UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Constitutional Law

Academic Year 2024/2025

1. Organic Unit

Faculty of Law

2. Course

LAW

3. Cycle

1st

4. Course Unit

Constitutional Law (02308)

5. Scientific Area

6. Curricular Year

1st

7. Type of Curricular Unit / Semester

2nd Semester

FUNDAÇÃO MINERVA CULTURA - ENSINO E INVESTIGAÇÃO CIENTÍFICA

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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. Dr. JOSE MANUEL DE MATOS CORREIA

12. Assistants

Drª TERESA ANDRADE LEAL COELHO, Drª SILVIA MARIA GALVÃO TELLES FRANCO PULIDO PEREIRA, Prof. Doutora FILIPA MARIA DE A. MARQUES PAIS D´AGUIAR

13. Teaching Language

Portuguese

14. General Objectives

The curricular unit of Constitutional Law has the general objective of making the student aware of the fundamental principles and rules contained in the Constitution as a fundamental norm of the Legal Order. The aforementioned principles and rules regulate (i) the legal relationship between the State and its citizens, (ii) the formation, composition, competence and functioning of State bodies and (iii) determine the political, economic, social order and cultural aspects of this political communi

15. Specific Objectives

The student should become familiar with the content, sources, rules and ways of interpreting the Constitution, following the Portuguese constitutional reality and its historical course. The systematic approximation to the 1976 Constitution will be specifically considered.

16. Skills to be acquired

After completing the curricular unit, the student must know how to interpret and apply the 1976 Constitution (i) in terms of its fundamental structuring principles, (ii) in terms of the standards for the protection of fundamental rights, (iii) in terms of formation, composition, competence and functioning of State bodies, as well as the relationships between them, regarding the way in which legal norms are produced and (iv) regarding the mechanisms for monitoring constitutionality and legality.

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17. Teaching Methodology

The teaching of Constitutional Law comprises the teacher's lectures on the themes of the curricular unit's program (theoretical classes), the analysis of normative texts, jurisprudence and other documents, as well as the resolution of practical cases with the aim of stimulating the handling of the Constitution (practical classes) and clarifying doubts and deepening the subject (tutorials).

18. Course Unit Program

Chapter I - Introduction to the Theory of the Constitution
1. Constitutional Law and state legal organization
2. Constitutional Law: concept and content
3. Constitution and constitutionalism
4. Constitution Classifications
5. Sources of the Constitution
6. Interpretation of the Constitution
7. Constitutional principles and norms
Chapter II - Portuguese Constitutional History
8. The monarchical Constitutions: 1822, 1826, 1838
9. The Republican Constitution of 1911
10. The 1933 Corporate Constitution
Chapter III - The 1976 Constitution
11. The constituent phase and the seven constitutional revisions
12. Systematization and fundamental principles
13. Fundamental rights and duties
14. The sovereign bodies in the Constitution of the Portuguese Republic; the President of the Republic: election and status
15. The Assembly of the Republic: formation, composition, competence and functioning
16. The Government and Public Administration
17. The Courts, especially the Constitutional Court
18. The Government system
19. The normative structure and the legislative process
20. Autonomous Regions and Local Government
21. Defense of the Constitution: the system for monitoring constitutionality and legality
22. The constituent power and the power of constitutional review; constitutional review.

19. Assessment Methods

The continuous evaluation will be done through two tests.

20. Didactic Resources

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1) Constituição da República Portuguesa;
2) CARDOSO, José Lucas; Colectânea de Legislação de Direito Constitucional, Universidade Lusíada Editora, Lisboa, 1.ª edição, 2.ª série, vol. I, Outubro de 2006, 300 p., vol. II, Fevereiro de 2007, 180 pp., e vol. III, incorporada na colecção Textos de Apoio, Série Licenciatura em Direito, sob os n.ºs 49, 50 e 51, respectivamente.
3) Utilização da internet para acesso às paginas web da Assembleia da República e do Tribunal Constitucional.

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.

22. Keywords

Constitution
Rule of law
Human rights
separation of powers
Unconstitutionality

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23. Main Bibliography

Author(s):	J.J. Gomes Canotilho		
Title:	Direito Constitucional e Teoria da Constituição		
Edition:	7.ª	Year:	2003
Local:	Coimbra		
Publisher:	Livraria Almedina		

Author(s):	Jorge Miranda		
Title:	Manual de Direito Constitucional, tomos I, II, V e VI		
Edition:	7.ª, 6.ª, 3.ª, 3.ª	Year:	2008
Local:	Coimbra		
Publisher:	Coimbra Editora		

Author(s):	Jorge Bacelar Gouveia		
Title:	Manual de Direito Constitucional, 2 volumes		
Edition:	5.ª	Year:	2013
Local:	Coimbra		
Publisher:	Livraria Almedina		

24. Complementary Bibliography

Author(s):	Paulo Otero		
Title:	Direito Constitucional Português, 2 volumes		
Edition:	1.ª	Year:	2010
Local:	Coimbra		
Publisher:	Livraria Almedina		

Author(s):	J. J. Gomes Canotilho e Vital Moreira		
Title:	Constituição da República Portuguesa Anotada, 2 volumes		
Edition:	4.ª	Year:	2007
Local:	Coimbra		
Publisher:	Coimbra Editora		

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Ficha técnica MIP / MIP Datasheet	
Título / Title	Course Unit Program 'DIREITO CONSTITUCIONAL': Academic Year 2024/2025
Autor / Author	Prof. Dr. JOSE MANUEL DE MATOS CORREIA
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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9. ECTS Credits

6,00

10. Scientific Area Coordinator

11. Regent

Prof. Doutor LUIS MANUEL BARBOSA RODRIGUES

12. Assistants

Drª TERESA ANDRADE LEAL COELHO

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. Garantiee 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. Garantee

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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 Kingdgom
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 a 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: 1ª Year: 2023
Local: Lisboa
Publisher: Quid Juris

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

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

24. Complementary Bibliography

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

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

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Colaborador(es) / Colaborator(s)	-
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Estatuto de utilização / Usage	Acesso público / Public Access
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