

Universitatea Babeș-Bolyai Cluj-Napoca
Facultatea de Drept
Examen

Numele studentului:

ID: **BAREM VI**

Drept penal. Partea generală (I)

Data examinării: 25.01.2019

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Varianta de test:

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Zona de antrenament

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Atentie!

- Nu incercati pixul si nu faceti nici un fel de insemnari in afara zonei de antrenament, in special in afara zonei delimitate de cercurile groase!
- Nu uitati sa marcati varianta de test. Altfel testul nu se poate evalua!

Universitatea Babeș-Bolyai Cluj-Napoca
Facultatea de Drept
Examen

Numele studentului:

ID: **BAREM V2**

Drept penal. Partea generală (I)

Data examinării: 25.01.2019

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Varianta de test:

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Zona de antrenament

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DREPT PENAL. PARTEA GENERALĂ I
BAREM
25 ianuarie 2019

Speța 1 – 3,5 pct.

1.

Susțineri M

- Nu e *actio libera in causa*, era responsabilă la momentul comiterii 0,50
- Nu e constrângere morală 0,50

Susțineri T

- Poziție de garant față de C, infracțiune omisivă improprie 0,50
- Nu este risc egal (rezultatul nu s-ar fi produs în același mod / moment) 0,25
- Nu se reține cauza de nepedepsire (fapta a fost descoperită, lipsește caracterul voluntar) 0,50

2.

M

- Decesul nu îi poate fi imputat (risc deviat) 0,25
- răspunde pentru tentativă de omor cu intenție directă 0,25

T

- Nu se reține ucidere din culpă (risc permis / caz fortuit / lipsă vinovăție la momentul comiterii accidentului) 0,50
- răspunde pentru tentativă de omor cu intenție directă 0,25

Speța 2 – 2,5 pct.

1.

Greșeli rechizitoriu

- X – Nu e tâlhărie consumată, e tentativă (infracțiune complexă, lezat doar obiectul juridic secundar) 0,50
- nu e intenție în formă de bază, ci premeditată 0,25

- V – nu răspunde pentru încadrarea mai gravă (risc culpabil) 0,25

Susțineri X

- Nu e SN (pericolul nu era inevitabil, acțiunea de salvare nu era singura alternativă) 0,50
- Nu e formă continuată – nu avem unitate de rezoluție (rezoluție generică) 0,25

Susțineri V

- nu minoritate, prezumție în sensul existenței discernământului 0,50
- nu e LA, atacul era finalizat 0,25