UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
General Theory of Contracts

Academic Year 2023/2024

1. Organic Unit

Faculty of Law

2. Course

LAW

3. Cycle

1st

4. Course Unit

General Theory of Contracts (02312)

5. Scientific Area

6. Curricular Year

2nd

7. Type of Curricular Unit / Semester

1st Semester

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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 JOSE ALBERTO RODRÍGUEZ LORENZO GONZÁLEZ

12. Assistants

Dr. JOSE CARLOS GARCIA DOS SANTOS, Dr. GONÇALO SARAIVA DUARTE REDONDO

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 Contract
- Understand the importance and necessity of the General Theory of Contract

15. Specific Objectives

- Understand/recognise the concepts of legal event, legal act, and contract;
- Understand/recognize the classes of contracts;
- Know the foundation of contract;
- Understand the general legal rules to which contracts are subject;
- Understand the distinction between form and substance of the contract;
- Understand the vices that the contract is likely to suffer;
- Knowing how to apply the acquired knowledge.

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16. Skills to be acquired

- Knowing how to recognize the role of the General Theory of Contract in the formation of the 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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Chapter I - Preliminary Notions
The actions.
Stricto sensu legal events.
Contracts.
Freedom of celebration and freedom of stipulation.
Autonomy and heteronomy.
Limits of private autonomy and objective area of lawfulness.
The cause.
Assumptions of contracts.
Chapter II - Classes of acts
Unilateral and plurilateral acts.
Acts inter vivos and mortis causa.
Consensual and formal acts.
Personal and property acts.
Bilateral and unilateral contracts.
Gratuitous and onerous acts.
Commutative, random and partial acts.
Administration and disposal acts.
Causal and abstract acts.
Indirect and fiduciary acts.
Chapter III - Formation of contracts
The contract proposal and its perfection.
The express declaration, the tacit declaration and the silence.
The statement between present and absent.
The contractual proposal and the invitation to contract.
The acceptance.
Consensus and dissent.
The closing of the contract.
Types of hiring processes.
Culpa in contrahendo.
Chapter IV - Unilateral acts
Notion.
Unilateral promises: the promise of fulfillment and the acknowledgment of debt.
The typicality of unilateral acts.
Chapter V - Contracts
Notion.
The contractual type.
Typical and atypical contracts.
Mixed contracts.
Legal regime of mixed contracts.
Union of contracts.
Chapter VI - The qualification of contracts
Chapter VII - Interpretation and integration of contracts

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Chapter VIII - The content of contracts. General inquiries.
Distinction between content and object.
The legality of the content.
Fraud of the law.
The dignity of legal protection.
The doctrine of contract elements and the subsumptive process.
The typological process: comparison, graduation, analogy and creation.
Chapter IX - The content of contracts. Special issues: typical accessory clauses:
The condition.
The term.
The modus.
Injury and usury.
Chapter X - Standard contractual clauses.
Chapter XI - The will and the declaration.
Freedom and clarification as presuppositions of the negotiating will.
The lack of willingness to negotiate.
Absolute coercion.
The lack of awareness of the statement.
Non-serious statements.
The lack of will in standard contractual clauses.
Chapter XII - Defects of the will.
The mistake.
Mistake about the person or the object of the contract.
Mistake about other circumstances of the contract.
Mistake about patent circumstances.
The deceit.
Moral coercion.
The state of necessity and usury.
Confirmation and renewal.
Simple ineffectiveness.
Chapter XIII - Non-existence and invalidity.
Forms of invalidity: nullity and annulability.
Nullity and voidability regimes: need for judicial declaration.
Effects of the declaration of invalidity: between the parties and before third parties.
Chapter XIV - The favor negotii.
The reduction.
The conversion.
Chapter XIV - The extinction of contract.
The revocation.
The resolution.
The complaint.
The expiry.

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19. Assessment Methods

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

20. Didactic Resources

- www.academia.edu (ppt classes and case studies)
- moodle
- Civil Code
- Compilations of case law

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

Contract
Free will
Contractual defects
Voidability

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23. Main Bibliography

Author(s):	GONZÁLEZ, José		
Title:	Código Civil Anotado, vol. I		
Edition:	2ª	Year:	2019
Local:	Lisboa		
Publisher:	Quid Juris		

Author(s):	VASCONCELOS, Pedro Pais de - VASCONCELOS, Pedro Leitão Pais de		
Title:	Teoria Geral do Direito Civil		
Edition:	9.ª Edição Reimp	Year:	2022
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	FERNANDES, Luís A. Carvalho		
Title:	Teoria Geral do Direito Civil		
Edition:	5ª	Year:	2001
Local:	Lisboa		
Publisher:	Universidade Católica Portuguesa		

24. Complementary Bibliography

Author(s):	ANDRADE, Manuel Domingos de		
Title:	Teoria Geral da Relação Jurídica		
Edition:	1ª	Year:	1972
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	BARBOSA, Mafalda Miranda		
Title:	Lições de Teoria Geral do Direito Civil		
Edition:	1ª	Year:	2022
Local:	Coimbra		
Publisher:	Gestlegal		

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Título / Title	Course Unit Program 'TEORIA GERAL DO NEGÓCIO JURÍDICO': Academic Year 2023/2024
Autor / Author	Prof. Doutor JOSE ALBERTO RODRÍGUEZ LORENZO GONZÁLEZ
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