UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
General Theory of Obligations

Academic Year 2023/2024

1. Organic Unit

Faculty of Law

2. Course

LAW

3. Cycle

1st

4. Course Unit

General Theory of Obligations (02318)

5. Scientific Area

6. Curricular Year

2nd

7. Type of Curricular Unit / Semester

2nd Semester

FUNDAÇÃO MINERVA CULTURA - ENSINO E INVESTIGAÇÃO CIENTÍFICA

Rua da Junqueira, 188 a 198 - 1349-001 LISBOA - Telefone 213 611 500 - Fax 213 638 307 - e-mail: info@lis.ulusiada.pt - https://www.lis.ulusiada.pt

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

Drª ROSA MARIA VALENTIM BARBOSA BENSIMON

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 obligation
- Understand the importance and necessity of the Law of Obligations

15. Specific Objectives

- Understand the concepts of source of obligation, obligation and the respective legal regime
- Understand the types of obligations
- Know the function of the obligation
- Understand the basic legal regime to which obligations are subject
- Understand the typical connection between contract and obligation
- Know the classes of obligations
- Incorporate the transcendence of the concept of obligation

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16. Skills to be acquired

- Knowing how to recognize the role of the General Theory of Obligations in the formation of the mental frameworks of a jurist
- Knowing how to consult, interpret and use legal diplomas
- Know how to investigate and collect information
- Know how to carry out project work
- Knowing how to apply acquired knowledge to new situations

17. Teaching Methodology

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

18. Course Unit Program

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Chapter I
A) General construction
1. Concept of obligation
2. Legal relationship
4. Obligation as a symmetric credit position
B) Structure of the obligation
1. Subjects
2. Object, mediate and immediate
2.1. Render: modalities
2.2. The dignity of the creditor's interest
2.3. The autonomy
C) Legal nature of the render
Chapter II
Sources of obligations
Section I
Subsection I
Contracts. General Construction.
1. De facto contractual relationships
2. Basic contractual principles
2.1. Principle of contractual freedom
2.2. Principle of consent
2.3. Principle of binding force
2.3.1. Principle of stability
2.3.2. Principle of relativity
2.3.2.1. Contract in favor of a third party
2.3.2.2. Contract for person to be appointed
2.4. Principle of good faith
3. Classifications.
3.1. Bilateral and unilateral contracts
3.2.1. Exception of non-compliance
3.2.2. Tacit resolutive condition
3.2. Mixed contracts and union contracts
Subsection II
Voluntary limitations on freedom of celebration
A) Promissory contract
1. Bilateral and unilateral promise
2. Principle of equivalence
3. Effects
4. Refusal to comply with and without down payment
5. Refusal to comply: specific execution
6. Promise with and without erga omnes effectiveness
B) Preemptive rights
1. Notion

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1.1. Legal preemptive rights
1.2. Contractual preemptive rights
2. Form and substance requirements
3. Effects
4. Exercise of the preemptive right
5. Preemptive right with and without erga omnes effectiveness
Section II
Unilateral acts
1. The principle of the contract
2. Tipification
3. Public pledge
4. Public tenders
5. Promise of fulfillment and acknowledgment of debt
Section III
Negotiorum gestio
1. Notion
2. Relationship between the dominus and the gestor
3. Relationship between the dominus and third parties
Section IV
Unjust enrichment
1. Unjust enrichment as unjustified enrichment
2. Transfer of assets: enrichment through render, enrichment through intervention, enrichment through expenses incurred by others and enrichment through disregard of intermediate assets
3. Obligation to refund for unjust enrichment: requirements
Chapter III
Types of obligations
1. Civil obligations and natural obligations
2. Obligations of an undetermined creditor
3. Plural obligations - joint obligations and solidary obligations
4. Divisible and indivisible obligations
5. Generic and specific obligations
6. Cumulative obligations, alternative and with alternative power
7. Pecuniary obligations
8. Interest obligations
Chapter IV
Transmission of obligations
1. Assignment of credits
2. Subrogation
3. Debt assumption
4. Assignment of the contractual position
Chapter V
1. Creditors' general guarantee
2, Means of conservation of the guarantee

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3. Declaration of nullity
4. Subrogation
5. Actio Pauliana
6. Arrest
Chapter VI
Obligation guarantees
General guarantee and special guarantees
Personal guarantees and real guarantees
1. Bail
2. Independent guarantee
3. Pledge
4. Mortgage
5. Antichresis
6. Retention
7. Credit privileges
8. Garnishment
Extinction of obligations
1. Fulfillment
2. Other causes of extinction
2.1. Datio in solutum
2.2. Consignment in deposit
2.3. Compensation
2.4. Novation
2.5. Remissio
2.6. Confusio

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 (ppt lessons)
- moodle
- Civil Code
- Copies of court decisions, public deeds, registration certificates and similar acts

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.

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22. Keywords

Obligations
Sources of obligations
Types of Obligations
Contract

23. Main Bibliography

Author(s):	GONZÁLEZ, José		
Title:	Código Civil Anotado, vol. II		
Edition:	1ª	Year:	2012
Local:	Lisboa		
Publisher:	Quid Juris		

Author(s):	COSTA, M. J. Almeida		
Title:	Direito das Obrigações		
Edition:	12 (reimpressão)	Year:	2016
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	LEITÃO, Luis Menezes		
Title:	Direito das Obrigações, vol. II		
Edition:	13ª edição - Rein	Year:	2021
Local:	Coimbra		
Publisher:	Almedina		

24. Complementary Bibliography

Author(s):	SILVA, João Calvão		
Title:	Sinal e contrato-promessa		
Edition:	Reimpressão 14ª	Year:	2018
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	LIMA, Pires - VARELA, Antunes		
Title:	Código Civil Anotado, vol. II		
Edition:	Reimpressão da	Year:	2010
Local:	Coimbra		
Publisher:	Coimbra Editora		

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LISBOA

Ficha técnica MIP / MIP Datasheet	
Título / Title	Course Unit Program 'TEORIA GERAL DAS OBRIGAÇÕES': Academic Year 2023/2024
Autor / Author	Prof. Doutor JOSE ALBERTO RODRÍGUEZ LORENZO GONZÁLEZ
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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Tutorial Guidance:	20,00

9. ECTS Credits

6,00

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11. Regent

Prof. Doutora ANA MARIA CORREIA RODRIGUES PRATA

12. Assistants

Dr. GONÇALO SARAIVA DUARTE REDONDO

13. Teaching Language

Portuguese

14. General Objectives

A. Attitudes
- Critical thinking
- Knowledge based on study, reflection and evaluation

B. Skills
- Researching and gathering information
- Carrying 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 obligation
- Understand the importance and necessity of the General Theory of Obligations

15. Specific Objectives

- Understand the concepts of source of obligation, obligation and the respective legal regime
- Understand the classes of obligation
- Know the function of the obligation
- Know the different types of possible object of obligation
- Understand the basic legal regime to which obligations are subject
- Understand the typical connection between contract and obligation
- Know the classes of obligations

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- Incorporate the transcendence of the concept of obligation into law

16. Skills to be acquired

- Know how to recognize the role of the General Theory of Obligations in shaping the mental framework of a jurist
- Know how to consult, interpret and use legal documents
- Know how to research and gather information
- Know how to carry out project work
- Know how to apply acquired knowledge to new situations

17. Teaching Methodology

- Use of examples from everyday practice
- Case method
- Analysis of legislation and case law
- Participation in debates and colloquia
- Simulation of everyday situations

18. Course Unit Program

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1. The concept of obligation:
   a) The equivocality of the term;
   b) The subjects;
   c) The service: its modalities and aspects of the regime.
2. Sources of obligations
   a) Contracts:
   b) Principle of contractual freedom and its positive and negative limits
   c) Formation of contracts, adhesion contracts and general contractual clauses
   d) Pre-contractual good faith and liability for its breach
   e) Effectiveness of contracts
   f) The principle of relativity and the problem of the external effect of obligations
   g) Contract in favor of a third party
   h) Contract for a person to be named
   i) Other classifications of contracts
   j) Free and onerous contracts
   k) Bilateral and non-bilateral contracts
      k1) Rules governing bilateral contracts
      k2) Exception of non-performance
      k3) The regime of article 795, CC.
      k4) Assignment of the contractual position
      k5) Termination of non-performance
   l) Actual effectiveness
      l1) Reservation of ownership clause
   m) Forms of termination of contracts
   n) Promissory contract: concept and modalities
      n1) Principle of assimilation
      n2) Sign: concept and rules
      n3) Specific performance
   o) Pact of preference
      o1) Regime of pacts and legal rights of preference
   p) Mixed and joint contracts
3. Unilateral acts
   a) Principle of numerus clausus
   b) Types
4. Negotiorum Gestorum
   a) Modalities and regimes
5. Unjust enrichment
   a) Enrichment and impoverishment
   b) Obligation to make restitution
   c) Prescription

19. Assessment Methods

The assessment instruments will be those determined or to be determined in the Lusíada University Assessment Regulations.

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4 - To promote the gradual dematerialization of the teaching/learning process.
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1 - To promote the rule of law.
2 - To contribute to responsible decision-making.

22. Keywords

Obligations
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23. Main Bibliography

Author(s):	Inocêncio Galvão Telles		
Title:	Direito das Obrigações		
Edition:	7ª - Reimpressão	Year:	2010
Local:	Coimbra		
Publisher:	Coimbra Editora		

Author(s):	Ana Prata		
Title:	Código Civil Anotado - Volume I		
Edition:	2ª - Reimpressão	Year:	2021
Local:	Coimbra		
Publisher:	Almedina		

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

24. Complementary Bibliography

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Edition:		Year:	
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Formato de dados / Data Format	Texto / Text, PDF
Estatuto de utilização / Usage	Acesso público / Public Access
Relação / Relation	Version 1,0

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