

MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE  
WEST UKRAINIAN NATIONAL UNIVERSITY  
LAW FACULTY

Approved

T. a. Dean of Faculty of Law  
Nadna MOSKALYUK  
2023



Approved

A. vice-rector for scientific and pedagogical work  
Viktor OSTROVERKHOV



Work program  
discipline  
«Comparative criminal law (general part)»

Higher education degree - bachelor  
Field of knowledge - 29 International relations  
Specialty - 293 International law  
Educational and professional program – «International law»

Department of Security and Law Enforcement

Form of study	Study year	Semester	Lectures	Practical classes	Individual work	Training, CPIT	Student-self study	Total	Exam/Credit
Full-time	2	3	28	28	3	8	83	150	Exam

31.08.2023  
*[Signature]*

Ternopil – WUNU, 2023

The work program was developed on the basis of the educational and professional program for Bachelor's field of knowledge 29 International relations, specialty 293 International law (approved by the Academic Council of WUNU, Protocol No 9 from 15.06.2022).

The work program was prepared by the A. head of the Department of Security and Law Enforcement, Dr Ihor METELSKYI

The work program was considered and approved at the meeting of the Department of Security and Law Enforcement, Protocol No. 1 dated 29.08.2023.

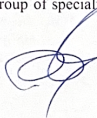
A. Head of Department



Ihor METELSKYI

Considered and approved by the Support group of specialty 293 International law, Protocol No. 1 dated August 31, 2023.

Head of the SGS



Yaryna ZHUKORSKA

Guarantor of EP



Liudmyla SAVANETS

**The structure of the work program of discipline  
“Comparative criminal law (Common Part)”**

**1. Description of discipline**

<b>Discipline “Comparative criminal law (Common Part)”</b>	<b>Field of knowledge, specialty, educational and professional program, higher education degree</b>	<b>Characteristics of the academic discipline</b>
Number of credits ECTS-5	Field of knowledge - 29 International relations	Regulatory discipline of the cycle of professional training Language – English
The number of credits modules – 4	Specialty – 293 International law	Year of training– 2 Semester – 3
The number of content modules - 2	Educational and Professional Program – International Law	Lectures - 28 hours. practical classes – 28 hours.
Total hours – 150.	Higher education degree – bachelor	Student self study:– 83, professional training – 8 Individual work: 3
Week’s hours : – 10 hours, hours of classroom hours – 4		Type of final control – exam.

**2. PURPOSE AND OBJECTIVES OF STUDYING THE DISCIPLINE  
"COMPARATIVE CRIMINAL LAW (COMMON PART)"**

**2.1. The purpose of studying the discipline.**

The study of the discipline "Comparative Criminal Law (Common Part)" has three main objectives: educational (training), developmental, and educational.

The purpose of teaching the discipline is to familiarize students with the general and special parts of criminal law in the comparative aspect, to reveal its importance for the protection of the rights and legitimate interests of individuals and legal entities in criminal law, to strengthen the rule of law in society and the state, to provide students with fundamental knowledge and skills in their application.

Educational (training) - to improve the legal culture and erudition of specialists through the acquisition of knowledge about the general and special features of modern criminal legal systems.

Developmental - to form and develop knowledge about modern criminal legal systems, to develop a scientifically sound understanding of the institutions of modern criminal legal systems, to develop skills and abilities to apply this knowledge in practice.

Educational - to form in students a respectful attitude to the peculiarities of the institutions of criminal legal systems of the modern world.

## **2.2. Objectives of the discipline.**

Students of the Faculty of Law must in the process of studying deeply and comprehensively gain knowledge of the general and special laws of the emergence, development and functioning of the main criminal legal systems of our time.

As a result of studying the discipline, the student should receive:

- deep mastery of theoretical material on comparative criminal law;
- students' awareness of the main provisions and correct application of knowledge in practice regarding the main provisions of comparative criminal law.
- ability to abstract, logical and critical thinking, analysis and synthesis when working with the criminal legislation of EU member states in the performance of their professional duties as a legal professional;
- ability to apply knowledge in professional activities in standard and some non-standard situations;
- the ability to conduct research, the ability to competently and accurately formulate and express their positions, properly justify them, and participate in reasoned professional discussion;

Objectives of lectures.

The purpose of lectures is to familiarize students with the main issues of comparative criminal law.

Objectives of lectures:

- to form the scientific outlook and legal thinking of students based on the study of the main provisions on criminal legal systems of the present;
- to examine in depth and comprehensively the origin, development and functioning of modern criminal legal systems;
- to study thoroughly both the main (textbooks, manuals) and additional literature (monographs, scientific articles), sources of law on criminal legal systems of the modern world.

Objectives of the seminar.

The purpose of the seminar is to consolidate the theoretical knowledge gained during the lectures.

Objectives of seminars:

- to facilitate mastery of the methodology of legal analysis of sources of law of the main criminal legal systems of our time;
- to teach how to apply the acquired theoretical knowledge in specific conditions of social life and in practical activities.

## **2.3. Name and description of competencies, the formation of which ensures the study of the discipline:**

SC 1. Ability to critically understand the theories, principles, methods and concepts of international law, European law, comparative law, to take into account the temporal factor and to predict the main directions of development of legal systems.

SC 2. Ability to form judgments in the field of international, European, national law, comparative jurisprudence, taking into account social, scientific and ethical aspects.

SC 5. Ability to analyze the content of national legal norms, institutions and branches of law in a comparative legal context.

**2.4. Prerequisites for studying the discipline:** mastering the professional competencies formed during the study of the disciplines Information technology in law, Theory of the state and law,

Comparative constitutional law, Comparative administrative law and procedure.

### **2.5. Program learning outcomes.**

The program learning outcomes acquired in the course of studying the discipline "Comparative Criminal Law (Common Part)" allow students to realize their professional potential in the process of professional realization:

LO 5. To carry out a comparative analysis of legal systems, evaluate and argue their shortcomings and advantages, find and interpret relevant foreign legislation, provide advice on its content and application practice, assess and minimize the risks of legally significant actions, taking into account the multiplicity of legal systems and jurisdictions.

LO 7. To use the case law of the European Court of Human Rights, other international judicial and arbitration bodies, theoretical knowledge of international and national law to substantiate and defend one's own position, to protect the client's interests and for other professional purposes.

LO 15. Formulate conclusions, develop recommendations, justify one's own vision of ways to solve problems in the field of law-making, law interpretation and law enforcement.

LO 16. To know modern scientific achievements in the field of international and national law, to have skills in research work, to interpret the results of scientific research and to take them into account in practical professional activities.

## **PROGRAM OF THE DISCIPLINE "COMPARATIVE CRIMINAL LAW (COMMON PART)"**

### **CONTENT MODULE 1.**

**Topic 1: General characteristics of the discipline "Comparative Criminal Law (Common Part)".**

Main trends in the development of modern criminal law

Comparative Criminal Law (Common Part) as an academic discipline: concept, subject, methods and significance.

Interaction with international criminal law. Relationship with other academic disciplines.

The main trends in the development of modern criminal law.

Humanization of criminal law (Abolition of the death penalty. Abolition of corporal punishment. Refusal of hard labor. Abolition of general confiscation of property. Extension of new penalties alternative to imprisonment. Expansion of the grounds for exemption from criminal liability or its mitigation. Development of a preferential criminal legal regime for minors. Decriminalization of certain types of punishment).

Criminalization of new types of socially dangerous acts (Terrorist crimes. New ways of criminalizing organized criminal activity. Economic crimes. Money laundering. Corruption crimes. Environmental crimes. Computer crimes. Sexual exploitation of minors. Crimes of nuclear and radiation safety. Medical crimes).

Internationalization of criminal law.

### **Topic 2. Classification of modern criminal legal systems**

The category of "legal system" (in the broad and narrow sense). Legal family.

Typologization of criminal legal systems in modern jurisprudence. Classification of criminal legal systems of the modern world. Romano-Germanic (continental) criminal legal system. Its "Western" and "Eastern" subsystems (branches). Groups of the Romano-Germanic criminal legal

system (French, German, Italian-Iberian, CIS, "Yugoslav").

Anglo-American criminal legal system. Its "British" and "American" subsystems (branches). Codified and uncoded groups of the "British" subsystem (branch) of the Anglo-American criminal legal system. Types of English colonial codes (Indian, West Indian, Australian, Ministry of Colonies models).

Muslim tort law. The role of Sharia in three groups of Muslim states.

### **Topic 3. Concept, objectives and principles of criminal law**

The concept of criminal law in criminal legal systems. Criminal law and administrative tort law. Tasks of criminal law in criminal legal systems.

International legal principles of priority for criminal law: legality (Nullum crimen sine lege, nulla poena sine lege); equality before the law; guilt as a condition of liability; prohibition of repeated conviction for the same act (Non bis in idem); prohibition of cruel, inhuman and degrading treatment and punishment.

The principle of legality. The principle of equality before the law. The principle of guilt and the presumption of innocence. The principle of justice. The principle of humanity, respect for human dignity and humanism. The principle of necessity.

### **Topic 4. Sources of criminal law**

Sources of law (concept and types) in criminal legal systems. International treaties and generally recognized principles of international law. Constitution. The law. By-laws and regulations. Judicial precedent. Judicial practice. Decisions of constitutional justice bodies. Texts of a religious nature. Custom. Doctrine.

Sources of the Romano-Germanic criminal law system (international treaties and generally accepted principles of international law; constitution and laws; decisions of constitutional control bodies; judicial practice).

Sources of the Anglo-American criminal law system (international treaties and generally accepted principles of international law; constitution and laws; judicial precedent; doctrine).

Sources of Muslim tort criminal law (religious texts (Qur'an and Sunnah); binding acts of interpretation of the Qur'an and Sunnah (Qiyas); doctrine (Ijma); custom (urf)).

### **Topic 5: The system of criminal law. Effect of criminal law**

The concept of the system of criminal law. Systematization of criminal law. Countries with codified and uncoded criminal law. Countries with full and partial codification of criminal law.

Territorial system of criminal legislation.

Sectoral system of criminal legislation. "General criminal law" and specialized sub-branches of criminal law (military criminal law; international criminal law; juvenile criminal law; tort (administrative) criminal law, anti-drug legislation).

Structure of the criminal code. General part. Special part. The effect of criminal law in time.

The effect of criminal law in space. Territorial principle. The principle of the flag. The principle of citizenship (active personal principle). Real principle (principle of protection) and passive personal principle (principle of individual protection). Universal principle.

Extradition of persons who have committed a crime. The significance of a sentence passed by foreign courts.

### **Topic 6. Grounds for criminal liability. The crime**

Grounds for criminal liability in modern criminal legal systems. The concept and signs of a crime (criminal act) in modern criminal legal systems. Classification of crimes (criminal acts) by degree of severity. Other classifications of criminal acts. Criminal offense. Insignificance of the act.

## CONTENT MODULE 2

### **Topic 7. The subject of the crime. Guilt**

The concept and characteristics of the subject of crime in modern criminal legal systems. Age of criminal responsibility in international legal norms. Lower age limit of criminal liability (minimum age of criminal liability). Types of the age of criminal liability according to the method of establishing criminal liability are single and differentiated. Three principles (criteria) of differentiation of the age of criminal liability (by the corpus delicti; by the legal regime of criminal liability of a minor; by the subjective qualities of the perpetrator (the principle of understanding)). No minimum age of criminal liability.

Sanity. Medical criterion of sanity. Legal criterion of sanity (volitional and intellectual characteristics).

Limited (mixed) sanity.

Influence of intoxication on guilt and responsibility. Involuntary intoxication. Intoxication as a circumstance that mitigates or aggravates punishment.

Guilt in the criminal law of modern criminal law systems. Guilt as an optional feature of a crime in the Anglo-American criminal legal system. Fault and the institution of "strict" or "absolute" criminal liability.

Fault in the Romano-Germanic (continental) criminal legal system. Forms and types of guilt. Intent and negligence. Preterritoriality. Direct and indirect intent. Premeditation as a type of intent. Criminal overconfidence (recklessness) and criminal negligence. Mixed form of guilt.

Fault in Islamic tort law. "Ransom for blood" (diya) and "giving to equals" (qiyas).

Liability of legal entities in modern criminal law systems. Problems of criminal law guilt of a legal entity. Quasi-liability of legal entities. Administrative and civil liability of legal entities for criminal offenses. Types of legal entities

subjects of criminal liability. Penalties and other criminal law measures applied to legal entities.

### **Topic 8: Stages of committing a crime**

Responsibility for previous criminal activity (preparation for a crime). Punishability of preparation. Punishability of conspiracy. The amount of punishment for previous criminal activity. Punishability of prepared acts as independent crimes.

Attempted crime. The punishability of attempted murder. Unworthy attempt (impossible crime). Voluntary refusal to commit a crime.

### **Topic 9: Complicity in a crime**

The concept and forms of complicity in crime in modern criminal legal systems.

Types of accomplices in the Anglo-American (continental) criminal legal system.

The organizer. The instigator. The aider and abettor.

Responsibility of accomplices in a crime. The excess of the performer.

Methods of special criminalization of organized criminal activity. Committing a crime as part of

an organized criminal association as a general aggravating circumstance and as a qualified feature. The institution of criminal conspiracy.

Types of criminal associations. Gangs. "Anti-state" organizations. Illegal armed groups. Differentiation of criminal organizations of a general nature.

Definition of a criminal organization. The goals of a criminal organization. Quantitative composition. Stability.

Structuredness. Other features.

Features of criminalization of the behavior of persons involved in organized criminal activity.

### **Topic 10. Circumstances that exclude the criminality of an act**

General characteristics and types of circumstances that exclude the criminality of an act in modern criminal legal systems.

The institution of "necessary defense" ("legitimate defense", "self-defense", "private defense"). Objects of protection in case of necessary defense. The nature of the encroachment. Subject of necessary defense. Proportionality of the actions of the defending person. Exceeding the limits of necessary defense.

Causing harm during the detention of the person who committed the crime.

Extreme necessity. Exceeding the limits of extreme necessity. Military emergency. Execution of an order or instruction. Physical or mental coercion. Reasonable risk.

Consent of the victim to the harm. Admissibility of consent. Validity of consent.

Legal or factual error. Exercise of legal authority (exercise of legal force).

Accident (innocent infliction of harm). Provocation of a crime.

### **Topic 11. Punishment (concept, purpose, system) and other criminal legal measures (2 hours).**

The system of criminal legal measures in modern criminal legal systems. Punishment and other criminal measures. The concept and purpose of punishment. The system of punishment. Classification of punishments proposed by scientists. Classification of punishments enshrined in the criminal law of modern criminal legal systems. Types of punishments in the Romano-Germanic (continental) criminal legal system. Basic and additional punishments. Substitutive (dominant). The system of penalties based on the French model (for a crime, misdemeanor and violation).

The system of punishment in the Anglo-American criminal legal system.

The system of punishment in Islamic tort law. Hadud, qisas and tazir.

### **Topic 12: Types of punishments and other criminal legal measures**

The death penalty and international law. Grounds for the application of the death penalty. Restrictions on the application of the death penalty. Methods of execution of the death penalty.

Corporal punishment.

Life imprisonment. The current spread of life imprisonment in the world. Restrictions on life imprisonment. Grounds for the application of life imprisonment. Parole for life imprisonment.

Imprisonment for a fixed term. The term of imprisonment. Hard labor. Arrest (short-term imprisonment). Preventive or extended detention. Restriction of liberty. Fragmentary (intermittent) detention. House arrest. Correctional labor. Community service. Exile. Exile.

Expulsion from the country (deportation). Conditions of expulsion. General and special



confiscation of property.

The fine. Methods of determining the amount of the fine. Purpose and procedure for payment of the fine. Consequences of non-payment of a fine.

Compulsory measures of a medical nature. Grounds for applying compulsory medical measures. Types of compulsory medical measures. Duration of compulsory medical measures.

#### 4. THE STRUCTURE OF THE CREDIT OF THE DISCIPLINE "COMPARATIVE CRIMINAL LAW (COMMON PART)"

№	Topic	Number of hours					Control measures
		Lectures	practical classes	Student-self study	Individual work	Training, CPIT	
<b>Content module 1</b>							
1.	General characteristics of the discipline "Comparative Criminal Law". The main trends in the development of modern criminal law	4	4	7	1	4	Tests, questions
2.	Classification of modern criminal law systems	4	4	7			Tests, questions
3.	The concept of the task and principles of criminal law of criminal law	2	2	7			Tests, questions, cases
4.	Sources of criminal law	2	2	7			Tests, questions
5.	The system of criminal law. Effect of criminal law	2	2	7			
<b>Content module 2</b>							
6.	Grounds for criminal liability. The crime	4	2	7			Tests, questions, essay
7.	The subject of the crime. Guilt	2	2	7			Tests, questions, cases
8.	Stages of the crime	2	2	7			Tests, questions, cases

9.	Complicity in the crime	2	2	7	2	4	Tests, questions, cases
10.	Circumstances that exclude the criminality of the act	2	2	7			Tests, questions, essay
11.	Punishment (concept, purpose, system) and other criminal legal measures	2	2	7			Tests, questions, essay
12.	Types of punishment and other criminal legal measures	2	2	6			Tests, questions, cases
<b>Total</b>		<b>28</b>	<b>28</b>	<b>83</b>	<b>3</b>	<b>8</b>	

## 5. TOPICS OF PRACTICAL CLASSES IN THE DISCIPLINE "COMPARATIVE CRIMINAL LAW (COMMON PART)"

Practical classes are aimed at deepening students' theoretical knowledge and acquiring the necessary practical skills to solve specific practical situations, work with regulations and their application.

Preparation for practical classes includes studying theoretical material, current legislation, and familiarization with special scientific literature on the topic of the class. In order to check the level of mastery of the material, it is necessary to answer control questions and complete practical tasks.

An important form of deepening knowledge of private international law is the preparation by students of abstracts on problematic issues of the course, their hearing and discussion in class.

The work program of the course "Comparative Criminal Law (Common Part)" provides for 28 hours of practical classes.

### **Practical class 1**

**Topic: Classification of modern criminal legal systems.**

**Objective: To study the classification of modern criminal legal systems. Questions for discussion:**

1. The category of "legal system" (in the broad and narrow sense). Legal family.
2. Typologization of criminal legal systems in modern jurisprudence.
3. Classification of criminal legal systems of the modern world.
4. Groups of the Romano-Germanic criminal legal system.
5. Anglo-American criminal legal system, its subsystems.
6. Muslim tort law.

### **Practical class 2**

**Topic: Concept, objectives and principles of criminal law.**

**Objectives: To study the concept, objectives and principles of criminal law. Questions for discussion:**

1. The concept of criminal law in criminal legal systems.
2. Objectives of criminal law in criminal legal systems.

3. International legal principles of priority for criminal law.
4. The principle of criminal law.

#### **Practical class 4**

##### **Topic: The system of criminal law. The effect of criminal law.**

Objectives: To study the system of criminal law, as well as the effect of criminal law.

Questions for discussion:

1. The concept of the criminal law system.
2. Systematization of criminal law in modern legal systems.
3. The structure of the criminal code in the legal systems of our time.
4. The effect of criminal law in time.
5. The effect of criminal law in space.
6. Extradition of persons who have committed a crime.
7. The significance of a sentence passed by foreign courts.

#### **Practical class 5**

##### **Topic: Grounds for criminal liability. The crime.**

Objective: To get acquainted with the grounds of criminal liability and to gain knowledge about crimes. Questions for discussion:

1. Grounds for criminal liability in modern criminal legal systems.
2. The concept and signs of a crime (criminal act) in modern criminal legal systems.

Classification of crimes (criminal acts) by severity. Other classifications of criminal acts.

3. Criminal offense.
4. Insignificance of the act.

#### **Practical class №6**

##### **Topic: Subject of the crime. Guilt.**

Objective: To study the issue of the subject of crime and guilt. Questions for discussion:

1. The concept and characteristics of the subject of a crime in modern criminal legal systems.
2. Age of criminal liability in international legal norms.
3. The absence of a minimum age of criminal liability.
4. Sanity. Limited (mixed) sanity.
5. Influence of intoxication on guilt and responsibility.
6. Guilt in the criminal law of modern criminal law systems. Guilt as an optional feature of a crime in the Anglo-American criminal legal system.
7. Forms and types of guilt in the Romano-Germanic (continental) criminal legal system.
8. Guilt in Islamic tort law. "Ransom for blood" (diya) and "giving to equals" (qiyas).
9. Liability of legal entities in modern criminal law systems.
10. Punishment and other criminal legal measures applied to legal entities.

#### **Practical class №7**

Topic: Stages of crime commission.

Objective: To study the stages of committing a crime. Questions for discussion:

1. Responsibility for previous criminal activity (preparation for a crime).
2. Punishability of preparation. Punishability of conspiracy. Punishability of prepared

acts as independent crimes.

3. Attempted crime. The punishability of attempted murder. Unworthy attempt (impossible crime).

4. Voluntary refusal to commit a crime.

### **Practical class № 8**

#### **Topic: Complicity in a crime**

Objective: To gain knowledge about complicity in a crime. Questions for discussion:

1. The concept and forms of complicity in crime in modern criminal legal systems.

2. Types of accomplices in the Anglo-American (continental) criminal legal system.

3. Responsibility of accomplices in a crime. The excess of the performer.

4. Methods of special criminalization of organized criminal activity.

5. Types of criminal associations. The gang.

6. Differentiation of criminal associations of a general nature.

7. Definition of a criminal organization.

8. Features of criminalization of the behavior of persons involved in organized criminal activity.

### **Practical class № 9**

#### **Topic: Circumstances that exclude the criminality of an act.**

Objective: To gain knowledge about the circumstances that exclude the criminality of an act.

Questions for discussion:

1. General characteristics and types of circumstances that exclude the criminality of an act in modern criminal law systems.

2. The institution of "necessary defense" ("legitimate defense", "self-defense", "private defense"). Objects of protection in case of necessary defense. The nature of the encroachment. Subject of necessary defense. Proportionality of the actions of the defending person. Exceeding the limits of necessary defense.

3. Causing harm during the detention of the person who committed the crime.

4. Extreme necessity. Exceeding the limits of extreme necessity. Military emergency.

5. Execution of an order or instruction.

6. Physical or mental coercion.

7. Reasonable risk.

8. Consent of the victim to the harm. Admissibility of consent. Validity of consent.

9. Legal or factual error. Exercise of legal authority (exercise of legal force). Accident (innocent infliction of harm). Provocation of a crime.

### **Practical class №10**

#### **Topic: Punishment (concept, purpose, system) and other criminal law measures.**

Objectives: To study punishment (concept, purpose, system) and other criminal law measures. Questions for discussion:

1. The system of criminal legal measures in modern criminal legal systems.

2. Punishment and other criminal measures.

3. The concept and purpose of punishment.

4. The system of punishment in the Anglo-American legal family.

5. The system of punishment in the Anglo-American criminal legal system.

6. The system of punishment in Islamic tort law.

### **Practical class №11**

#### **Topic: Types of punishments and other criminal law measures.**

Objectives: To get acquainted with the types of punishments and other criminal legal measures. Questions for discussion:

1. The death penalty and international law.
2. Corporal punishment.
3. Life imprisonment. Parole for life imprisonment. Imprisonment for a fixed term.
4. Hard labor.
5. Arrest (short-term imprisonment). Preventive or extended detention.
6. Restriction of liberty. Fragmentary (intermittent) detention.
7. House arrest.
8. Correctional labor. Community service.
9. Exile. Expulsion from the country (deportation). Conditions of expulsion.
10. General and special confiscation of property.
11. The penalty. Compensation.
12. Deprivation of rights. General loss of rights. Special defeat in rights.
13. Deprivation of the right to hold relevant positions or engage in relevant activities (disqualification).
14. Judicial censure (warning). Publication of the sentence.
15. Supervision of convicts.
16. Compulsory medical measures.

### **Practical class №12**

#### **Topic: Sentencing.**

Objective: To study the issue of sentencing Issues for discussion:

1. General principles of sentencing in modern criminal legal systems.
2. Circumstances that mitigate the punishment.
3. Circumstances that aggravate the punishment.
4. Recidivism and sentencing in case of recidivism.
5. Sentencing for a combination of crimes.
6. Conditional sentencing (probation) in modern criminal legal systems.
7. Credit for pre-trial detention.

## **6. COMPREHENSIVE PRACTICAL INDIVIDUAL TASK**

### **Tasks for the preparation of the CPIT**

A comprehensive practical individual task (CPIT) is a form of learning organization that aims to deepen, generalize and consolidate the knowledge that students receive in the course of their studies, as well as to apply this knowledge in practice. The CLC is performed by students independently under the guidance of teachers, it is a completed theoretical or practical work within the course curriculum, which is performed on the basis of knowledge, skills and abilities acquired during lectures and practical classes.

*The CPIT in the discipline "Comparative Criminal Law (Common Part)" consists of:*

1. Theoretical part.
2. Practical part.

Types of CPIT in the discipline "Comparative Criminal Law (Common Part)":

- preparation of a scientific article or abstracts for publication;
- Speaking at scientific conferences;
- participation in Internet conferences;
- participation in student competitions;
- a synopsis on a topic according to a given plan or a plan developed by the student;
- an abstract on a topic or on a narrow issue;
- solving and compiling practical, situational tasks and tasks of different levels on a topic, module or course;
- annotation of the read additional literature on the course, bibliographic description, historical research, etc;
- development of educational and diagnostic test tasks (on a topic, module, course).
- making diagrams, developing structural and functional diagrams of various stages of criminal proceedings, algorithms of criminal procedural actions of subjects of criminal procedural activity, analyzing judicial statistics, developing mock-ups of criminal cases.
- writing essays, creative tasks, etc.

Variants of the CPIT in the discipline "Comparative Criminal Law (Common Part)" in the form of writing a test task (essay) on the topic:

1. Analysis of the system of the Special Part of Criminal Law of Ukraine and foreign countries.
2. Crimes against the person in the criminal law of Ukraine and foreign countries.
3. Criminal acts against life and health in the criminal law of Ukraine and foreign countries.
4. Responsibility for crimes under the Quran.
5. Crimes against property in Ukraine and foreign countries.
6. Economic crimes in the criminal law of Ukraine and foreign countries. Crimes against the state and municipal service (official crimes) in the criminal law of Ukraine and foreign countries.
7. Crimes against international law and order in the criminal law of Ukraine and foreign countries.
8. International terrorism. Problems of struggle.

*Requirements for the design of the completed task (essay):*

The volume of the completed control task is 10-12 pages of text with the following parameters of the A4 page: top margin - 25 mm; bottom margin - 25 mm; left margin - 35 mm; right margin - 15 mm. One and a half spacing, font size 14, Times New Roman font, footnotes are printed in 10-point font.

The pages are numbered at the top of the page (center or right). The 1st page - the title page - is not numbered. Insertions in the margins and between lines are not allowed.

*Requirements for the structure of the completed control task (essay):*

The structure of the completed test task includes:

- title page;
- table of contents (table of contents);
- a theoretical question, each of the questions is put in the title separately;
- a list of references used in the course of completing the assignment.

The list of references is a mandatory part of the completed test task. It includes regulatory legal acts and other sources that were used in writing the work (textbooks, monographs, collections

of articles, publications in periodicals). When compiling a list of references, first, a list of normative legal acts (in hierarchy), official acts of judicial bodies, case law materials, and then special and scientific literature in alphabetical order of authors' names or titles (if the source is a collective work or collection).

Requirements for the content of the completed test task (essay):

The completed test task should be structurally well organized, demonstrate a logical sequence of the material presented, brevity and clarity of wording. It should reflect the master's own understanding of the essence of the issue, the ability to independently use literary sources, the ability to link theoretical positions with their practical application and formulate conclusions. The text of the completed test task should be voluminous and contain a concise and, at the same time, sufficiently complete statement of the essence of the topic. The work should not consist of verbatim rewriting of literary sources, simple retelling of textbooks, manuals, or mechanical compilation of literary sources.

## **7. INDEPENDENT WORK IN THE DISCIPLINE "COMPARATIVE CRIMINAL LAW (COMMON PART)"**

Independent work, as one of the forms of mastering the educational material in free time from compulsory classes and without the participation of the teacher, involves the personality-oriented organization of student self-education. The organization of independent work requires special attention, since some of the questions of each topic are submitted for independent study by students, and the material provided for mastering during independent work is submitted for examination.

Independent work is provided with the necessary teaching and learning tools (including lecture notes, teaching and learning materials for independent study of the discipline, periodicals). Students have the opportunity to work independently on the educational material in the library, classrooms and computer labs using the Internet, as well as at home (upon receipt of the appropriate package of educational and methodological literature).

### ***Topics***

1 General characteristics of the discipline "Comparative Criminal Law (General Part)". Main trends in the development of modern criminal law

2 Classification of modern criminal legal systems

3 The concept of tasks and principles of criminal law

4 Sources of criminal law

5 The system of criminal law. The effect of criminal law

6 Grounds for criminal liability.

7 The subject of the crime. Guilt

8 Stages of the crime

9 Complicity in the crime

10 Circumstances that exclude the criminality of an act

11 Punishment (concept, purpose, system) and other criminal legal measures

12 Types of punishment and other criminal legal measures

## **8. TRAINING IN THE DISCIPLINE "CRIMINAL LAW (COMMON PART)"**

Training is a planned process of modifying (changing) the attitude, knowledge or behavioral skills of a trainee through the acquisition of learning experience in order to achieve effective performance in one type of activity or in a particular field. Training is a set of exercises for training

in something. Training is a system of preparing the human body to adapt it to the increased demands and difficult working and living conditions.

**Training topics**

1. Cybercrime.
2. Types of punishment: comparative analysis.

The procedure of the training

1. The introductory part is conducted to familiarize students with the topic of the training session.
2. The organizational part consists in creating a working mood in the team of students, determining the rules of the training session. It is possible to have handouts in the form of tables, forms of documents.
3. The practical part is realized by performing tasks in groups of students on certain problematic issues of the topic of the training session.
4. Summarizing the results. Discussion of the results of the completed tasks in the groups. Exchange of views on the issues that were discussed during the training sessions.

**9. ASSESSMENT TOOLS AND METHODS FOR DEMONSTRATING LEARNING OUTCOMES.**

In the process of studying the discipline "Comparative Criminal Law (Common Part)" the following assessment tools and methods of demonstrating learning outcomes are used:

- test tasks;
- current survey;
- module tests and surveys;
- abstracts, essays;
- presentations of the results of completed tasks and research;
- evaluation of the results of the CPIT;
- student presentations and speeches at scientific events;
- exam
- other types of individual and group assignments.

**10. CRITERIA, FORMS OF CURRENT AND FINAL CONTROL**

The final score (on a 100-point scale) in the discipline “Comparative Criminal Law (Common Part)” is determined as a weighted average value, depending on the specific weight of each credit component:

Credit module	Credit module	Credit module	Credit module	Total
1	2	3	4	
20	20	20	40	100



1. Oral survey during classes (6 topics of 5 points each - 30 points) 2. Modular control work - 70 points	Oral survey during classes (6 topics of 5 points each - 30 points) 2. Modular control work - 70 points	Preparation of CPIT - max. 40 points. Protection of CPIT - max. 40 points Participation in trainings - max. 20 points	1. Test tasks (25 tests of 2 points per test - max. 50 points) 2. Task 1 – max. 25 points 3. Task 2 – max. 25 points	100
--	---	---	--	-----

#### Rating scale:

According to the scale of the University	On a national scale	According to the ECTS scale
90-100	excellent	A (excellent)
85-89	good	B (very good)
75-84		C (good)
65-74		D (satisfactory)
60-64	enough	E (enough)
35-59		FX (unsatisfactory with possibility of reassembly)
1-34	unsatisfactory	F (unsatisfactory with mandatory repeat course)

#### TOOLS, EQUIPMENT AND SOFTWARE USED BY THE COURSE

№	Name	Number of topics
1	Flipchart	1-12
2	Laptop	1-12
3	Projector	1-12

#### RECOMMENDED SOURCES

##### *Regulatory and legal acts:*

- The Criminal Code of Ukraine. URL: <https://zakon.rada.gov.ua/laws/show/2341-14>.
- European Convention on the Transfer of Criminal Cases: European Convention of May 15, 1972. Ukraine in International Legal Relations: Book 1: Fighting Crime and Mutual Legal Assistance: Collection of documents. Kyiv: Yurinkom, 1996. C. 1095 - 1116.
- The Constitution of Ukraine: Adopted at the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996: <http://zakon3.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>
- On the Protection of Human Rights and Fundamental Freedoms: UN Convention of November 4, 1950. Voice of Ukraine. 2001. January 10.
- On Mutual Assistance in Criminal Matters: European Convention of 1959 and Additional Protocol of 1978 to the Convention. Official Gazette of Ukraine. 1998. № 13. C. 346 - 360.
- On Extradition of Offenders: European Convention of 1957, Additional Protocol of 1975 and Second Additional Protocol of 1978 to the Convention. Official Gazette of Ukraine. 1998. № 13. C. 324 - 343.
- On International Treaties of Ukraine: Law of Ukraine of December 22, 1993, No. 3767-XP. 1994. № 10. C.45.

8. Strafprozessordnung für die Bundesrepublik Deutschland. URL: <https://www.gesetze-im-internet.de/stpo/>
9. Criminal Code of the French Republic. URL: <https://www.legislationline.org/documents/section/criminal-codes/country/30/Finland/show>
10. German Criminal Code URL: [https://www.gesetze-im-internet.de/englisch\\_stgb/](https://www.gesetze-im-internet.de/englisch_stgb/)
11. Title 18-crimes and criminal procedure off the United States Code URL: [https://www.legislationline.org/download/id/8301/file/USA\\_title\\_18\\_us\\_code\\_crimes\\_2017\\_endf](https://www.legislationline.org/download/id/8301/file/USA_title_18_us_code_crimes_2017_endf)

***Main literature:***

1. Horokh O.P. Modern criminal law problems of release from punishment and its serving: a monograph / edited by A.A. Muzyka. Kyiv : Dakor, 2019. 676 c
2. Drozdov O.M., Drozdova O.V. Legal positions of the European Court of Human Rights: an analytical review / edited by O.M. Drozdov, M.S. Kovtun, V.I. Kovtun. Kharkiv: Factor Publishing House, 2018. 624 c.
3. Zhytnyi O.O. Criminal Law of Ukraine in the International Dimension (Comparative Legal Analysis). Kharkiv: Odyssey, 2013. 376 c.
4. Kopotun I. M. Peculiarities of criminal prosecution in foreign legislation for crimes against public order and morality. Bulletin of the Academy of Advocacy of Ukraine. 2019. № 2 (18). C. 62-68.
5. Criminal law of foreign countries: a study guide / E.E. Kuzmin ; foreword by E.L. Streltsova. Odesa: Helvetica Publishing House, 2018. 96 c
6. Criminal Law of Ukraine. General part: textbook / Akhmedov Mahir Bayram oglu, Babenko AM and others; edited by V.Y. Konopelsky, V.O. Merkulova. Odesa, ODUIA, 2021. 452 c.
7. Criminal Law of Ukraine. General part: textbook / V.Y. Tatsiy, V.I. Tiutiugin, V.I. Borisov and others; edited by V.Y. Tatsiy, V.I. Tiutiugin, V.I. Borisov - 6th ed. Kharkiv: Pravo, 2020. 584 c.
8. Criminal Law of Ukraine. Part 1: lecture notes: a study guide for full-time and part-time students of the first (bachelor's) level of higher education in the specialty 081 "Law" / Popovych O.V., Tomash L.V., Latkovsky P.P. Chernivtsi, 2022. 182c.
9. Decisions of the European Court of Human Rights in criminal cases. Protection of life, health, honor and dignity / edited by V.S. Kovalskyi. K.: Jurinkom Inter, 2019. 296 c.
10. Yaremko O.M. Comparative Criminal Law (basic lecture notes). Ternopil: "Economic Thought, 2019. 123 c.
11. Börner R. Die Vermögensbeschlagnahme nach § 290 ff. StPO. NStZ. 2005. 791 p.
12. Deiters M. Systematischer Kommentar zur Strafprozessordnung / In: A. H. Albrecht et al. (Eds.). Vol. 4. 5th edn. § 198-246. StPO, 2015. 896 p.
13. Dressler Joshua. Understanding Criminal Law. 9th Edition. Carolina Academic Press: Columbus, 2022. 656 p.
14. Eisenberg U. Sich-Entfernen bzw. Fernbleiben whrend der Hauptverhandlung. Berlin: NStZ, 2012. 755 p.
15. Examples & Explanations for Criminal Procedure II: From Bail to Jail. Boston: Aspen Publishing, 2022. 508 p.
16. Gmel D. Karlsruher Kommentar zur Strafprozessordnung, 7th edn / In: R. Hannisch (Ed.). 2013. 3180 p.
17. Janet Loveless, Mischa Allen, and Caroline Derry. Complete Criminal Law. Eighth Edition. 2022. 776 p.
18. Laue C. Die Hauptverhandlung ohne den Angeklagten. JA. Berlin: Duncker & Humblot, 2010. 394 p.
19. Meyer-Goßner L., Schmitt B. Strafprozessordnung, 59th edn. Berlin: Duncker & Humblot, 2016. 284 p.
20. Mireille Delmas-Marty. The Criminal Process and Human Rights: Toward a European Consciousness. Amsterdam: Springer Netherlands, 1995. 211 p.
21. Quattrococo S., Ruggeri S. Personal participation in criminal proceedings. Legal studies in

international, European and comparative criminal law. 2019. Vol. 2. P. 123-164.

22. Richard G. Singer, Kenneth Williams. Criminal Law and Morality in the Age of Consent. London: Springer Cham. 367 p

***Internet resources:***

1. Official web portal of the Supreme Court Legal Position Database URL: <https://lpd.court.gov.ua>.
2. Official web portal of the Verkhovna Rada of Ukraine. URL: <http://rada.gov.ua>
3. Official web portal of the Supreme Court. URL: <https://supreme.court.gov.ua/supreme>
4. Legal positions of the Grand Chamber of the Supreme Court of Ukraine [https://supreme.court.gov.ua/supreme/pro\\_sud/kas\\_krim/](https://supreme.court.gov.ua/supreme/pro_sud/kas_krim/)
5. Official web portal of the Unified State Register of Court Decisions. URL: <https://reyestr.court.gov.ua>
6. Official web portal of the Constitutional Court of Ukraine. URL: <https://ccu.gov.ua>
7. Official web portal of the Ministry of Internal Affairs of Ukraine. URL: <http://mvs.gov.ua>
8. Official web portal of the Ministry of Justice of Ukraine. URL: <https://minjust.gov.ua>
9. Official web portal of the National Police. URL: <https://www.npu.gov.ua>
10. Official web portal of the President of Ukraine. URL: <http://www.president.gov.ua>
11. Official web portal of the resource "ECHR Case Law. Ukrainian Aspect". URL: <https://www.echr.com.ua/rishennia-espl>
12. Legal positions of the Grand Chamber of the Supreme Court of Ukraine [https://supreme.court.gov.ua/supreme/pro\\_sud/kas\\_krim/](https://supreme.court.gov.ua/supreme/pro_sud/kas_krim/)
13. Countries Legislation. URL. <https://www.coe.int/en/web/medicrime/countries-legislation>
14. European Convention on Human Rights. URL. [https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf)
15. Luis E. Chiesa. Comparative Criminal Law. URL: [https://digitalcommons.law.buffalo.edu/cgi/viewcontent.cgi?article=1090&context=book\\_sections](https://digitalcommons.law.buffalo.edu/cgi/viewcontent.cgi?article=1090&context=book_sections)
16. International Journal of Comparative and Applied Criminal Justice. Taylor & Francis Online. URL: <https://www.tandfonline.com/journals/rcac20>.