral presentations.

Teaching is offered in the form of lectures, seminars on project assignments and tutorials (a combination of individual or group supervision).

## Assessment

The course is assessed on the basis partly of oral presentations individually and in groups, partly of individual written assignments and partly of an oral exam.

The examiner, in consultation with Disability Support Services, may deviate from the regular form of examination in order to provide a permanently disabled student with a form of examination equivalent to that of a student without a disability.

*Subcourses that are part of this course can be found in an appendix at the end of this document.*

## Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

B – Basic command

To obtain this grade the student must demonstrate basic insights into the theories and methodologies of comparative criminal law, principles of criminalization, theories of crime and punishment, functions of the criminal process, basic features of the adversarial and inquisitorial systems of criminal law and procedure, different models of the concept of crime as well as selected legal institutions in the field of criminal law and procedure from different legal systems.

The student shall demonstrate basic knowledge and understanding of

- the general part and selected aspects of the special part of the criminal law in a comparative perspective,
- criminal procedure in a comparative perspective with focus on the functions of the criminal process, and
- sources of law and methods of interpretation in the field of criminal law and criminal procedure in a comparative perspective.

The student shall demonstrate basic skills and abilities in

- the evaluation and discussion of one's own legal system as well as foreign law in the field of the design of the criminal law and criminal procedure, justification of the system of criminal law and procedure and this system's underlying rationality, values, view on the individual and society as well as the impact of the system of criminal law and procedure on different groups in society.

Ba – Advanced command

To obtain this grade the student must demonstrate advanced insights into the theories and methodologies of comparative criminal law, principles of criminalization, theories of crime and punishment, functions of the criminal process, basic features of the adversarial and inquisitorial systems of criminal law and procedure, different models of the concept of crime as well as selected legal institutions in the field of criminal law and procedure from different legal systems.

The student shall demonstrate advanced knowledge and understanding of

- the general part and selected aspects of the special part of the criminal law in a comparative perspective,

- criminal procedure in a comparative perspective with focus on the functions of the criminal process,
- sources of law and methods of interpretation in the field of criminal law and criminal procedure in a comparative perspective, and
- the theories and methods of comparative criminal law.

The student shall demonstrate advanced skills and abilities in

- the critical evaluation and discussion of one's own legal system as well as foreign law in the field of the design of the criminal law and criminal procedure, justification of the system of criminal law and procedure and this system's underlying rationality, values, view on the individual and society as well as the impact of the system of criminal law and procedure on different groups in society.

#### AB – Mastery

To obtain this grade the student must demonstrate mastery of the theories and methodologies of comparative criminal law, principles of criminalization, theories of crime and punishment, functions of the criminal process, features of the adversarial and inquisitorial systems of criminal law and procedure, different models of the concept of crime as well as selected legal institutions in the field of criminal law and procedure from different legal systems.

The student shall demonstrate mastery of

- the general part and selected aspects of the special part of the criminal law in a comparative perspective,
- criminal procedure in a comparative perspective with focus on the functions of the criminal process,
- sources of law and methods of interpretation in the field of criminal law and criminal procedure in a comparative perspective, and
- the theories and methods of comparative criminal law.

The student shall demonstrate

- mastery of the critical evaluation and discussion of one's own legal system as well as foreign law in the field of the design of the criminal law and criminal procedure, justification of the system of criminal law and procedure and this system's underlying rationality, values, view on the individual and society as well as the impact of the system of criminal law and procedure on different groups in society and
- ability in identifying new areas suitable for independent comparative analysis.

### Entry requirements

For students enrolled in the professional degree program of Master of Laws, the admission requirements are those for admission to the 7th or 8th term as stated in the curriculum for the Law Study Program.

Admission requirements for international exchange students are relevant undergraduate studies in law corresponding to three years at university level. The relevant studies must include a course or courses in criminal law corresponding to 5 weeks of fulltime study.

Course assignments presupposes a high degree of proficiency in English.

## Subcourses in JUZN15, Comparative Criminal Law

Applies from V19

1901 Comparative Criminal Law, 15,0 hp  
Grading scale: Fail, Pass, Pass with credit, Pass with distinction