UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Introduction to Law Studies

Academic Year 2023/2024

1. Organic Unit

Faculty of Law

2. Course

LAW

3. Cycle

1st

4. Course Unit

Introduction to Law Studies (02301)

5. Scientific Area

6. Curricular Year

1st

7. Type of Curricular Unit / Semester

1st Semester

FUNDAÇÃO MINERVA CULTURA - ENSINO E INVESTIGAÇÃO CIENTÍFICA

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8. Class type and workload (work time)

Theoretical classes:	30,00
Practical classes:	15,00
Theoretical-Practical Classes	
Tutorial Guidance:	20,00

9. ECTS Credits

6,00

10. Scientific Area Coordinator

11. Regent

Prof. Doutor LUIS MANUEL BARBOSA RODRIGUES

12. Assistants

Dr. GONÇALO SARAIVA DUARTE REDONDO

13. Teaching Language

Portuguese

14. General Objectives

First approach to legal phenomenology, considered simultaneously in its dimensions, internal and international, written and unwritten.

15. Specific Objectives

Developed knowledge of the legal system as a whole, national and international, and the articulation, mainly hierarchical, between both.

16. Skills to be acquired

In general, perception of the elementary structure of the legal system as a whole.
In particular, ability to interpret, infer and integrate legal norms.

17. Teaching Methodology

Theoretical sessions to explain of the planned program.
Tutorial guidance sessions aimed to clarifying doubts and reinforcing more complex theoretical subjects.
Practical sessions to carry out hypothetical cases, and material contact with legal, normative and non-normative acts.

18. Course Unit Program

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1. Law Order
  1.1. Essential features
  1.2. Accessory features
2. Distinct Law Orders
3. Sectors of Law
  3.1. International Law
  3.2. Internal Law
    3.2.1. Public Law
    3.2.2. Private Law
4. Auxiliary Law Sciences
5. Law Systems
  5.1. International system
  5.2. English internal system
  5.3. Romanistic internal system
6. Law Functions
  6.1. Donstitutional function
  6.2. Constituted functions
7. Law Acts
  7.1. Normative acts
    7.1.1. Written acts
      7.1.1.1. International acts
      7.1.1.2. Internal acts
        7.1.1.2.1. Unilateral acts
        7.1.1.2.2. Consensual acts
    7.1.2. Unwritten Acts
  7.2. Decision-making acts
    7.2.1. International acts
    7.2.2. Internal acts
  7.3. Hierarchy of legal acts
8. Law Rules
  8.1. Characteristics of rules
  8.2. Typology of rules
  8.3. Identification of standards
    8.3.1. Qualification
    8.3.2. Interpretation
      8.3.2.1. Forms
      8.3.2.2. Purposes
      8.3.2.3. Elements
        8.3.2.3.1. Internal
        8.3.2.3.2. International
      8.3.2.4. Results
        8.3.2.4.1. Internal
        8.3.2.4.2. International

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8.3.3. Inference of norms
8.3.3.1. Internal
8.3.3.2. International
8.3.4. Integration
8.3.4.1. Internal
8.3.4.2. International
8.4. Application of law rules
8.5. Articulation in the space of law rules
8.6. Ending and suspension of validity of law rules
8.6.1. Internal
8.6.2. International
8.7. Succession in time of law rules
8.7.1. Internal
8.7.2. International

19. Assessment Methods

Two mandatory written tests.

20. Didactic Resources

All available at the University Library.

21. Sustainability Objectives

Uncompromising defense of study, effort, work. merit, rigor and demand, as essential values for sustainable knowledge.

22. Keywords

Law Order
Law Sectors
Law Systems
Law Functions
Law Acts
Law Rules

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23. Main Bibliography

Author(s):	Rodrigues, L.Barbosa		
Title:	Introdução ao Direito - Interno e Internacional		
Edition:	3ª	Year:	2018
Local:	Lisboa		
Publisher:	Quid Juris		

Author(s):	Ascensão, José de Oliveira		
Title:	O Direito. Introdução e Teoria Geral		
Edition:	13ª	Year:	2019
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	Amaral, Diogo Freitas do		
Title:	Manual de Introdução ao Direito, Vol. I e II		
Edition:	1ª	Year:	2019
Local:	Coimbra		
Publisher:	Almedina		

24. Complementary Bibliography

Author(s):	Sousa, Marcelo Rebelo de		
Title:	Introdução ao Estudo do Direito		
Edition:	5ª	Year:	2000
Local:	Lisboa		
Publisher:	Lex		

Author(s):	Rodrigues, L. Barbosa		
Title:	A interpretação de tratados internacionais		
Edition:	2ª	Year:	2002
Local:	Lisboa		
Publisher:	AAFDL		

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Ficha técnica MIP / MIP Datasheet	
Título / Title	Course Unit Program 'INTRODUÇÃO AO ESTUDO DO DIREITO': Academic Year 2023/2024
Autor / Author	Prof. Doutor LUIS MANUEL BARBOSA RODRIGUES
Classificação / Classification	-
Descritores / Descriptors	-
Colaborador(es) / Colaborator(s)	-
Data Hora / Date Time	
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Estatuto de utilização / Usage	Acesso público / Public Access
Relação / Relation	Version 1,0

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Prof. Doutora ANA MARIA CORREIA RODRIGUES PRATA

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13. Teaching Language

Portuguese

14. General Objectives

A. Attitudes
- Critical spirit
- Knowledge based on study, reflection and valuation

B. Capabilities
- Investigate and collect information
- Carry out projects
- Develop evaluation and decision-making skills
- Use legal language
- Acquire practical training based on correlative theoretical frameworks

C. Knowledge
- Understand the concept of legal order
- Understand the importance and necessity of Introduction to Law

15. Specific Objectives

- Understand the fundamental concepts of Law;
- Understand the concept of legal rule and legal principle;
- Understand the concept of law enforcement in time;
- Understand the concept and types of interpretation of the law;
- Know the common legislative procedure;
- Knowing how to apply the acquired knowledge.

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16. Skills to be acquired

- Knowing how to recognize the role of fundamental concepts of Law in the formation of mental frameworks of a jurist;
- Knowing how to consult, interpret and use legal diplomas;
- Knowing how to investigate and collect information;
- Knowing how to apply acquired knowledge to new situations;
- Knowing how to analyze internal correlations.

17. Teaching Methodology

- Use of examples from everyday practice;
- Resolution of concrete cases (case method);
- Analysis of legislation and jurisprudence;
- Participation in debates and conferences;
- Simulation of real life situations.

18. Course Unit Program

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I - Notion of Law
1. Law and the various meanings of the term: the so-called objective law, subjective law and law in the sense of the science of law. Restriction, for the time being, to the first meaning
2. General notion of Law and the reasons for its need
3. Law and Coercion
4. Law and the State: their historical and current relationships; the non-restriction of the Law to the state. Supra-state and infra-state law
5. Purposes of Law
6. Law and other normative complexes

II - The great divisions of law
1. Concept of branch of law
2. International Law and Domestic Law
3. Public law and private law: distinction criteria
4. Public international law
5. European Union Law

III - The protection and guarantee of the rights
1. Introduction (the state apparatus of coercion and the protection of the law)
2. Means of legal protection (types of sanctions)
3. Judicial protection. The courts: organization and competence

IV - Legal Standard
1. The legal norm: notion
2. General parts, references, fictions, definitions and presumptions
3. Indeterminate concepts and general clauses
4. Structure and content of the legal rule

V - Sources of Law and validity of rules
1. Sources of law (distinction between custom and usage). Custom. Distinction between custom and usage. Customary elements as a source of law. Classification of the custom based on its territorial scope and its relationship with the law. The role of custom in the Portuguese and other legal order.
2. Jurisprudence: Roman law; the rights of "common law" (concrete decision, "ratio decidendi" and "obiter dicta").
3. Doctrine: from medieval law to contemporary law. The situation in the current state of the Portuguese legal system
4. Law: notion of types of laws and their hierarchy. Validity of the law. Elaboration and effectiveness of the law: promulgation, publication and "vacatio legis"
5. Codification and legislative techniques

VI - The various knowledge of Law
1. General considerations

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2. Sociology, philosophy, history of law, forensic psychology, economic analysis of law, political approach to law.

VII - Interpretation. Integration and law enforcement
1. Interpretation
2. Gap integration
3. Law enforcement: the syllogistic method and its critical appreciation
4. Law enforcement: the syllogistic method and its criticism

VIII - Application of the law in time
1. The principle of non-retroactivity of the law: its scope and limits
2. Transitory Provisions
3. Interpretation of Article 12 of the Civil Code
4. The constitutional rules of the non-retroactivity of the incriminating criminal law and the tax law
5. Special rules for the application in time of interpretative norms (recapitulation)

IX - Application of the law in space
1. Composition of Private International Law: conflict rules and substantive rules
2. Nature and function of the conflict rule
3. Conflict rule structure: framework concept, connecting element and legal consequence
4. Brief allusion to the problem of qualification and referral
5. Fraud against international law and public order
6. Application of foreign law

X - Subjects of law
1. Legal personality: notion.
2. Identification of the person
3. Restricted enjoyment capacity
4. Exercise capacity of natural persons

XI - Subjective rights: fundamental rights and personality rights
1. Absolute rights, relative rights and potestative rights
2. Patrimonial and non-patrimonial rights. notion of heritage
3. Legal duty, burden and subjection: notions and examples

19. Assessment Methods

The evaluation instruments will be determined or to be determined in the Evaluation Regulation of Universidade Lusíada.

20. Didactic Resources

- www.academia.edu;
- moodle:
- Civil Code.

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21. Sustainability Objectives

General
1 - Ensure equal access to education.
2 - Substantially increase the number of young people and adults with relevant qualifications.
3 - Ensure equal opportunities in university education.
4 - Promoting the gradual dematerialization of the teaching/learning process.
Specific
1 - Promote the rule of law.
2 - Contribute to responsible decision-making.

22. Keywords

Legal order
Subjective rights
Nation, State and Law
Legal Standard

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23. Main Bibliography

Author(s):	Machado, J. Baptista		
Title:	Introdução ao Direito e Discurso Legitimador		
Edition:	Reimp. 2022	Year:	2017
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	Telles, Inocêncio Galvão		
Title:	Introdução ao Estudo do Direito - vol I e II		
Edition:	11ª/10ª ed.	Year:	2010
Local:	Coimbra		
Publisher:	Coimbra Editora		

Author(s):	Amaral, Diogo Freitas do		
Title:	Manual de Introdução ao Direito I		
Edition:	Reimpressão da	Year:	2017
Local:	Coimbra		
Publisher:	Almedina		

24. Complementary Bibliography

Author(s):	Prata, Ana		
Title:	Dicionário Jurídico I		
Edition:	6ª Reimp. 5ª Ed.	Year:	2008
Local:	Coimbra		
Publisher:	Almedina		

Author(s):			
Title:			
Edition:		Year:	
Local:			
Publisher:			

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