UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Seminar: Critical Analysis of Legislation and Jurisprudence

Academic Year 2023/2024

1. Organic Unit

Faculty of Law

2. Course

LAW

3. Cycle

2nd

4. Course Unit

Seminar: Critical Analysis of Legislation and Jurisprudence (71632)

5. Scientific Area

6. Curricular Year

1st

7. Type of Curricular Unit / Semester

1st Semester

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8. Class type and workload (work time)

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

9. ECTS Credits

7,50

10. Scientific Area Coordinator

11. Regent

Prof. Doutora FILIPA MARIA DE A. MARQUES PAIS D´AGUIAR

12. Assistants

13. Teaching Language

Portuguese

14. General Objectives

Develop the capability to identify, interpret and critically appreciate legislation and jurisprudence in order to understand concrete dimensions of the constitutional principles of criminal law, the theory of criminal law, theory of crime and criminal procedure law.

15. Specific Objectives

Develop the ability to gather, select and critically analyse the most relevant legislation and jurisprudence, concerning the ten previously proposed topics of analysis.

16. Skills to be acquired

Ability to research and select, identify and systematise, in a clear and objective way, the most relevant legislation and jurisprudence, within the scope of the previously proposed topics.
Ability to interpret, compare and critically analyse legislation and jurisprudence decision criteria and to orally present the scientific research main results, in the area of substantive and procedural criminal law.

17. Teaching Methodology

Demonstrative affirmative pedagogical method adoption through:
- Oral presentation of the critical analysis of legislation and jurisprudence, selected by the students, within the scope of the topics previously identified and proposed;
- Group debate after each presentation;
- Tutorial support regarding the final written work.

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18. Course Unit Program

Lesson 1. Presentation. Program and methodology disclosure. Academic work scientific orientation.

Lesson 2. Identification of the following topics as academic work proposal:
I) The principle of legality: consequences and limitations, within the scope of criminal law.
II) The principle of res judicata and the 'caso decidido'.
III) The application of criminal law in time and the opening of the hearing for retroactive application of more favorable criminal law.

Lesson 3. Identification of the following topics as academic work proposal:
IV) The principle of immediacy and the reopening of the hearing for the determination of the sanction.
V) Substantial and non-substantial alteration of the facts.
VI) The crime of abstract danger.

Lesson 4. Identification of the following topics as academic work proposal:
VII) Eventual intent and conscious negligence.
VIII) Mediate authorship and instigation.
IX) Meaning of the expression "[...] motivo torpe ou fútil; [...]", of article 132 of the Portuguese Criminal Code.

Lesson 5. Identification of the following topic as academic work proposal:
X) Meaning of the expression "[...] compreensível emoção violenta [...]", of article 133 of the Portuguese Criminal Code. Scientific orientation of academic work.

Lesson 6. Oral presentation and debate of academic work on the interpretation of the principle of legality within the scope of criminal law, its consequences and limitations, in the jurisprudence of Superior Court.

Lesson 7. Oral presentation and debate of academic work on the protection of res judicata and 'caso decidido', in the jurisprudence of Superior Court.

Lesson 8. Oral presentation and debate of academic work on the application of criminal law in time and the opening of the hearing for retroactive application of more favorable criminal law, in the jurisprudence of Superior Court.

Lesson 9. Oral presentation and debate of academic work on the principle of immediacy and the reopening of the hearing for the determination of the sanction, in the jurisprudence of the Superior Court.

Lesson 10. Oral presentation and debate of academic work on the delimitation criteria relating to substantial and non-substantial alteration of facts, in the jurisprudence of Superior Court.

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Lesson 11. Oral presentation and debate of academic work on the crime of abstract danger, in the jurisprudence of Superior Court.

Lesson 12. Oral presentation and debate of academic work on the delimitation criteria related to eventual intent and conscious negligence, in the jurisprudence of Superior Court.

Lesson 13. Oral presentation and debate of academic work on the delimitation criteria related to mediate authorship and instigation, in the jurisprudence of Superior Court.

Lesson 14. Oral presentation and debate of academic work on the meaning and scope of the expression "[...] motivo torpe ou fútil; [...]", of article 132 of the Portuguese Criminal Code, in the jurisprudence of Superior Court.

Lesson 15. Oral presentation and debate of academic work on the meaning and scope of the expression "[...] compreensível emoção violenta [...]", of article 133 of the Portuguese Criminal Code, in the jurisprudence of Superior Court. Seminar closure.

19. Assessment Methods

Weekly oral presentation of academic work based on the interpretation and critical analysis of the most relevant legislation and jurisprudence, within the scope of the selected topics.
Active participation in group debates after each presentation and usage of the available teaching resources. Defense and presentation of a final written work on the selected topic.

20. Didactic Resources

Information resources available in general and thematic databases. Databases of national, European and international jurisprudence. Availability and sharing of resources on the AdS platform and on Moodle / b-learning.

21. Sustainability Objectives

Promote education to enable technical, professional and social skills necessary for the development of decent work, entrepreneurship and well-being, combating poverty and social exclusion;
Ensure equal conditions, taking into account situations of special vulnerability, promoting safe and protected work environments;
Make digital resources available, reducing the environmental impact;
Promote the Rule of Law both national and internationally.
(SDG 1-5;7-8;10-13,16)

22. Keywords

Constitutional Law
Criminal Law
Legality
Scientific method
Critical analysis

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23. Main Bibliography

Author(s):	ALBUQUERQUE, Paulo Pinto de		
Title:	Comentário do Código de Processo Penal à luz da Constituição da República e da CEDH.		
Edition:	5.ª	Year:	2023
Local:	Lisboa		
Publisher:	UCE		

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Publisher:	UCE		

Author(s):	CANOTILHO, J. J. Gomes ; MOREIRA, Vital		
Title:	CRP Constituição da República Portuguesa Anotada, volume I, artigos 1º a 107º		
Edition:	4.ª Rev. - Reimp.	Year:	2014
Local:	Coimbra		
Publisher:	Coimbra editora		

24. Complementary Bibliography

Author(s):	GONZÁLEZ, José; GONZÁLEZ, Maria do Carmo		
Title:	Guia de estudo de direito		
Edition:	4.ª	Year:	2011
Local:	Lisboa		
Publisher:	Quid Juris		

Author(s):	QUIVY, Raymond; CAMPENHOUDT, Luc Van		
Title:	Manual de Investigação em Ciências Sociais : reformulado, complementado, actualizado		
Edition:	1.ª	Year:	2019
Local:	Lisboa		
Publisher:	Gradiva		

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Autor / Author	Prof. Doutora FILIPA MARIA DE A. MARQUES PAIS D´AGUIAR
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