

MOA3040 - Introduction to Criminal Law and Criminal Procedure

Extended syllabus

Spring 2026

Course aims/objectives:

The course is designed in such a way that students can obtain general knowledge of the main features of primarily European criminal law systems and understand the main concepts of the general part of criminal law. Students are introduced to the main rationale, principles, concepts and mechanisms of criminal law related to national jurisdictions. Topics critically discussed during class help students orientate themselves in primarily Scandinavian and continental criminal law systems with a lesser comparative focus to the common law criminal system and enable students to independently solve concrete legal problems relating to the interpretation and application of core substantive law. Additionally, the course contains a special focus on cybercrimes and challenges related to it. Essentially, participation in the course enables students to obtain basic skills related to drafting legal opinions on practical cases and situations in selected countries drawing on methods applicable to analysis of criminal jurisprudence.

Learning Outcomes:

After completing this course, the student can:

- identify and apply basic instruments and mechanisms of criminal law; - analyse cases and situations and draft legal opinions.
- Understand the basic principles related to criminal law, and the prosecution of criminal offences in an European context.
- Learn the specific challenges posed by cybercrimes and their prosecution.

Brief description of the course and topics to be covered:

The application of the provisions related to general elements of European criminal law systems is exercised by cases covering the foundations of criminal law (elements of a crime, parties to the offences, defences and justifications as well as sanctions) and general part problems in connection with specific fields of criminal procedure (e.g. criminal law and technology; judicial cooperation of European states in criminal matters).

Language of the Course: English

ECTS Credits: 6 ECTS

Coverage of SDGs and ERS (sustainable development goals, ethics, responsibility and sustainability):

Ethical dilemmas are critically discussed in the context of legislating morality, as well as general defences and selected crimes (euthanasia, insanity defense, witness credibility etc.). Values of global social responsibility are incorporated into the course and discussed. Conceptual and empirical research are taken into account to provide for an effective, fair and methodologically sound learning experience.

Students:

This is a compulsory course for students studying on HAJB programme.

Special Needs:

Persons with disabilities can participate in the course. Please inform the professor/lecturer in the beginning of the course of any special instruction, or assessments of this course that may be necessary to enable you to fully participate in the course.

Registration:

Students who would like to take the course should declare the course in ÖIS (Student Information System) by deadlines set in the academic calendar.

Prerequisite courses

and/or knowledge: No previous knowledge is required.

Prerequisite resources:

MS Office or equivalent programs.

Professor(s)/Lecturers: Aleksi Kajander, aleksi.kajander@taltech.ee

Contacting Professor(s):

Preferred means of communication: Email. Requests are responded to generally within 3 workdays.

Schedule for classes:

Weeks 1-16, Updates or changes posted on Moodle.

Study process description:

The lectures are complemented by in-class discussions on compulsory readings and pertinent cases/situations relating to selected national legal systems, and independent work by students. The course topics (including relevant literature) are listed on Moodle. Prior to each lecture, students are suggested to consult course literature and/or examine legal cases provided on Moodle to participate in course discussions. While reading the legal cases, please pay attention to the following elements:

- Facts of the case including reasoning for filing a criminal charge;
- Jurisdiction in the case and reasoning behind the Court's final decision;
- The impact of the case outcome in the given context;

Additionally, students are encouraged to find any relevant cases related to their respective home countries.

Attendance is generally mandatory. In justified cases, communicated either via Email or Moodle the student can miss lectures. If a student misses more than four lectures, the student is obliged to provide one additional home assignment to be eligible for the final exam. The additional assignment should be sent to one of the corresponding lecturers via Email by a deadline set by and agreed with the lecturers.

Course's e-support:

Course materials can be accessed via the e-learning environment Moodle under the course title *MOA3040 - Introduction to Criminal Law and Criminal Procedure*.

Study literature:

Carr, C. (2013). *Beginning Criminal Law*.
Nemeth, C. (2011). *Criminal Law*. (2nd ed.)
Wellman, F. (1903) *The Art of Cross-Examination*. Various Publishers, copyright expired.
Hober, K., Sussman, H. (2015). *Cross-Examination in International Arbitration*. Oxford University Press. (Part II: The Nine Basic Principles)

ASSESSMENT

Examination

Closed-book exam. 90min. Students are allowed to use their own language dictionaries during the exam.

Two assignments need to be completed and passed prior to final examination. In case of illness or other cases of excused/justified absence which hindered the student to submit both assignments, the student is provided with the possibility to submit the solution to a (non-)written homework, determined by the lecturer instead.

Assessment methods	Assessment criteria
Assignment 1 - Preparation and participation for an in-class mock witness hearing and cross-examination	Non-differentiated assessment: students are considered passed if they both prepare a brief on their cross-examination strategy (submitted on Moodle) and participate in the classroom mock witness hearing. The cross-examination brief is submitted in advance on Moodle. It should contain an analysis of the case facts and the strategy to cross-examine the witness.
Group Assignment 2 - preparation and participation for an in-class mock trial	Non-differentiated assessment – students are considered passed if they both prepare a brief on their case (submitted on Moodle) and participate in the classroom mock trial. Students are divided into groups (defense, prosecution and judge(s)). Each group must produce a role appropriate brief that demonstrates their preparation for the mock trial.
Exam Format: Closed-book, 90min.	Closed-book exam, 90min. Dates of first and second attempt will be announced and communicated via Moodle in advance. The final exam will consist of four questions (maximum 25 points awarded for each question: totaling 100 points). The student is required to apply legal skills taught prior in class. The main task of the exam is to demonstrate that the student: a) Has acquired basic knowledge of Criminal Law and b) can independently solve concrete legal problems relating to the interpretation and application of core substantive law in a logical and consistent manner. Every student who is admitted to the final exam is entitled to one retake exam – even if the first exam has been passed. In case of a retake, only the latter grade will be recorded (even if the first grade was better).

Eligibility for To be eligible for the exam, the student has to pass the two assignments.

Final grade formation: Assignment 1: pass/fail
 Assignment 2: pass/fail

Final exam: graded (0-5)

The sum of points obtained for each question (maximum 25 points for each exam question) is added up and converted into a grade using the following principles:

“5” excellent 91-100

“4” very good 81-90

“3” good 71-80

“2” satisfactory 61-70

“1” poor 51-60

“0” fail less than 51

A (5) – "excellent" – outstanding and particularly profound achievement of learning outcomes, along with creativity and consummate proficiency in applying skills and knowledge;

B (4) – "very good" – very good achievement of learning outcomes, along with proficiency in applying skills and knowledge in a targeted and creative manner. Some details of knowledge and skills may exhibit errors which are neither substantive nor serious;

C (3) – "good" – good achievement of learning outcomes, along with proficiency in applying skills and knowledge in a relevant manner. A certain imprecision and uncertainty are apparent in the depth and detail of knowledge and skills; D (2) – "satisfactory" – sufficient achievement of learning outcomes, along with application of knowledge and skills in a typical manner; in atypical situations both, uncertainty as well as lack of knowledge and skills are apparent.

E (1) – "poor" – minimum acceptable achievement of the most important learning outcomes along with limited application of knowledge and skills in typical situations; in atypical situations both, considerable uncertainty as well as lack of knowledge and skills are apparent;

F (0) – "failed" – achievement in knowledge and skills below the minimum standard.

Academic integrity: As a student at TalTech School of Business and Governance, you have an obligation to conduct your academic work with honesty and integrity according to University standards. It is expected that all work that you submit will be your own, and that you have actually done the work that you are submitting. Plagiarism and cheating will not be tolerated. Should you be found to be guilty of such activities, it will be followed with grade "0" for the assignment or the whole course and a notice will be filed to the School's Committee for Handling Violations of Academic Practice and Contemptible Behaviour. Depending on the Committee's proposal, it may lead to Dean issuing a letter of reprimand or in case of repeated or very severe misconduct, exmatriculation from the University.

Detailed schedule and topics

Syllabus subject to change

Week 1

Introduction to Criminal Law

1. Theories of crime
2. Features and functions of Criminal Law
3. Criminalization
5. Classification of crimes
6. Sources of criminal law

Week 2

Corpus delicti (actus reus, mens rea, causation).

The elements of crime

Actus reus

Omissions

Mens rea (intention, negligence, recklessness)

Encouraging or assisting offenses

Conspiracy

Attempt

Week 3

Presumption of Innocence

- Presumption of innocence as a concept and in various jurisdictions.
- Burden of proof
- Establishing guilt / standard of proof
- Self-incrimination
- Norfolk four case study

Week 4

Due Process

- Right to a fair trial
- Double jeopardy
- Role of juries
- Right to legal representation

Week 5

Prosecution

- The role of the prosecutor
- Procedure
- Challenges
- Prosecutorial ethics

Planned guest lecture by an Estonian prosecutor.

Week 6

Defenses against wrongful conduct / Role of the Defense

- Common defense strategies
- Role of the defense in criminal proceeding
- Disclosure of evidence
- Ethics discussion

Week 7

Evaluation of Evidence and Witness Statements

- Principles for evaluating evidence credibility
- Chain of custody/Lawfulness
- Principles for evaluating witness credibility
- Psychological aspects related to witnesses

Week 8

Examining witnesses and cross-examinations

- Principles of cross-examination
- Deciding when to cross-examine
- Purpose of cross-examination

Week 9

Mock Witness Hearing and Cross-Examination practice

- Students each get a chance to cross-examine a witness based on a scenario

Before class: submit cross-examination strategy on Moodle

Week 10

Violent Crimes

- Murder
- Sexual offences
- Challenges in prosecution

Week 11

Financial Crimes

- Anti-money laundering
- Tax evasion
- Burden of proof aspects of financial crimes

Week 12

Cybercrimes

- Budapest cybercrime Convention
- Definitions of cybercrimes
- Unique aspects of cybercrimes

Before class: Read the Budapest cybercrime Convention

Week 13

Cybercrime Cases

- Solving case studies using the cybercrime convention

In-class: Students must utilize the Budapest cybercrime convention to solve realistic case studies and determine whether the conduct is criminalized.

Week 14

Challenges in Prosecuting Cybercrimes

- Jurisdictional challenges
- International co-operation
- International agreements related to prosecution of cybercrimes

Week 15

Mock Trial

- Students partake in a mock trial based on a pre-prepared scenario
- Chance for students to explore a particular role (prosecution, judge, defense) during the exercise and utilize the principles learned during the class.

Week 16

Exam

- In class