

ERASMUS+ Capacity Building for
Legal and Social Advancement in
the Philippines (CALESA)



CRIMINAL JUSTICE POLICY AND CRIMINAL LAW-MAKING POLICY

KNOWLEDGE SHARING ON THE MODERNIZATION OF CRIMINAL LAW (*Seminar-Workshop*)

June 6 to 9, 2022, The Judicial Academy Philippines, Tagaytay City



What is Criminal Law-Making?

Criminal Law-Making studies focus on
legislation
as a **tool for social change**.

Its aim is to **build** the best possible legislation

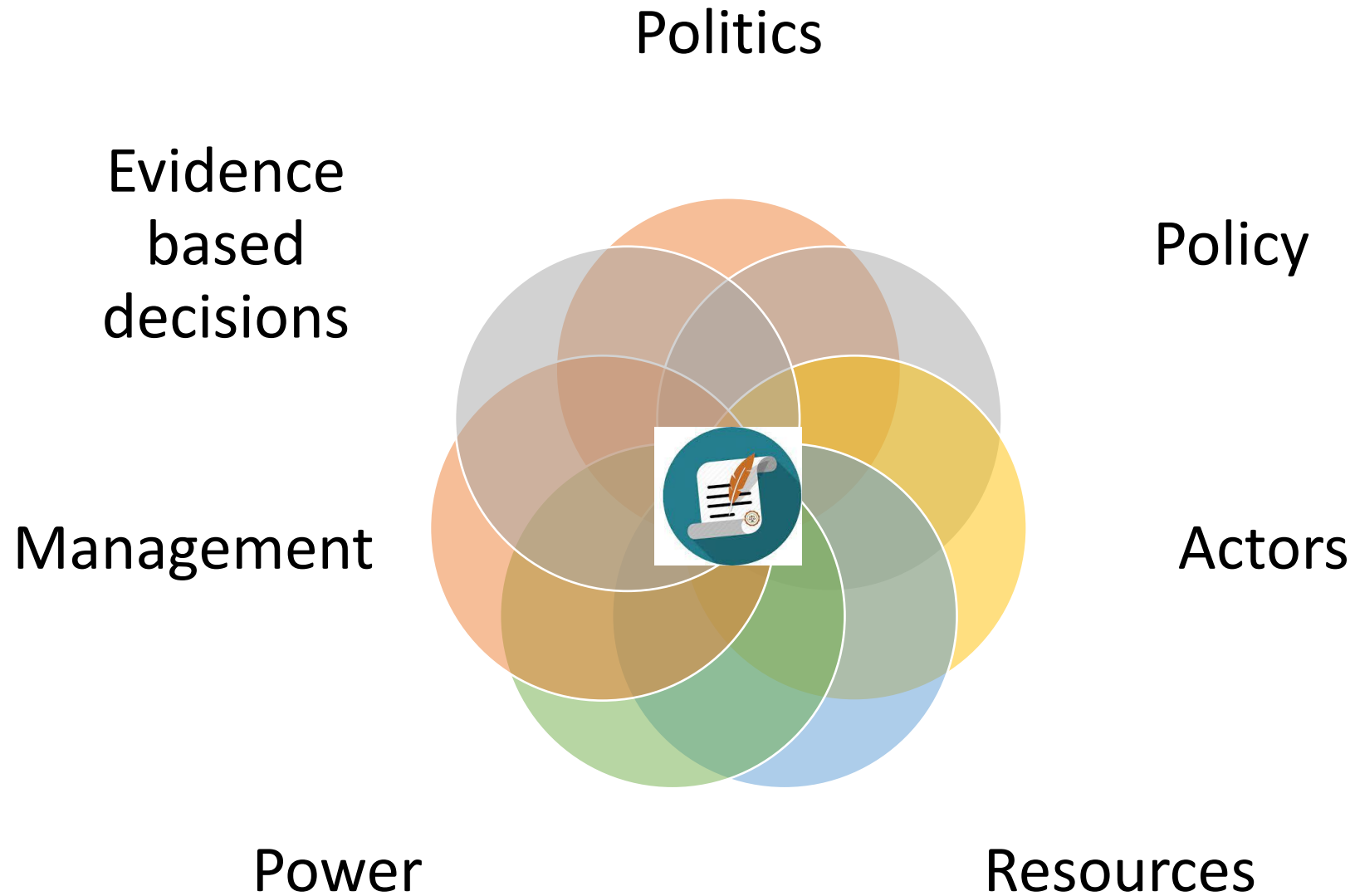




- *will it be clearly understood by everyone involved?*
- *will it be in contradiction with other pieces of legislation, inside or outside Criminal Law?*
- *will it be in contradiction with other policies promoted by the Administration?*
- *will it be possible to implement it?*
- *who will do it?*
- *with what money?*
- *with how much money?*

Criminal Law-making issues go beyond material Criminal Law





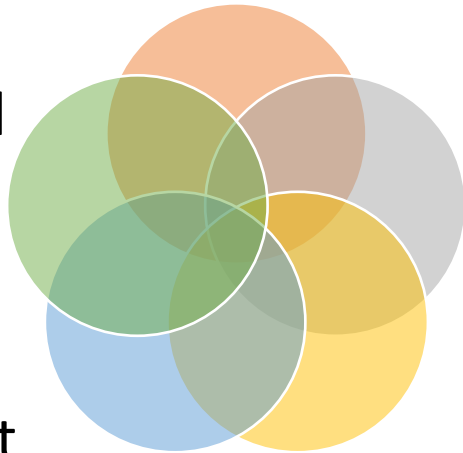
Health

Commercial

Education

Transport

Economy



Public action intended to prevent crime

Political Science

Criminology

Executive

Legislative

Judicial

Laws



Why do we study Criminal Law-Making?

- Too many reforms,
- fast reforms,
- no expert knowledge,
- not evidence based decisions,
- politized,
- populist,...

... and how?



Conoce la UMA -

Estudiar -

Admisión -

Investigación -

Servicios -



GEPLP

GRUPO ESPAÑOL DE POLÍTICA LEGISLATIVA PENAL

UMA / Grupo Español de Política Legislativa Penal / PUBLICATIONS

PUBLICATIONS



Selected publications on criminal law policy from GEPLP members

MEJORADO POR Google



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Criminal Law-Making Policy ESC Working Group

Co-Chairs

[José Luis Díez-Ripollés](#) and [Jose Becerra](#)

(University of Malaga, Spain)



What do we study?

*We analyze factors that determine the **making, implementing and evaluating** of Criminal Legislation.*

Multidisciplinary Approach

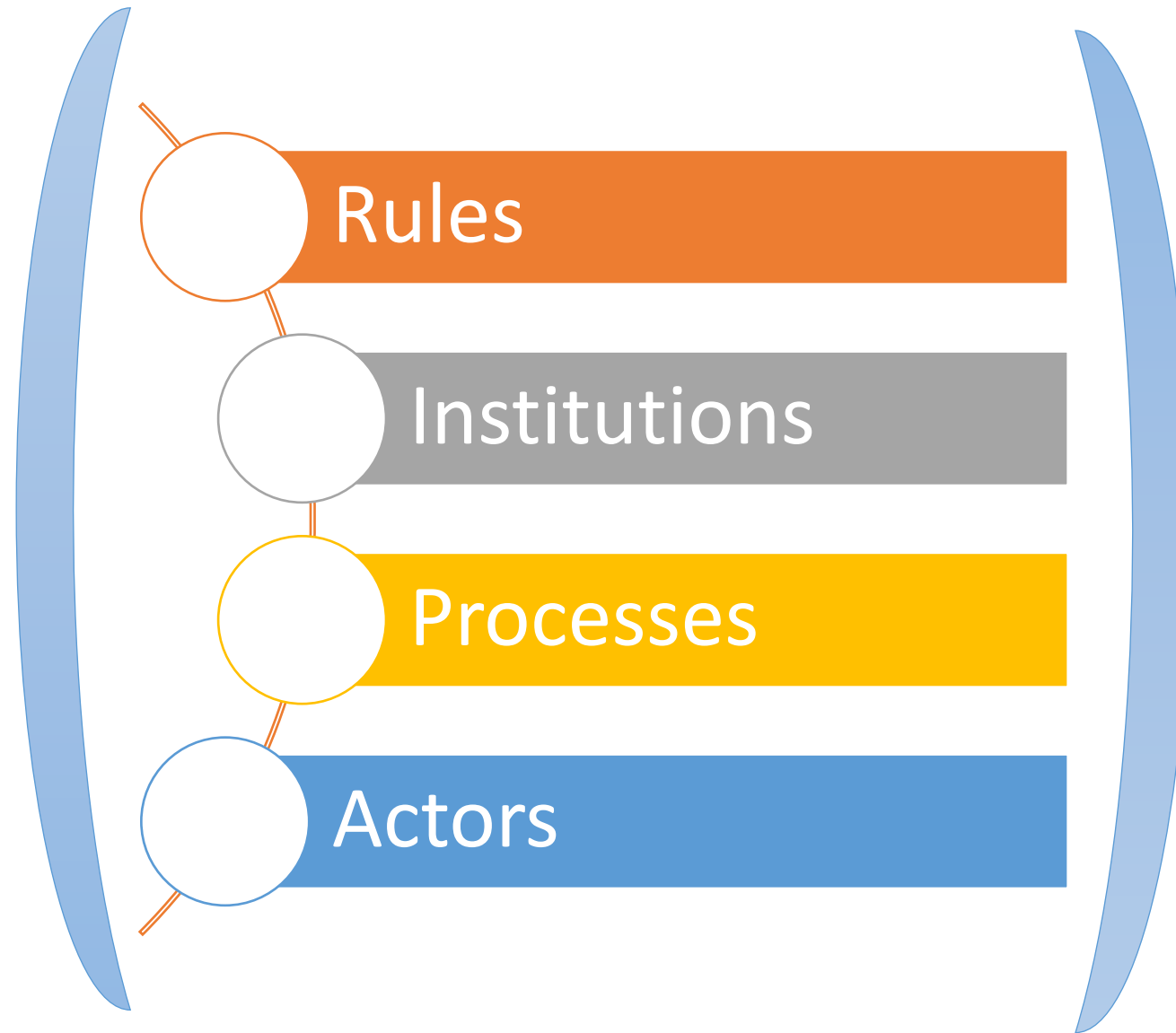


Public Policy
Analysis

Administrative
Law

Criminal Law

Public Policy
Evaluation



Administration
Science

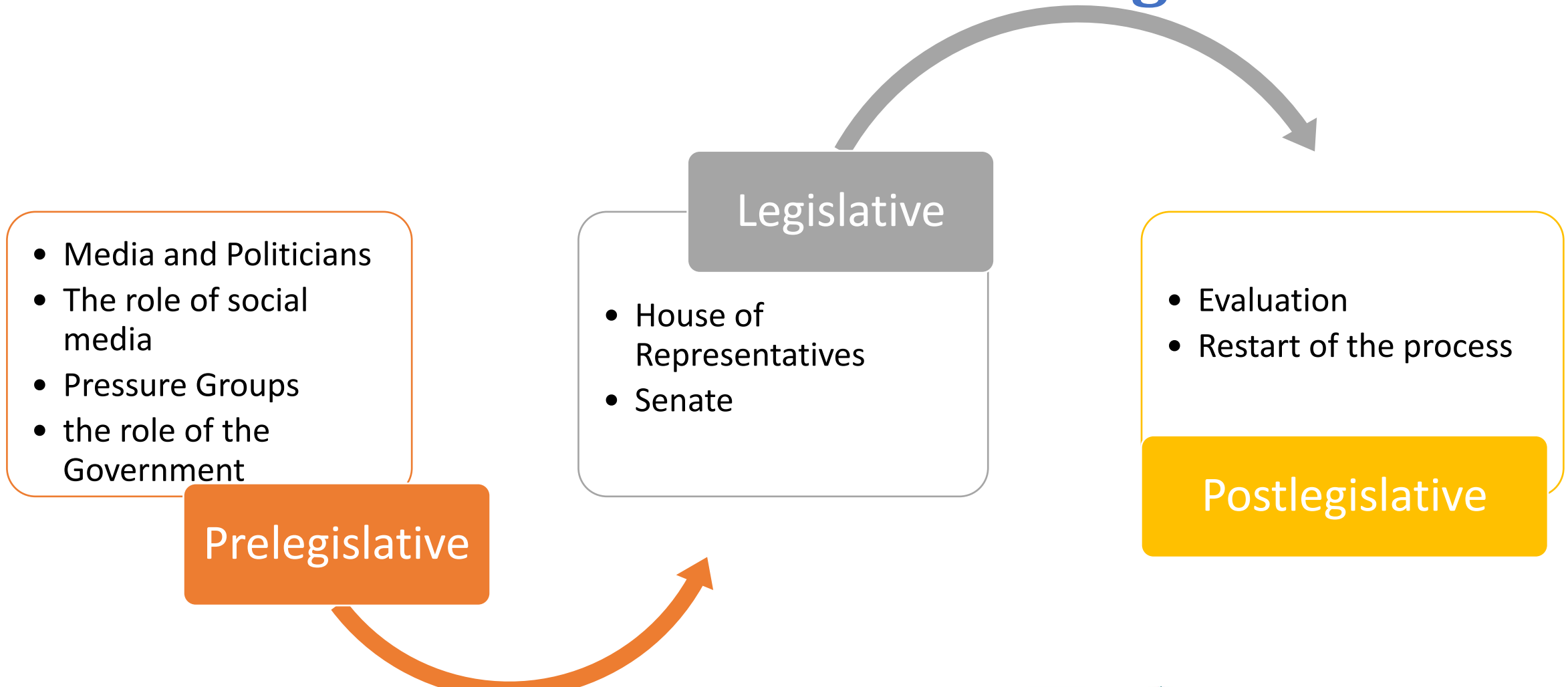
Criminology

Constitutional
Law

Comunication
Science...



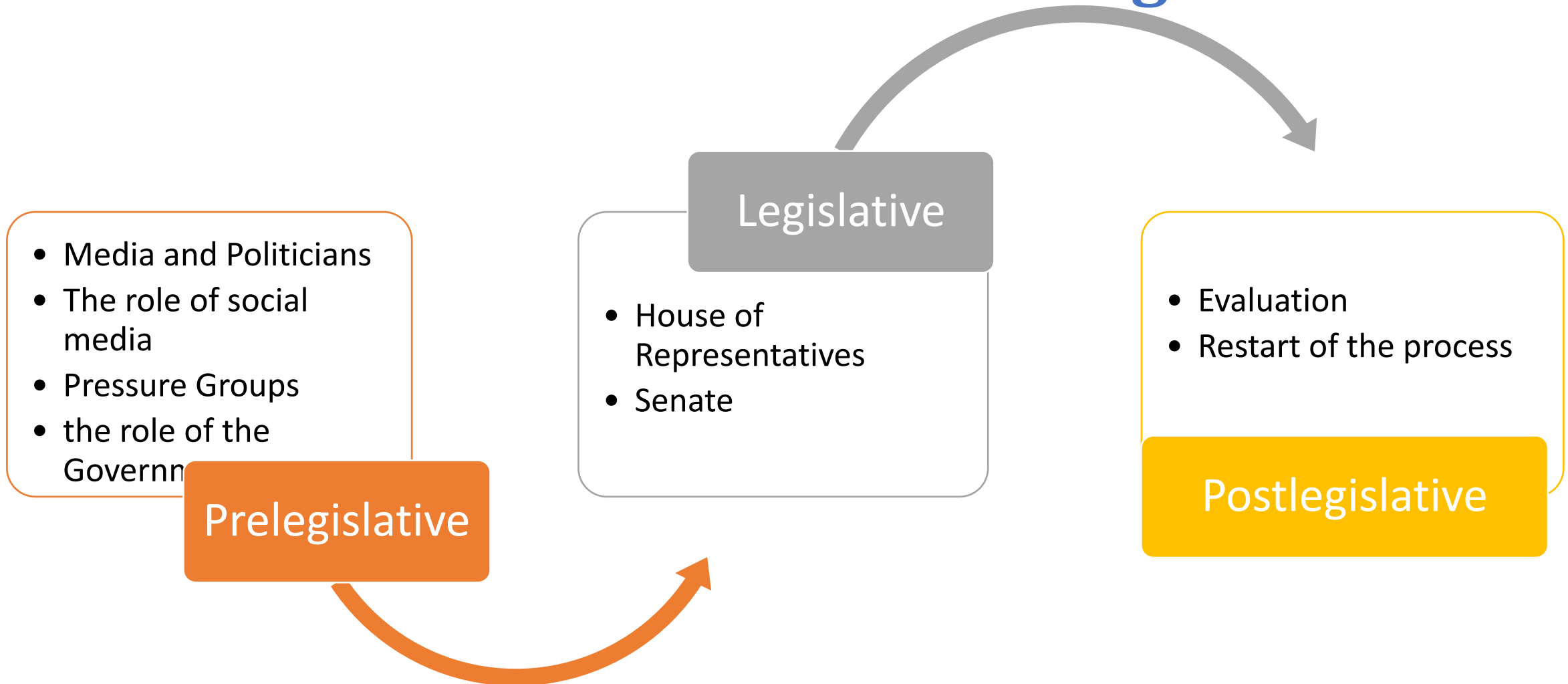
Our basic model: the Law-Making Process



Criminal Laws passed in Spanish Parliament (2000-2020)



Our basic model: the Law-Making Process



Specific Parliamentary bodies:

Alemania

- Scientific Services in the Bundestag

Francia

- Evaluation Office for Scientific and Technological Matters

España

- Legislative Technique Unit

RU

- Bill's Office in the House of Commons

Italia

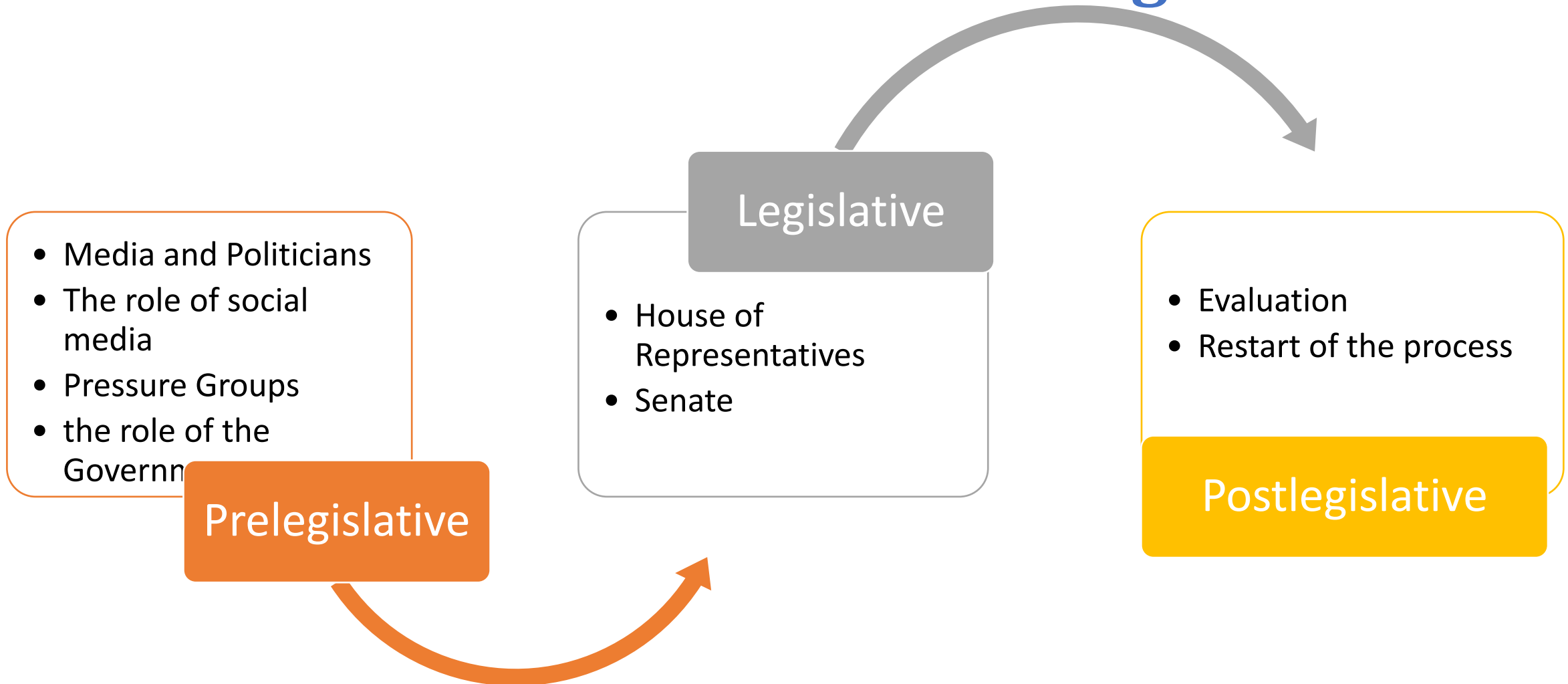
- Normative Texts Office

EEUU

- Legislative Counsel in the House of Representatives



Our basic model: the Law-Making Process



Post-legislative stage: evaluation

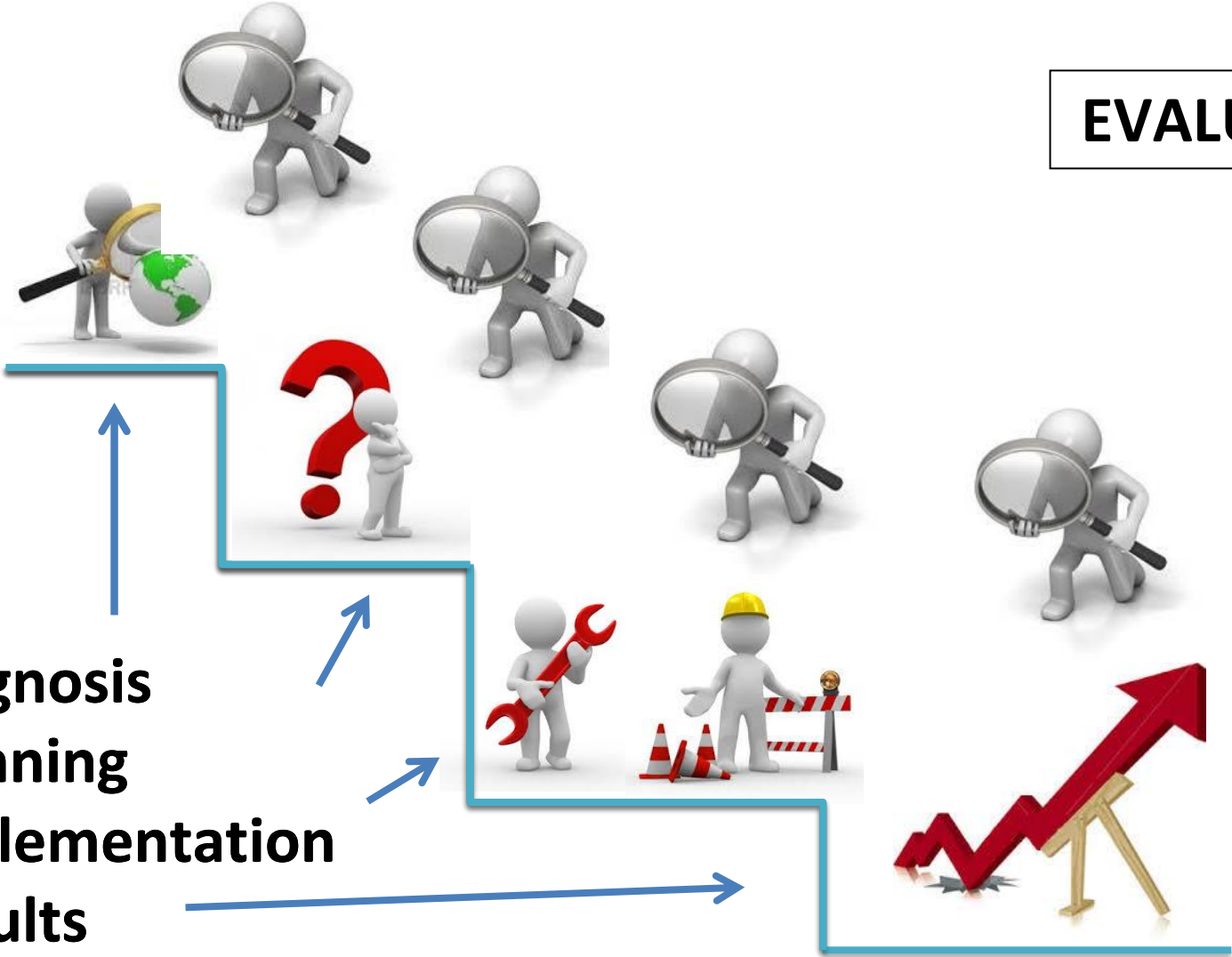
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INTERVENTION

EVALUATION

- a. Diagnosis
- b. Planning
- c. Implementation
- d. Results



LEGISLATIVE PHASES	Prelegislative and legislative		Postlegislative		
ALSO REFERED AS	Ex-ante		In itinere	Ex-post	
INTERVENTION PHASES	Planning		Implementing	Results	Impacts
EVALUATION	Diagnosis evaluation	Design evaluation	Implementation evaluation	Results evaluation	Impact evaluation



Spain is not a good example... but we're catching up!

Good regulation principles (*ex ante*):

- Necessity
- Efficacy
- Proporcionalidad
- Legal certainty
- Transparency
- Efficiency

- Objectives and costs (*ex post*)
- A new Office for the Coordination and Quality of Regulations.
- A new Law Planning and Evaluation Body.

GOVERNMENTAL LEVEL



And... what about Parliament?

Office for Science and Technology

- [#CienciaenelParlament](#)
[o](#)

INVESTIGACIÓN CIENTÍFICA >

La Oficina de Ciencia del Congreso tratará cuestiones relacionadas con la inteligencia artificial y la salud

El hidrógeno verde como combustible, los avances contra el cáncer y la ciberseguridad son los primeros temas seleccionados de los que se realizarán informes de asesoramiento





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“La ciencia y la vida ni pueden ni deben estar

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Conclusions

1. Promising changes
2. Evidence based decision making = more research
3. Parliament doesn't have to be a secondary institution
4. We, the academics and practitioners... what should we do?
5. Disinformation as an opportunity



Salamat Po!!!
Thank you!!!
Gracias!!!

