



**KAPITAŁ LUDZKI**  
NARODOWA STRATEGIA SPÓJNOŚCI

Projekt współfinansowany przez  
Unię Europejską w ramach  
Europejskiego Funduszu  
Społecznego

**UNIA EUROPEJSKA**  
EUROPEJSKI  
FUNDUSZ SPOŁECZNY



|  |                                  |  |     |
|--|----------------------------------|--|-----|
| <b>Course title</b>  |                                  | <b>ECTS code</b>   |     |
| Anglo-american criminal law and process  |                                  | 10.0.5546  |     |
| <b>Name of unit administrating study</b>   |                                  |  |     |
| null   |                                  |  |     |
| <b>Studies</b>   |                                  |  |     |
| <b>faculty</b>   | <b>field of study</b>            | <b>type</b>  | all |
| Faculty of Law and Administration  | Criminology and Criminal Justice | <b>form</b>  | all |
|  |                                  | <b>specjalty</b>   | all |
|  |                                  | <b>specialization</b>  | all |
|  |                                  |  |     |
| <b>Teaching staff</b>  |                                  |  |     |
| dr hab. Krzysztof Woźniewski, profesor uczelni; dr Łukasz Cora; dr Wioletta Niemiec; mgr Andrzej Lewna; dr Paweł Petasz                    |                                  |  |     |
| <b>Forms of classes, the realization and number of hours</b>   |                                  | <b>ECTS credits</b>  |     |
| <b>Forms of classes</b>  |                                  | 3  |     |
| Lecture  |                                  | 15 h lecture   |     |
| <b>The realization of activities</b>   |                                  | 75 h student's own work (including preparation for classes and to pass the subject)  |     |
| classroom instruction  |                                  | RAZEM: 3 ECTS  |     |
| <b>Number of hours</b>   |                                  |  |     |
| Lecture: 15 hours  |                                  |  |     |
| <b>The academic cycle</b>  |                                  |  |     |
| 2023/2024 summer semester  |                                  |  |     |
| <b>Type of course</b>  |                                  | <b>Language of instruction</b>   |     |
| an elective course   |                                  | English  |     |
| <b>Teaching methods</b>  |                                  | <b>Form and method of assessment and basic criteria for evaluation or examination requirements</b>   |     |
| <ul style="list-style-type: none"> <li>- multimedia-based lecture</li> <li>- problem-focused lecture</li> <li>- seminar lecture</li> </ul> |                                  | <b>Final evaluation</b>  |     |
|  |                                  | Graded credit  |     |
|  |                                  | <b>Assessment methods</b>  |     |
|  |                                  | written exam with open questions   |     |
|  |                                  | <b>The basic criteria for evaluation</b>   |     |
|  |                                  | Student achievements, including pass and exam results, confirming the implementation of the intended learning outcomes are expressed in grades on the following scale: |     |
| <b>Evaluation</b>  | <b>Digital Values</b>            | <b>Percentage of knowledge, skills and social competences required for a given assessment *</b>  |     |
| <b>very good</b>   | 5,0                              | 91 and more  |     |
| <b>good plus</b>   | 4,5                              | 81 – 90  |     |
| <b>good</b>  | 4,0                              | 71 – 80  |     |
| <b>sufficient plus</b>   | 3,5                              | 61 – 70  |     |
| <b>sufficient</b>  | 3,0                              | 51 – 60  |     |
| <b>insufficient</b>  | 2,0                              | 50 and less  |     |
|  |                                  | * Percentages are rounded to whole numbers in accordance with the generally applicable rounding rules.   |     |
| <b>Method of verifying required learning outcomes</b>  |                                  |  |     |
| <b>Required courses and introductory requirements</b>  |                                  |  |     |
| A. Formal requirements   |                                  |  |     |

none

**B. Prerequisites**

none

**Aims of education**

The main goal of the module is to introduce the students of Criminology and Criminal Justice to the basic concepts, institutions and practical issues of substantive and procedural criminal law in selected common law systems - with particular emphasis on the system of England and Wales, treated here specifically as a parent system for all systems of the abovementioned group, and with discussion of the English system further supplemented by references to the systems of the United States of America, Scotland and Northern Ireland.

**Course contents**

Part one - substantive criminal law:

- a. basic characteristics of the sources of substantive criminal law in England and Wales, the USA and other common law countries as precedent systems;
- 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;
- c. the issue of conduct element and causation;
- d. the issue of mental element: direct and indirect intent, recklessness, negligence;
- e. the construction of objective liability as characteristic of common law systems - strict liability;
- f. selected issues of circumstances excluding criminal liability - criminal defenses: insanity, necessity and duress, self-defense;
- g. selected issues of the specific part of substantive criminal law: homicide law, property offences (theft, robbery, burglary);

II. Part two - criminal procedural law:

Treści programowe:

- A. An outline of history of criminal procedure in England.
- B. Legal sources of criminal procedure - statute law and common law
- C. Structure of the courts and tribunal system in England.
- D. Police and like-police agencies of investigation. Crown Prosecution Service as a public prosecutor in England and Wales.
- E. The role of barristers i solicitors in criminal procedure.
- F. The rights of defendant and the victim in criminal cases.
- G. Stop and search procedure. Bail and remands.
- H. Introduction to English law of evidence.
- 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
- 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;

**Bibliography of literature**

A. Literature required for the final completion of the course (passing the exam):

A.1. used during classes

1. Criminal Law (7th ed.), J. Herring, Houdmills, New York, 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 (eds.), Oxford, New York 2014;
4. Principles of Criminal Law, A. Ashworth, Oxford 2013;

A.2. studied independently by the student

Literature indicated by the teacher during the classes.

B. Supplementary literature

- 1.M. Filar (ed.), Criminal law and justice in the European Union countries, Warsaw 2005;
2. V. Chiao, Action and Agency in Criminal Law, "Legal Theory", 2009, vol. 15;
3. P. H. Robinson, Should the Criminal Law Abandon the Actus Reus-Mens Rea Distinction ?, in: Action and Value in Criminal Law, S. Shute, J. Gardner, J. Horder (eds.), Oxford 1993;
4. A. Brudner, Subjective Fault for Crime: a Reinterpretation, "Legal Theory", 2008, vol. 14, issue 1;
5. J. Horder, Two Histories and Four Hidden Principles of Mens Rea, "Law Quarterly Review", 1997, vol. 113;
6. A. P. Simester (ed.), Appraising Strict Liability, Oxford 2005;
7. J. Horder, Self-Defense, Necessity and Duress: Understanding the Relationship, "Canadian Journal of Law and Jurisprudence", 1998, vol. 11;

List of basic and supplementary literature (criminal procedural law):

R. Walker, R. Ward, English Legal System, London, Dublin, Edinburgh 1994  
 T. Ingman, The English Legal Process, London 1990,  
 J. Sprack, A practical approach to criminal procedure, Oxford University Press 2012  
 P. Hungerford-Welch, Criminal procedure and sentencing, Kindle Edition 2019  
 D.N. Falcone, Prentice Hall's dictionary of American criminal justice, criminology, and criminal law, Upper Saddle River 2010  
 Tomaszewski T. Proces amerykański. Problematyka śledcza, Comer 1995  
 Federal Rules of Criminal Procedure (v. 2019) i Federal Rules of Evidence (2020; <https://www.rulesofevidence.org>)

**The learning outcomes (for the field of study and specialization)**

**KNOWLEDGE**

**Crim\_WG02**

Has expanded knowledge of a set of elementary facts, simple concepts and relationships between selected natural and social phenomena in the field of penal sciences.

**SKILLS**

**Crim\_UW01**

Is able to make observations and proper interpretation of phenomena that appear in the area of etiology and phenomenology of crime universal for various societies, analyzes their connections with various areas of criminology.

**POWERS**

**Crim\_KK01**

Is aware of the level of his knowledge and skills, and also understands the need for lifelong learning.

**Knowledge**

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.

**Skills**

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.

**Social competence**

Respect for the rights and freedoms of the individual and the foundations of the rule of law in the system of state power. The ability to properly define priorities for the implementation of a task set by oneself or others. The ability to predict multidirectional social consequences of adopting discussed legal solutions.

**Contact**

[http://prawo.ug.edu.pl/pracownik/3242/krzysztof\\_wozniewski](http://prawo.ug.edu.pl/pracownik/3242/krzysztof_wozniewski)