UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Elective II - Crimes in Particular

Academic Year 2023/2024

## 1. Organic Unit

Faculty of Law

## 2. Course

LAW

## 3. Cycle

1st

## 4. Course Unit

Elective II - Crimes in Particular (023A9)

## 5. Scientific Area

## 6. Curricular Year

4th

## 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: | |
| Theoretical-Practical Classes | |
| Tutorial Guidance: | 20,00 |

## 9. ECTS Credits

6,00

## 10. Scientific Area Coordinator

## 11. Regent

Profª. Drª MARIA DA CONCEIÇÃO SANTANA VALDAGUA

## 12. Assistants

Dr. JOÃO ANTONIO SEVERINO RAPOSO

## 13. Teaching Language

Portuguese

## 14. General Objectives

To promote and encourage the development of the student's research, analysis, reflection, critical thinking, decision and presentation skills, as well as their ability to apply the acquired knowledge in practice and also their sense of ethics and material justice.

## 15. Specific Objectives

To enable students to obtain theoretical and practical knowledge that will enable them to:
(a) understand the principles, concepts and fundamental institutes of the general theory of criminal law;
b) understand and critically evaluate the doctrinaire and jurisprudential positions on the various institutes and problems of the theory of criminal law
c) carry out a scientific analysis and a reasoned practical resolution of concrete cases within the framework of the Portuguese constitutional-pena

## 16. Skills to be acquired

Be able to identify and formulate the specific criminal-law problems raised based on specific cases.
Know how to find, interpret, and use the framework of relevant principles and norms in the resolution of concrete cases.



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## 17. Teaching Methodology

Teaching will focus on the problematization, discussion and reasoned resolution of concrete cases, preferably collected through the use of databases of jurisprudence of higher courts available on the Internet.

## 18. Course Unit Program



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1. Introduction.

1.1 The relationship between the general part and the special part of criminal law.

1.2 The systematic organization of the special part.

1.2.1 The criteria for ordering the types of crime.

1.2.2 The criterion of the protected legal good.

1.2.3 Other ordering criteria.

Crimes against persons.

2.1. Crimes against life.

2.1.1 The legal asset protected: delimitation of the beginning and end of life.

2.1.2. Simple homicide (Art. 131) and qualified homicide (Art. 132).

a) The technique followed in the classification of homicide.

b) The circumstances of paragraph 2 as correctives to the abstraction of paragraph 1: the complementary technique of "standard examples" and its compatibility with the principle of typicality.

c) The material basis for aggravating the circumstances of paragraph 2: types of wrongdoing and types of fault. Technique and basis of qualification.



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2.1.3. Privileged homicide.

a) The privileged homicide of Article 133.

i. Basis and assumptions of privileged homicide.

ii. Types of guilt and the way in which socially acceptable motivations are taken into account.

b) Murder at the request of the victim (art. 134).

i) Grounds for privileging.

ii. Requirements for the validity of the request.

iii. Possibility of carrying out the type by omission and the problem of delimitation in relation to the crime of inciting or aiding suicide.

iv. The problem of error as to the existence or validity of the request.

c) Infanticide (art. 136).

i. Grounds and assumptions for privileging.

ii. Type of offense and type of guilt.

2.1.4 Crimes of danger against life.

a) Classification of crimes of danger.

b) Inciting or aiding suicide (art. 135).

i. Type of offense and condition of punishability.

ii. The problem of accomplishment by omission and the situations of cooperation of the victim himself. iii. Ethical suicide (no. 1) and technical suicide (no. 2): delimitation of the latter in relation to cases of vicarious homicide where the victim is the perpetrator of the crime.

c) Exposure or abandonment (Art. 138).



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i. The typical conduct: distinction between exposure and abandonment;

ii. characterization of the typical result.

iii. Qualification on the basis of the quality of the agent (paragraph 2) and the most serious result (paragraph 3).

d) The omission of aid (art. 200).

i. The typical conduct and its relationship with the danger.

ii. Aggravation of paragraph 2 and its delimitation of situations of commission by omission.

iii. The unenforceability clause of paragraph 3 and its dogmatic framework.

2.1.5 Problems of participation and competition between the various crimes against life.

2.2. Crimes against physical integrity.

2.2.1 The legal asset protected.

2.2.2 Simple offences against physical integrity (art. 143).

a) Objective type and subjective type.

b) Penalty exemption situations.

2.2.3 Aggravated offences against physical integrity.

a) Serious bodily harm (Art. 144).

b) Female genital mutilation (art. 144-A).



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c) Aggravated bodily harm (Art. 145).

d) Domestic violence (Art. 152) and ill-treatment (Art. 152a).

## 19. Assessment Methods

The elements of assessment will be those laid down in the Assessment Regulations of the Lusíada University. In particular, it will be considered the oral intervention of students and the completion of two written tests.

## 20. Didactic Resources

Constitution of the Portuguese Republic,
Penal Code,
Other separate laws on criminal matters,
Manuals and other doctrinal texts,
Criminal jurisprudence,
Powerpoint,
Internet.

## 21. Sustainability Objectives

General Objectives
1 - Ensure equal opportunities in education, including for people in vulnerable situations.
Specific Objectives
Legal area: To contribute to responsible, inclusive, participative, and representative decision making at all levels.
Economic area: To raise awareness of the need to protect workers' rights and to promote safe and secure work environments for all.
Environmental area: Calling for valuable resource management.

## 22. Keywords

Criminal Law,
Crimes in particular
Crimes against people,
Crimes against life



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## 23. Main Bibliography

| | | | |
|---|---|---|---|
| Author(s): | DIAS, Jorge de Figueiredo | | |
| Title: | Comentário Conimbricense do Código Penal: Parte Especial, vol.I | | |
| Edition: | 2.ª | Year: | 2012 |
| Local: | Coimbra | | |
| Publisher: | Coimbra Editora | | |

| | | | |
|---|---|---|---|
| Author(s): | DIAS, Augusto Siva | | |
| Title: | Crimes contra a vida e a integridade física | | |
| Edition: | 1.º | Year: | 2005 |
| Local: | Lisboa | | |
| Publisher: | AAFDL | | |

| | | | |
|---|---|---|---|
| Author(s): | Váldágua, Maria da Conceição | | |
| Title: | Crimes contra a vida e a integridade física | | |
| Edition: | Policopiado | Year: | |
| Local: | | | |
| Publisher: | | | |

## 24. Complementary Bibliography

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|---|---|---|---|
| Author(s): | ALBUQUERQUE, Paulo Pinto de | | |
| Title: | Comentário do Código Penal à luz da Constituição da República e da Convenção Europeia dos Direitos d | | |
| Edition: | 5.ª | Year: | 2022 |
| Local: | Lisboa | | |
| Publisher: | Universidade Católica Editora | | |

| | | | |
|---|---|---|---|
| Author(s): | BRITO, José de Sousa e | | |
| Title: | Direito Penal II [Lições da Faculdade de Direito de Lisboa) | | |
| Edition: | Policopiado | Year: | 1981 |
| Local: | | | |
| Publisher: | | | |



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| Ficha técnica MIP / MIP Datasheet | |
|---|---|
| Título / Title | Course Unit Program 'OPÇÃO II - CRIMES EM ESPECIAL': Academic Year 2023/2024 |
| Autor / Author | Profª. Drª MARIA DA CONCEIÇÃO SANTANA VALDAGUA |
| Classificação / Classification | - |
| Descritores / Descriptors | - |
| Colaborador(es) / Colaborator(s) | - |
| Data Hora / Date Time | |
| 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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