UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Judicial Organization

Academic Year 2023/2024

## 1. Organic Unit

Faculty of Law

## 2. Course

LAW

## 3. Cycle

1st

## 4. Course Unit

Judicial Organization (02316)

## 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 LÚCIO MIGUEL TEIXEIRA CORREIA

## 12. Assistants

Dr. JOSE CARLOS GARCIA DOS SANTOS

## 13. Teaching Language

Portuguese

## 14. General Objectives

Provide students with the necessary knowledge to:

- Understanding the characteristics and fundamental principles of the judicial function and the Portuguese judicial organization.

- Understanding of the structural elements and common aspects of the different legal processes, as well as procedural law (in general).

- Understanding of the fundamental principles of Procedural Law

- Establish a first approximation of students to the "experience", the "everyday life" of the Courts

## 15. Specific Objectives

Learning:
- Of the constitutional principles referring to the jurisdictional function of the State and the organization of the courts.
- Of the characteristics and purposes of the different legal processes, having civil procedural law as a comparative reference.
- The legal discipline of some aspects common to different jurisdictional processes.
- The discipline of procedural assumptions.
- The rules for the allocation of jurisdictional power by the different categories and types of



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courts

## 16. Skills to be acquired

Acquisition of knowledge of fundamental principles of civil procedure
Aptitude for the exercise of forensic professions

## 17. Teaching Methodology

Prioritize an active pedagogy seeking greater involvement and commitment from students in the process of learning and developing their skills.
Encourage intervention in debates and individual or group research.

## 18. Course Unit Program



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1. Jurisdictional function

1.1 Introductory Notes. Notion.
1.2 Jurisdiction and Courts
1.3 Non-jurisdictional settlement of disputes and alternative means of dispute resolution.
1.4 General principles of the jurisdictional function and organization of the courts.

1.4.1 Regarding the Organization of the Courts
1.4.2 Regarding the jurisdictional function.
1.4.2.1 Independence.
1.4.2.2 Impartiality
1.4.2.3 Irresponsibility
1.4.2.4 Mandatory statement of reasons
1.4.2.5 Binding decisions. Effectiveness and authority of decisions. The case judged.
1.4.2.6 Publicity of hearings.
1.4.2.7 The essentiality of forensic sponsorship.

2. The Right to Jurisdictional Protection

2.1 Right of access to courts, right of action and right to a decision on the merits. Constitutional protection.
2.2 Access to Law and Courts. legal aid

3. Forensic professions.

3.1 Judiciary and Public Prosecution.
3.2 Advocacy
3.3 Solicitorship

4. Procedural Law

4.1 The process as an instrument of the jurisdictional function
4.2 Procedural Rights and Civil Procedural Law
4.3 Key features
4.4 Legal proceedings.
4.5 Interpretation and integration of procedural laws
4.6 Application of procedural law in time
4.7 Application of procedural law in space

5. Civil Procedural Law

5.1 Notion, characteristics and purpose. Its practical and theoretical importance
5.2 Final Jurisdiction and Provisional Jurisdiction. The precautionary procedures



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5.3 Voluntary jurisdiction and contentious jurisdiction
5.4 Permanent jurisdiction and arbitral jurisdiction
5.5 Fundamental principles
5.6 Procedural assumptions. general notions
5.6.1 Notion.
5.6.2 Positive and negative procedural assumptions. Confrontation with related figures.
5.6.3 Personality, capacity and procedural legitimacy.
5.6.4 Interest in acting.
5.6.5 Legal Sponsorship.
5.6.6 Jurisdiction. Remission

6. Organization of Courts.

6.1 Jurisdiction of the Judicial Courts
6.1.1 Notion. Conflicts of Competence and Jurisdiction. Modalities
6.1.2 International Competence.
6.1.3 Internal competence.

6.2 Non-judicial courts. Competence. General traits.
6.2.1 Constitutional Court
6.2.2 The Supreme Administrative Court
and other administrative and tax courts.
6.2.3 The Court of Auditors.
6.2.4 Conflict Courts
6.2.5 Maritime Courts.
6.2.6 Justices of the Peace
6.2.7 Military courts
6.2.8 Arbitration courts.

## 19. Assessment Methods

The following aspects will be considered especially relevant:
- Attendance in person or online
- Elaboration of written works on the themes to be proposed at the beginning of the year.
- Participation in debates to be held.
- Results obtained in presencial or online tests administratively set by the University

## 20. Didactic Resources

Power-point (organization charts - procedural parts)
Online databases (jurisprudence)

## 21. Sustainability Objectives



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General

1 - Ensure equal access to quality technical, professional and cultural education.

2 - Substantially increase the number of young people and adults with relevant qualifications, including technical and professional skills, for employment, decent work and entrepreneurship.

3 - Guarantee equal opportunities in university education, including for people in vulnerable situations.

4 ? Promoting the gradual dematerialization of the teaching/learning process.

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## 22. Keywords

Courts - Competence - Process - Jurisdiction



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## 23. Main Bibliography

| | | | |
|---|---|---|---|
| Author(s): | António Júio Cunha | | |
| Title: | Direito Processual Civil Declarativo | | |
| Edition: | 2ª | Year: | 2015 |
| Local: | Lisboa | | |
| Publisher: | Quid Juris | | |

| | | | |
|---|---|---|---|
| Author(s): | José Lebre de Freitas | | |
| Title: | A Acção Declarativa Comum, À luz do Código de 2013 | | |
| Edition: | 4ª Edição | Year: | 2013 |
| Local: | Coimbra | | |
| Publisher: | Coimbra editora | | |

| | | | |
|---|---|---|---|
| Author(s): | José Lebre de Freitas | | |
| Title: | Introdução ao Processo Civil- Conceito e Princípios Gerais | | |
| Edition: | 3º Edição | Year: | 2017 |
| Local: | Coimbra | | |
| Publisher: | | | |

## 24. Complementary Bibliography

| | | | |
|---|---|---|---|
| Author(s): | António Vieira Cura | | |
| Title: | Curso de organização judiciária | | |
| Edition: | 2ª | Year: | 2014 |
| Local: | Coimbra | | |
| Publisher: | Coimbra Editora | | |

| | | | |
|---|---|---|---|
| Author(s): | Gomes Canotilho | | |
| Title: | Direito Constitucional e Teoria da Constituição | | |
| Edition: | 7ª | Year: | 2003 |
| Local: | | | |
| Publisher: | Almedina | | |



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