UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Public Power Litigation

Academic Year 2024/2025

1. Organic Unit

Faculty of Law

2. Course

LAW

3. Cycle

1st

4. Course Unit

Public Power Litigation (02332)

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:	15,00
Theoretical-Practical Classes	
Tutorial Guidance:	20,00

9. ECTS Credits

6,00

10. Scientific Area Coordinator

Prof. Doutora MARIA MARGARIDA DO REGO DA COSTA SALEMA DE OLIVEIRA MARTINS

11. Regent

Dr. JOSE GONÇALO DE AREIA CAPITÃO

12. Assistants

Drª SILVIA MARIA GALVÃO TELLES FRANCO PULIDO PEREIRA

13. Teaching Language

Portuguese

14. General Objectives

General understanding of the litigation of internal public authorities, mainly constitutional and administrative, in order to extend knowledge beyond traditional civil and criminal proceedings, and therefore complementing the knowledge of Portuguese adjective law, in the area of public law.

15. Specific Objectives

Theoretical-practical understanding of constitutional justice and administrative litigation, with emphasis on the concrete judicial review of constitutionality and the multiple means of effective judicial protection of the legally protected rights and interests of citizens.

16. Skills to be acquired

Ability to use technical terms specific to procedural means. Ability to interpret and apply procedural legislation and to understand the respective jurisprudence, in an area of public law that complements the skills acquired in the respective substantive disciplines.

17. Teaching Methodology

Teaching will be developed in a theoretical aspect in plenary classes, involving the explanation by the teachers of the essential aspects of the subjects included in the program and in a tutorial and practical aspect, in subclass classes, involving:
- analysis and interpretation of selected legal diplomas;
- resolution of practical cases;
- analysis and comment on decisions of the Constitutional Court and administrative courts.

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18. Course Unit Program

Part I
Introduction
1. Judicial review.
2. The different kinds of litigation of the international public power.
3. The various kinds of litigation of the internal public power: constitutional, administrative, tax, public accounts, administrative offense.

Part II
Constitutional Justice
1. The constitutionality control processes.
2. In particular, the concrete control of constitutionality.
3. The control of legality.

Part III
Administrative Justice
1. The scope of administrative jurisdiction.
2. The organization of administrative courts.
3. The process in the administrative courts.
3.1. Principles of administrative procedural law.
3.2. General procedural assumptions.
3.3. Value and forms of procedure.
4. The main administrative procedural means.
4.1. Challenge of administrative acts.
4.2. Condemnation to the practice of due act and non-issuance of administrative acts.
4.3. Challenging administrative norms and condemning their issuance.
4.4. Recognition of subjective legal situations.
4.5. Condemnation of the adoption or abstention of behavior by the Administration or by individuals.
4.6. Non-contractual civil liability of administrative entities.
4.7. Interpretation, validity and execution of contracts.
4.8. Unjust enrichment
4.9. Legal relationships between administrative entities.
4.10. Legal relationships between individuals.
5. The march of the process.
6. The urgent (main) proceedings.
7. Precautionary proceedings.
8. Jurisdictional remedies.
9. The executive process.
10. Arbitration and mediation.

19. Assessment Methods

Continuous assessment is done by carrying out two written tests, oral interventions, reports of study visits to courts, through which the different aspects of acquired and applied knowledge will be evaluated.

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20. Didactic Resources

Library Resources
Media library resources
Multimedia resources (Internet) available in the classroom for analysis of jurisprudence available on the respective websites of the courts.

21. Sustainability Objectives

Considering the Sustainable Development Goals of the United Nations, to promote a culture of application of the rule of law through the principle of effective judicial protection of citizens' rights, which implies access to the law, knowledge of the law and procedural means of obtaining justice.

22. Keywords

Constitutional and Administrative Justice
Constitutional litigation
Administrative litigation

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23. Main Bibliography

Author(s):	MIRANDA, JORGE		
Title:	Curso de Direito Constitucional,2		
Edition:	2.ª	Year:	2020
Local:	Lisboa		
Publisher:	Universidade Católica Editora		

Author(s):	ANDRADE, JOSÉ CARLOS VIEIRA de		
Title:	A Justiça Administrativa (Lições)		
Edition:	19.ª	Year:	2021
Local:	Coimbra		
Publisher:	Almedina		

Author(s):	ALMEIDA, MÁRIO AROSO de		
Title:	Manual de Processo Administrativo		
Edition:	8.ª	Year:	2024
Local:	Coimbra		
Publisher:	Edições Almedina		

24. Complementary Bibliography

Author(s):	Carla Amado Gomes		
Title:	Temas e Problemas da Justiça Administrativa		
Edition:	2.ª	Year:	2019
Local:	Lisboa		
Publisher:	AAFDL Editora		

Author(s):	Fernando Alves Correia		
Title:	Justiça Constitucional		
Edition:	2.ª	Year:	2019
Local:	Coimbra		
Publisher:	Almedina		

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Ficha técnica MIP / MIP Datasheet	
Título / Title	Course Unit Program 'CONTENCIOSO DO PODER PÚBLICO': Academic Year 2024/2025
Autor / Author	Prof. Doutora MARIA MARGARIDA DO REGO DA COSTA SALEMA DE OLIVEIRA MARTINS
Classificação / Classification	-
Descritores / Descriptors	-
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