

**1. General information****Course:** FUNDAMENTAL RIGHTS AND CRIMINOLOGY**Type:** CORE COURSE**Degree:** 397 - DEGREE IN CRIMINOLOGY**Center:****Year:** 4**Main language:** Spanish**Use of additional languages:****Web site:****Code:** 51636**ECTS credits:** 6**Academic year:** 2023-24**Group(s):** 10**Duration:** C2**Second language:****English Friendly:** Y**Bilingual:** N**Lecturer:** JUAN CARLOS DÍAZ GARCÍA - Group(s): 10

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2. Pre-Requisites

Not established

3. Justification in the curriculum, relation to other subjects and to the profession

Criminology is the science that studies those human conducts that consist of a breach of the law of such gravity that they deserve, for this reason, the greatest social reproach. The aim of criminology is to analyse, from different points of view, everything related to the prevention and investigation of this type of criminal or delinquent behaviour and the punishment and reintegration of the perpetrators.

The way in which crime prevention and investigation/prosecution mechanisms, as well as the instruments to punish crime, take shape is strongly conditioned by the nature of the legal system in question. In this sense, the production of law and its application, also in the field of criminology, must necessarily meet certain conditions when we are talking about a constitutional legal order.

It is necessary to take into account that the ultimate purpose of the law in the constitutional state is not based on the creation of logically impeccable constructions, nor exclusively on the satisfaction, as an instrument of force and coercion, of certainty in social relations, thus guaranteeing the peaceful coexistence of the community. In the constitutional state, the *raison d'être* of the law is to guarantee the freedom of the individual by means of the recognition and protection of their rights and the limitation of power; and this regardless of whether we are dealing with a criminal, deprived or not of their freedom. In short, fundamental rights have to be respected in the work of crime prevention, in the work of criminal investigation, and, of course, during criminal proceedings and during the process of applying a criminal sanction in the penitentiary environment.

The aim of this course, entitled "Fundamental Rights and Criminology", is to study the legal treatment in terms of rights of the activity of prevention, investigation and punishment of criminal conduct in Spain, emphasising in particular the question of its limits.

4. Degree competences achieved in this course**Course competences**

Code	Description
CB04	Transmit information, ideas, problems and solutions for both specialist and non-specialist audiences.
CE05	To apply law as a regulating system of social relations, and to integrate fundamental rights and freedoms applicable to social reactions to crime and deviance.
CE06	To understand public policy strategies that affect the field of criminology and responses to crime and deviance, as well as the organisational structure of private and public security.
CG04	To have a critical awareness of social reality and social problems, respecting the principles of freedom, justice, equality, human rights, diversity, peace and universal accessibility.

5. Objectives or Learning Outcomes**Course learning outcomes****Description**

To know the administrative procedures that have an impact on Criminology.
To understand the value of fundamental rights as a limit to security policies.
To understand the organisation of the private security sector including the main participants.
To understand the different fields of action within local and regional police forces.
To understand the fundamental rights and civil liberties.

6. Units / Contents

Unit 1: Theme 1: THE POWERS RESPONSIBLE FOR THE PREVENTION, INVESTIGATION AND PUNISHMENT OF CRIME IN SPAIN. BRIEF REFERENCE TO THE FUNCTIONS OF PRIVATE SECURITY IN THIS FIELD

Unit 2: Theme 2: THE LEGAL FRAMEWORK OF REFERENCE FOR THE ACTION OF ACTORS RESPONSIBLE FOR THE PREVENTION, INVESTIGATION AND PUNISHMENT OF CRIME IN SPAIN. PUNISHMENT OF CRIME IN SPAIN. CONSTITUTION AND FUNDAMENTAL RIGHTS. THE IMPACT OF EUROPEAN UNION LAW IN SUCH AREA

Unit 3: Theme 3: FUNDAMENTAL RIGHTS AND THE PREVENTION OF CRIME

Unit 4: Theme 4: FUNDAMENTAL RIGHTS IN THE INVESTIGATION OF CRIMES

Unit 5: Theme 5: FUNDAMENTAL RIGHTS AND PUNISHMENT OF CRIMINALITY. REINSERTION

ADDITIONAL COMMENTS, REMARKS

The subject will begin with two introductory themes. The first theme will explain which powers are responsible for the prevention, investigation and punishment of crime in Spain, accompanied by a brief reference to private security. A second theme, which will explain the legal framework of reference (the constitutional framework, emphasising fundamental rights) for the actions of the actors responsible for the prevention, investigation and punishment of crime in Spain. This subject will also refer to the European Union law that has an impact on this matter.

The collection of themes will then be divided into three main blocks:

FIRST: FUNDAMENTAL RIGHTS AND CRIME PREVENTION.

Public safety is one of the essential elements of the rule of law. The Spanish Constitution of 1978 contains the concept of citizen security in Article 104.1 and the concept of public security in Article 149.1.29. Afterwards, doctrine and jurisprudence have interpreted both concepts as synonyms. Both refer to the activity aimed at protecting people and property and maintaining public tranquillity, and, on many occasions, this activity consists of preventive actions, not only with regard to the possible commission of administrative infractions, but also with regard to the commission of crimes.

Currently, the basic law on the matter is Organic Law 4/2015, of 30 March, on the protection of citizen security (which repealed the first regulation in Spain after the adoption of the Spanish Constitution; Organic Law 1/1992, of 21 February, on the Protection of Citizen Security).

The intention of this section is to analyse some of the limitations on fundamental rights contemplated by this law in the interests of achieving public safety and to analyse to what extent these limitations are or are not in accordance with the conditions of constitutionality in the limitation of fundamental rights which are analysed in the introductory section mentioned above.

In particular, special emphasis will be placed on the measures contained in Chapter III of the regulation, which empowers the competent authorities to agree upon different actions directed towards the maintenance (prevention) but also, in the case, the restoration of public tranquillity in cases of public insecurity.

In particular, we will analyse the powers of the authorities and agents of the Security Forces and Corps to dictate orders and instructions, for the entry and search of homes, to require the identification of people, to carry out checks and searches in public places, establish traffic restrictions and controls on public roads, as well as other extraordinary measures in emergency situations essential to guarantee public safety (eviction from premises or establishments, prohibition of passage, evacuation of buildings, etc.). It will also analyse the measures that may be adopted by the authorities to protect the holding of meetings and demonstrations, as well as to re-establish the normality in cases of disruption of public safety.

SECOND: FUNDAMENTAL RIGHTS IN THE INVESTIGATION OF CRIMINALITY.

In this section, there will be an exhaustive analysis of pre-trial and judicial detention, focusing fundamentally on their constitutional guarantees.

Likewise, it will be necessary to study exhaustively the modifications introduced by the reform of Organic Law 13/2015, of 5 October, of modification of the Criminal Procedure Act for the strengthening of procedural guarantees -reinforcement of the procedural rights of defendants and arrested or prisoners - and the regulation of technological investigation measures - which limit the fundamental rights contained in article 18 of the Constitution (entry and search in a closed place; search of books and papers; detention and opening of written and telegraphic correspondence; interception of telephone and telegraphic communications; interception and recording of oral communications through the use of electronic devices; use of technical devices for image capturing, tracking and tracing; searching of mass storage devices; remote recording of computer equipment).

THIRD PARTIES: FUNDAMENTAL RIGHTS AND PUNISHMENT OF CRIMINALITY. REINSERTION.

There is abundant constitutional literature and case law on the exercise of fundamental rights in the framework of a special relationship of subjection such as that between the prisoner and the prison administration. The European Court of Human Rights, and our national courts, are clear that fundamental rights cannot stop at the prison gate.

Our intention, in analysing this third block, is to analyse the limitation of the rights of inmates in prisons, and to do so it will be necessary to study the Organic Law 1/1979, of 26 September, General Penitentiary Law, and its implementing regulations. Likewise, it will be necessary to study the jurisprudence emanating from the Penitentiary Vigilance Courts and the Constitutional Court. In this respect, there will be a special reference to the limitations that derive from the existence of this special relationship of subjection to rights such as life and physical and moral integrity, privacy, secrecy of communications, right to information, right to education, right to work and right to effective judicial protection.

Finally, it will conclude with an analysis of the function of re-education and reintegration of the delinquent that custodial sentences must fulfil (whose purpose, therefore, is not exclusively retributive and dissuasive with regard to the commission of criminal behaviour).

7. Activities, Units/Modules and Methodology							
Training Activity	Methodology	Related Competences (only degrees before RD 822/2021)	ECTS	Hours	As	Com	Description
Class Attendance (theory) [ON-SITE]	Lectures	CB04 CE05 CE06 CG04	0.8	20	Y	N	The central axis of this teaching is the explanation by the professor of the fundamental points of the subject, their logical understanding and a special attention to the questions that may pose the most difficult issues.
							In this heading are included a variety of activities whose aim is to use the acquired knowledge, in other words,

Class Attendance (practical) [ON-SITE]	Project/Problem Based Learning (PBL)	CB04 CE05 CE06 CG04	0.5	12.5	Y	N	the application of the theoretical content to a specific case or problem, either in relation to normative documents, or in relation to doctrinal documents.
Individual tutoring sessions [ON-SITE]		CB04 CE06	0.42	10.5	N	-	Students can ask the professor any doubt related to the subject.
Final test [ON-SITE]	Assessment tests	CB04	0.08	2	Y	N	
Study and Exam Preparation [OFF-SITE]	Self-study	CB04 CE06	4.2	105	N	-	We refer to study or work time spent to prepare the final test and the other activities that are carried out during the course.
Total:			6	150			
Total credits of in-class work: 1.8			Total class time hours: 45				
Total credits of out of class work: 4.2			Total hours of out of class work: 105				

As: Assessable training activity

Com: Training activity of compulsory overcoming (It will be essential to overcome both continuous and non-continuous assessment).

8. Evaluation criteria and Grading System			
Evaluation System	Continuous assessment	Non-continuous evaluation*	Description
Final test	70.00%	70.00%	Compulsory and recoverable
Assessment of problem solving and/or case studies	30.00%	30.00%	Compulsory and recoverable
Total:	100.00%	100.00%	

According to art. 4 of the UCLM Student Evaluation Regulations, it must be provided to students who cannot regularly attend face-to-face training activities the passing of the subject, having the right (art. 12.2) to be globally graded, in 2 annual calls per subject, an ordinary and an extraordinary one (evaluating 100% of the competences).

Evaluation criteria for the final exam:

Continuous assessment:

The 30% of the mark corresponding to the resolution of problems or cases is obtained from a practical test that takes place on the same day as the final theoretical test.

Nevertheless, the student will have carried out practical exercises throughout the semester that will help him/her to face the final practical test.

Non-continuous evaluation:

Students who opt for the non-continuous assessment system have the right to sit the exam on ordinary and extraordinary calls. The exam will include a theoretical part and a practical part. The theoretical part will account for the 70% of the total grade and the practical part will account for 30% of the total grade.

The 30% of the mark corresponding to the resolution of problems or cases is obtained from a practical test that takes place on the same day as the final exam.

Specifications for the resit/retake exam:

The 30% of the mark corresponding to the resolution of problems or cases is obtained from a practical test that takes place on the same day as the final exam. However, throughout the semester, the student will have carried out practical exercises that will help him/her to face the final practical exercise.

Specifications for the second resit / retake exam:

30% of the mark corresponding to the resolution of problems or cases is obtained from a practical test which is carried out on the same day as this exam.

9. Assignments, course calendar and important dates	
Not related to the syllabus/contents	
Hours	hours
Unit 1 (de 5): Theme 1: THE POWERS RESPONSIBLE FOR THE PREVENTION, INVESTIGATION AND PUNISHMENT OF CRIME IN SPAIN. BRIEF REFERENCE TO THE FUNCTIONS OF PRIVATE SECURITY IN THIS FIELD	
Activities	Hours
Class Attendance (theory) [PRESENCIAL][Lectures]	20
Class Attendance (practical) [PRESENCIAL][Project/Problem Based Learning (PBL)]	12.5
Individual tutoring sessions [PRESENCIAL][]	10.5
Final test [PRESENCIAL][Assessment tests]	2
Study and Exam Preparation [AUTÓNOMA][Self-study]	105
Comment: The work schedule, which includes the sequence of work, the important milestones and the time investment of each one of them will be determined in the chronogram that will be posted in the Campus Virtual at the beginning of the course. This schedule will also be explained to students during the first presentation session. In this way they will obtain detailed and precise information about the planning of their work within the framework of this subject.	
Global activity	
Activities	hours
Class Attendance (theory) [PRESENCIAL][Lectures]	20
Individual tutoring sessions [PRESENCIAL][]	10.5
Final test [PRESENCIAL][Assessment tests]	2
Study and Exam Preparation [AUTÓNOMA][Self-study]	105
Class Attendance (practical) [PRESENCIAL][Project/Problem Based Learning (PBL)]	12.5
Total horas: 150	

10. Bibliography and Sources						
Author(s)	Title/Link	Publishing house	City	ISBN	Year	Description

MATERIALES Y APUNTES QUE
IRÁN PROPORCIONANDO LOS
PROFESORES DE LA
ASIGNATURA.
CÓDIGO DE LEYES POLÍTICAS.
ÚLTIMA EDICIÓN.