

Subject card

Subject name and code	Anglo-american criminal law and process - lecture, PG_00134214						
Field of study	Criminology and Criminal Justice						
Date of commencement of studies	October 2024	Academic year of realisation of subject			2025/2026		
Education level	undergraduate studies	Subject group			Optional subject group		
Mode of study	full-time studies	Mode of delivery			at the university		
Year of study	2	Language of instruction			English		
Semester of study	4	ECTS credits			3.0		
Learning profile	academic	Assessment form					
Conducting unit	Faculty of Law and Administration -> Rektor						
Name and surname of lecturer (lecturers)	Subject supervisor		dr hab. Krzysztof Woźniewski				
	Teachers						
Lesson types	Lesson type	Lecture	Tutorial	Laboratory	Project	Seminar	SUM
	Number of study hours	15.0	0.0	0.0	0.0	0.0	15
	E-learning hours included: 0.0						
Learning activity and number of study hours	Learning activity	Participation in didactic classes included in study plan		Participation in consultation hours		Self-study	SUM
	Number of study hours	15		0.0		60.0	75
Subject objectives	The fundamental objective of this course is to provide students of Criminology and Criminal Justice with a comparative introduction to the key concepts and issues of substantive and procedural criminal law of selected systems of common law legal culture. The course focuses primarily on the system of England and Wales, which is regarded as the central model for all the systems under discussion, and as a supplementary source for those of the United States of America, Scotland and Northern Ireland.						

Learning outcomes	Course outcome	Subject outcome	Method of verification
	[CCJL3_KK01] He/she is aware of his/her level of knowledge and skills, as well as understands the need for lifelong learning.	Is able to respect individual rights and freedoms and the foundations of the rule of law (rule of law) in the system of government. He/she is able to use appropriate prioritisation to accomplish a task defined by him/herself or others. Has the ability to foresee the multidirectional social consequences of the adoption of discussed legal solutions.	[SK1] oral statement/conversation/discussion [SK3] text preparation/written work [SK4] test/exam - oral or written [SK8] observation of student's independent or team work
	[CCJL3_UW01] He/she can observe and interpret correctly phenomena that appear in the area of etiology and phenomenology of crime, universal for various societies, analyzes their connections with various areas of criminology	Basic knowledge of sources, concepts, institutions and the practice of applying substantive and procedural criminal law in selected jurisdictions of the common law legal culture.	[SU1] oral statement/conversation/discussion [SU3] text preparation/written work [SU4] test/exam - oral or written [SU5] implementation of a problem task
	[CCJL3_WG02] He/she has extended knowledge of the set of elementary facts, simple concepts and the relationship between selected natural and social phenomena in the field of penal sciences	The ability to use knowledge of legal solutions adopted in Anglo-Saxon systems for a critical analysis and discussion of problems related to the functioning of the criminal justice in the national system and continental Europe. Assessment of the practice of the discussed aspects of the application of substantive and procedural criminal law as well as reform proposals.	[SW4] test/exam - oral or written [SW1] oral statement/conversation/discussion [SW3] text preparation/written work [SW5] implementation of a problem task

Subject contents	<p>Part one - substantive criminal law:</p> <p>a. basic characteristics of the sources of substantive criminal law in England and Wales, the USA and other common law countries as precedent systems;</p> <p>b. analysis of the structure of the crime: distinguishing between conduct elements (actus reus) and mental elements (mens rea), taking into account the discussion on the completeness and usefulness of the discussed structural approach;</p> <p>c. the issue of conduct element and causation;</p> <p>d. the issue of mental element: direct and indirect intent, recklessness, negligence;</p> <p>e. the construction of objective liability as characteristic of common law systems - strict liability;</p> <p>f. selected issues of circumstances excluding criminal liability - criminal defenses: insanity, necessity and duress, self-defense;</p> <p>g. selected issues of the specific part of substantive criminal law: homicide law, property offences (theft, robbery, burglary);</p> <p>II. Part two - criminal procedural law:</p> <p>Treści programowe:</p> <p>A. An outline of history of criminal procedure in England.</p> <p>B. Legal sources of criminal procedure - statute law and common law</p> <p>C. Structure of the courts and tribunal system in England.</p> <p>D. Police and like-police agencies of investigation. Crown Prosecution Service as a public prosecutor in England and Wales.</p> <p>E. The role of barristers i solicitors in criminal procedure.</p> <p>F. The rights of defandant and the victim in criminal cases.</p> <p>G. Stop and search procedure. Bail and remands.</p> <p>H. Introduction to English law of evidence.</p> <p>I. The course of the trial: police investigation, summary trial, indictment, Crown Court trial, the verdict and sentencing, appeals from the magistrates courts and appeals from the Crown Court</p> <p>J. American criminal trial - basic information (introductory issues: sources of procedural law, authorities and basic procedural rules as protection from unreasonable search and seizure, right to a speedy trial, voir dire, guarantee of due process, right to effective counsel, right to not to self-incriminate; exclusion rules, evidence, preliminary questioning, prosecution, plea bargaining and guilty pleas, preliminary and proper court proceedings, habeas corpus procedure;</p>
Prerequisites and co-requisites	

Assessment methods and criteria	Subject passing criteria	Passing threshold	Percentage of the final grade
		test	51.0%
Recommended reading	Basic literature	<p>R. Walker, R. Ward, <i>English Legal System</i>, London, Dublin, Edinburgh 1994 T. Ingman, <i>The English Legal Process</i>, London 1990, J. Sprack, <i>A practical approach to criminal procedure</i>, Oxford University Press 2012 P. Hungerford-Welch, <i>Criminal procedure and sentencing</i>, Kindle Edition 2019 D.N. Falcone, <i>Prentice Hall's dictionary of American criminal justice, criminology, and criminal law</i>, Upper Saddle River 2010 Federal Rules of Criminal Procedure (v. 2019) i Federal Rules of Evidence (2020; https://www.rulesofevidence.org)</p> <p>1. Criminal Law (7th ed.), J. Herring, Houdmills, Nowy Jork, 2011; 2. Criminal Law: Text, Cases and Materials (7th ed.), J. Herring Oxford, 2016; 3. The Oxford Handbook of Criminal Law, M. D. Dubber, T. Hörnle (red.), Oxford, Nowy Jork 2014; 4. Principles of Criminal Law, A. Ashworth, Oxford 2013;</p>	
	Supplementary literature	<ol style="list-style-type: none"> 1. V. Chiao, Action and Agency in Criminal Law, "Legal Theory", 2009, vol. 15; 2. P. H. Robinson, Should the Criminal Law Abandon the Actus Reus-Mens Rea Distinction?, w: Action and Value in Criminal Law, S. Shute, J. Gardner, J. Horder (red.), Oxford 1993; 3. A. Brudner, Subjective Fault for Crime: a Reinterpretation, Legal Theory, 2008, vol. 14, issue 1; 4. J. Horder, Two Histories and Four Hidden Principles of Mens Rea, Law Quarterly Review, 1997, vol. 113; 5. A. P. Simester (ed.), Appraising Strict Liability, Oxford 2005; 6. J. Horder, Self-Defence, Necessity and Duress: Understanding the Relationship, "Canadian Journal of Law and Jurisprudence", 1998, vol. 11; 	
	eResources addresses	Adresy na platformie eNauczanie:	
Example issues/ example questions/ tasks being completed			
Work placement	Not applicable		

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