

Universitatea Babeș-Bolyai Cluj-Napoca  
Facultatea de Drept  
Examen

Numele studentului:

ID:

Drept penal. Partea generală (I)

Data examinării: 18.02.2019

**BAREM V1**

- |    | A                                | B                                | C                                |
|----|----------------------------------|----------------------------------|----------------------------------|
| 1  | <input checked="" type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            |
| 2  | <input checked="" type="radio"/> | <input type="radio"/>            | <input checked="" type="radio"/> |
| 3  | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            |
| 4  | <input checked="" type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            |
| 5  | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| 6  | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| 7  | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            |
| 8  | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| 9  | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| 10 | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| 11 | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| 12 | <input type="radio"/>            | <input checked="" type="radio"/> | <input checked="" type="radio"/> |
| 13 | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| 14 | <input checked="" type="radio"/> | <input checked="" type="radio"/> | <input checked="" type="radio"/> |
| 15 | <input checked="" type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            |
| 16 | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| 17 | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            |
| 18 | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| 19 | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            |
| 20 | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            |

- | 0                     | 1                     | 2                     | 3                     | 4                     | 5                     | 6                     | 7                     | 8                     | 9                     |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
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| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Varianta de test:

- | 1                                | 2                     | 3                     | 4                     | 5                     | 6                     | 7                     | 8                     |
|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Zona de antrenament

- |                       |                       |                       |                       |                       |                       |                       |                       |                       |                       |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

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!

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**BAREM V2**

- |    | A                                | B                                | C                                |
|----|----------------------------------|----------------------------------|----------------------------------|
| 1  | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| 2  | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| 3  | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| 4  | <input type="radio"/>            | <input checked="" type="radio"/> | <input checked="" type="radio"/> |
| 5  | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            |
| 6  | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| 7  | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| 8  | <input checked="" type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            |
| 9  | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| 10 | <input checked="" type="radio"/> | <input type="radio"/>            | <input type="radio"/>            |
| 11 | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| 12 | <input type="radio"/>            | <input checked="" type="radio"/> | <input checked="" type="radio"/> |
| 13 | <input type="radio"/>            | <input type="radio"/>            | <input type="radio"/>            |
| 14 | <input checked="" type="radio"/> | <input checked="" type="radio"/> | <input checked="" type="radio"/> |
| 15 | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| 16 | <input type="radio"/>            | <input checked="" type="radio"/> | <input type="radio"/>            |
| 17 | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| 18 | <input checked="" type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/>            |
| 19 | <input type="radio"/>            | <input type="radio"/>            | <input checked="" type="radio"/> |
| 20 | <input checked="" type="radio"/> | <input type="radio"/>            | <input checked="" type="radio"/> |

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| 0                     | 1                     | 2                     | 3                     | 4                     | 5                     | 6                     | 7                     | 8                     | 9                     |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Varianta de test:

- |                       |                                  |                       |                       |                       |                       |                       |                       |
|-----------------------|----------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 1                     | 2                                | 3                     | 4                     | 5                     | 6                     | 7                     | 8                     |
| <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Zona de antrenament

- |                       |                       |                       |                       |                       |                       |                       |                       |                       |                       |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

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# DREPT PENAL. PARTEA GENERALĂ I

## BAREM

### Speța 1 – 3 pct.

<b>1.</b> X: viol (forma de bază) și omor față de C [intenție indirectă - ne raportăm la momentul comiterii omisiunii, când se afla în poziție de garant (acțiune anterioară periculoasă)]	0,50
<b>2.</b> Nu se reține starea de minoritate – F are 14 ani, s-a dovedit existența discernământului Nu este risc inexistent – arma descărcată era un mijloc idoneu de constrângere psihică a unei persoane care nu cunoștea acest aspect F: nu răspunde pentru șantaj, e incidentă SN	0,25 0,50 0,50
<b>3.</b> Infrațiunea este progresivă Din perspectiva aplicării în timp, momentul comiterii este momentul acțiunii	0,25 0,50
Se compară L1 cu L2 și se determină legea mai favorabilă	0,50

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### Speța 2 – 3 pct.

<b>1.</b> <i>Erori rechizitoriu</i> - Nu este intenție premeditată la Y - Nu este intenție repentină la Z	0,25 0,25
<i>Susțineri X</i> - Nu poate fi reținut excesul neimputabil cu privire la Y atacul nu a fost material - Nu este caz fortuit cu privire la Z	0,50 0,25
<i>Soluție</i> <i>Cu privire la Y</i> - Tentativă omor (intenție directă)	0,25
<i>Cu privire la Z</i> - Se va reține <i>aberratio ictus</i> - Se reține culpă ca formă de vinovăție	0,50 0,25
<b>2.</b> România - personalitate Rusia - teritorialitate Ungaria, Israel - realitate	0,25 0,25 0,25