



El objeto del dolo en derecho penal (Spanish Edition)

Gómez Yamila Fakhouri

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La obra ofrece una solución respecto del tratamiento que ha de recibir el error del autor en aquellos supuestos en los que el legislador remite a disposiciones jurídicas recogidas en otros sectores del ordenamiento, resultando el contenido de tales disposiciones necesario para conocer el supuesto de hecho típico. Se trata de una cuestión ampliamente abordada, muy controvertida, de enorme trascendencia práctica +sobre todo en el ámbito del derecho penal accesorio- y que presenta un alto nivel de abstracción, lo que ha llevado a estructurar el trabajo en torno a tres casos particulares que constituyen su hilo conductor. Las extraordinarias dificultades que se plantean a la hora de delimitar entre los diferentes contenidos de conciencia contemplados por doctrina y jurisprudencia en materia de error -tipo, prohibición, circunstancias fácticas, derecho penal, derecho extrapenal-, unidas a la revisión del concepto de dolo tradicional, se traducen en una original propuesta de delimitación entre los errores que excluyen el dolo y los que no tienen ese efecto. Esta solución se ve acompañada de una propuesta de interpretación de la regulación legal en el marco de diferentes ordenamientos, particularmente europeos y latinoamericanos.

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