



UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Constitutional Law

Academic Year 2023/2024

1. Organic Unit

Faculty of Law

2. Course

SECURITY POLICIES

3. Cycle

1st

4. Course Unit

Constitutional Law (L7012)

5. Scientific Area

6. Curricular Year

2nd

7. Type of Curricular Unit / Semester

2nd Semester



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8. Class type and workload (work time)

Theoretical classes:

Practical classes:

Theoretical-Practical Classes 30,00

Tutorial Guidance: 20,00

9. ECTS Credits

6,00

10. Scientific Area Coordinator

11. Regent

Prof. Doutor LUIS MANUEL BARBOSA RODRIGUES

12. Assistants

13. Teaching Language

Portuguese

14. General Objectives

In-depth knowledge of the general theory of the Constitution.

Exhaustive analysis of the current Portuguese Constitution.

Summary study of some foreign Constitutions.

15. Specific Objectives

Initial identification of the characteristics of the current State and the current Constitution.

Supervening study of the model of legal-public acts and the respective inspection.

Approach to the right of exception, and final examination of constitutional revision and transition.

16. Skills to be acquired

Ability to qualify, interpret, infer, integrate, apply, and revise, or even create, constitutional norms.

17. Teaching Methodology

Theoretical sessions of synthetic and systematic exposition of the entire program of the curricular unit.

Practical sessions aimed at resolving practical cases on subjects that assume this vocation.

18. Course Unit Program



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I - GENERAL CONSTITUTIONAL LAW

1. Constitution

- 1.1. Concept and nature of Constitution
- 1.2. Formation and changes of Constitution
- 1.3. Constitution models
- 1.4. constitutional norms
- 1.5. Guarantee of constitutionality

2. Government systems

- 2.1. Concept of government system
- 2.2. Typology of government systems

3. Electoral systems

- 3.1. Concept of electoral system
- 3.2. Typology of electoral systems

II - PORTUGUESE CONSTITUTIONAL LAW

1. Homeland constitutional memory

- 1.1. Old constitution
- 1.2. Modern constitution
 - 1.2.1. Liberal period
 - 1.2.2. Anti-liberal period
 - 1.2.3. Post-liberal period
 - 1.2.3.1. Constitution of 1982
 - 1.2.3.1.1. Constitutional revisions

2. Current constitutional homeland

- 2.1. State
 - 2.1.1. Semi-sovereign
 - 2.1.2. Unitary
 - 2.1.3. Rule of Law
 - 2.1.4. Personalist
 - 2.1.5. Democratic
 - 2.1.6. Republican
 - 2.1.7. Post social
- 2.2. Constitution
 - 2.2.1. Written constitution
 - 2.2.1.1. Material
 - 2.2.1.2. Formal
 - 2.2.1.3. Rigid
 - 2.2.1.4. Agreed



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- 2.2.1.5. Committed
- 2.2.1.6. Democratic
- 2.2.1.7. Governmental
- 2.2.1.8. Programmatic
- 2.2.1.9. Normative
- 2.2.2. Unwritten Constitution
 - 2.2.2.1. Preliminary
 - 2.2.2.2. Admissibility
- 2.2.3. Written/unwritten hierarchy
- 2.3. National political organization
 - 2.3.1. Indirect bodies
 - 2.3.1.1. Government
 - 2.3.1.1.1. Prime Minister
 - 2.3.1.1.2. Vice Prime Minister
 - 2.3.1.1.3. Ministers
 - 2.3.1.1.4. Council of Ministers
 - 2.3.1.2. President of the Republic
 - 2.3.1.3. Assembly of the Republic
 - 2.3.2. Direct body People
- 2.4. Regional political organization
 - 2.4.1. Regional autonomy
 - 2.4.2. Regional self-government bodies
 - 2.4.2.1. Legislative Assemblies
 - 2.4.2.2. Regional Governments
 - 2.4.2.2.1. Presidents of Regional Governments
 - 2.4.2.2.2. Councils of Regional Governments
 - 2.4.3. Representatives of the Republic
- 2.5. Legal-public acts
 - 2.5.1. Indirect acts
 - 2.5.1.1. Constitutional
 - 2.5.1.2. Constituted
 - 2.5.1.2.1. National
 - 2.5.1.2.1.1. Governmental
 - 2.5.1.2.1.1.1. Directive
 - 2.5.1.2.1.1.2. Controlers
 - 2.5.1.2.1.2. Legislative
 - 2.5.1.2.1.2.1. Common
 - 2.5.1.2.1.2.1.1. Laws
 - 2.5.1.2.1.2.1.2. Decree-laws
 - 2.5.1.2.1.2.2. Strengthened
 - 2.5.1.2.1.2.2.1. Laws



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- 2.5.1.2.1.2.2.2. Decree-laws
- 2.5.1.2.1.2.2.3. Atypical
- 2.5.1.2.1.3. Regulatory
- 2.5.1.2.2. Regional
- 2.5.1.2.2.1. Regional legislative decrees
- 2.5.1.2.2.2. Regional regulatory decrees
- 2.5.2. Direct acts
- 2.5.2.1. Election
- 2.5.2.2. Referendum
- 2.5.2.3. Referendum popular initiative
- 2.5.2.4. Legislative popular initiative
- 2.5.2.5. Popular petition
- 2.5.2.6. Political recall

2.6. Governative systems

2.7. Electoral systems

2.8. Jurisdictional organization

- 2.8.1. Acts
- 2.8.2. Courts
- 2.8.2.1. Constitutional Court

2.9. Constitutionality and legality

- 2.9.1. Object
- 2.9.2. Bodies
- 2.9.3. Effects
- 2.9.4. Law suit
- 2.9.4.1. Types
- 2.9.4.1.1. Non-normative
- 2.9.4.1.2. Normative
- 2.9.4.1.2.1. Successive
- 2.9.4.1.2.2. Preventive
- 2.9.4.1.2.2.1. Referendary
- 2.9.4.2. By default

2.10. Right of exception

- 2.10.1. Concept
- 2.10.2. Nature
- 2.10.3. Typology
- 2.10.4. Regime
- 2.10.5. Suspension
- 2.10.6. Guarantee



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2.11. Constitutional review and constitutional transition

2.11.1. Constitutional review

2.11.1.1. Notion

2.11.1.2. Procedure

2.11.1.3. Limits

2.11.1.4. Effects

2.11.2. constitutional transition

III - COMPARATIVE CONSTITUTIONAL LAW

1. Comparative analysis

1.1. United Kingdom

1.2. Germany

1.3. Spain

1.4. France

1.5. Italy

1.6. United States of America

1.7. Switzerland

2. Comparative synthesis

19. Assessment Methods

Two mandatory written tests.

20. Didactic Resources

All existing in the University Library

21. Sustainability Objectives

Uncompromising defense of study, effort, work, merit, rigor and demand, as essential values for sustainable knowledge.

22. Keywords

State

Constitution

Political organization

Government system

Legal public acts

Legal public acts



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23. Main Bibliography

Author(s): L. Barbosa Rodrigues
Title: Manual de Direito Constitucional
Edition: 1^a Year: 2023
Local: Lisboa
Publisher: Quid Juris

Author(s): L. Barbosa Rodrigues
Title: O Primeiro-Ministro - no sistema de governo (...) português
Edition: 1^a Year: 2011
Local: Lisboa
Publisher: Universidade Lusíada

Author(s): L. Barbosa Rodrigues
Title: Semi-presidencialismo português. Autópsia de uma ficção
Edition: 1^a Year: 2017
Local: Lisboa
Publisher: Quid Juris

24. Complementary Bibliography

Author(s): J.J. Gomes Canotilho
Title: Direito Constitucional e Teoria da Constituição
Edition: 7^a Year: 2018
Local: Coimbra
Publisher: Almedina

Author(s): Marcello Caetano
Title: Manual de Ciência Política e Direito Constitucional
Edition: 6^a Year: 2015
Local: Coimbra
Publisher: Almedina



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