

Universitatea Babeș-Bolyai Cluj-Napoca  
Facultatea de Drept  
Examen

Numele studentului:

BAREM

ID: VARIANTA 1

Drept penal. Partea generală (I)

Data examinării: 2022-01-17 00:00:00

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

Universitatea Babeș-Bolyai Cluj-Napoca  
Facultatea de Drept  
Examen

Numele studentului:

BAREM

ID: VARIANTA 2

Drept penal. Partea generală (I)

Data examinării: 2022-01-17 00:00:00

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

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!

# DREPT PENAL. PARTEA GENERALĂ I. BAREM

## Speța 1 – 3 pct.

1.		
Susțineri A		
- nu sunt acte de pregătire, există început de executare		0,50
- e tentativă idonee		0,50
Susțineri P		
- operează prezumția de legitimă apărare: pătrundere prin mijloace frauduloase în locuință, sarcina probei este inversată		0,25
- prezumția relativă va fi răsturnată, atacul se epuizase când P a aplicat lovitura de cuțit (A încerca să fugă)		0,50
Greșeli din actul de trimitere în judecată		
- greșit reținută circumstanța agravantă a furtului unui bun din patrimoniul cultural		0,25
- P – nu e lovire, e tentativă la infracțiunea de omor		0,50
2.		
Soluția instanței greșită, legea veche care prevede împăcarea e lege mai favorabilă		0,50

---

## Speța 2 – 3 pct.

1.		
Susțineri X		
- Nu e intenție de loviri, ci a acționat cu <i>intenție directă de ucidere</i> (a văzut că mașina se deplasează în direcția celor 2 și a lovit victima exact când S trecea pe lângă stație)		0,50
- E tentativă <i>idonee</i> de omor (examen <i>ex ante</i> , se au în vedere și datele suplimentare cunoscute de autor - acțiunea era susceptibilă să pună în pericol viața victimei)		0,50
- Nu e legitimă apărare pentru tentativa de omor - atacul nu era imediat		0,25
Susțineri S		
- Nu e risc permis – nu a respectat toate prevederile legale (se afla în st. de ebrietate – a se vedea și rubrica <i>Observații</i> )		0,25
2.		
Condamnare X pt. comiterea unei tentative de omor și a unei infracțiuni de ucidere din culpă ( <i>fără prevedere</i> )		0,50
▪ ip. de <i>dolus generalis</i> (er. vincibilă asupra rap. de cauzalitate) – decesul nu a fost cauzat de acțiunea intenționată		0,50
Achitare S pt. vătămare corporală din culpă <i>Se punctează alternativ – risc deviat sau egal / lipsă vinovăție / caz fortuit (punctajul se acordă doar cu motivare)</i>		0,50