UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Penal Law (Advanced)

Academic Year 2025/2026

1. Organic Unit

Faculty of Law

2. Course

LAW

3. Cycle

2nd

4. Course Unit

Penal Law (Advanced) (71622)

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:	20,00

9. ECTS Credits

7,50

10. Scientific Area Coordinator

11. Regent

Prof. Doutora ANA BARBARA PINA DE MORAIS DE SOUSA E BRITO

12. Assistants

13. Teaching Language

Portuguese

14. General Objectives

The course aims to introduce the student to scientific research in Criminal Law. This research experience from legal texts will help prepare the student for the monographic research that is asked of him/her in the master's thesis.

15. Specific Objectives

The work requested requires the student to critically evaluate the doctrinal and jurisprudential positions on the chosen topic and should demonstrate the student's ability to prepare and write the master's dissertation.

16. Skills to be acquired

The discussion of doctrine and case law allows students to address general issues in view of concrete cases. This critical work will help prepare the student for the research required in the master's thesis.

17. Teaching Methodology

The subject is taught over one semester and assessment will be based on student participation. This participation should include the presentation and discussion of a written work, prepared through individual tutoring. This presentation allows for the communication of individual research experiences and individual tutorials by the teacher allow overcoming individual difficulties. In the initial lessons the programmatic contents will be deepened.

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18. Course Unit Program

The subjective elements of crime from an interdisciplinary perspective
I- Personalistic/subjective conception of Criminal Law versus normative conception of Criminal Law

II- Which sciences may be of interest for Criminal Law (Cognitive sciences: psychology; neuroscience; Sociology; Philosophy)

III- The importance of neuroscience and in particular the neuroscience of action for the study of the mens rea of the offence:

1. Neuroscience of action according to the main authors in the field (Benjamin Libet, Daniel Wegner and others)

2. Neuroscience of consciousness (Christof Koch and António Damásio)

3. The importance of the study of action and consciousness, from neuroscience, to understand the mens rea
(i) Intention
ii) Conscious negligence
iii) Unconscious negligence.
iv) In the explanation of errors in Article 16 of the Penal Code.
v) In the subjective elements of the causes of justification and exclusion of guilt.

19. Assessment Methods

The assessment is based on the student participation in the classes in continuous assessment. This participation should include the presentation and discussion of a written assignment, prepared through individual tutoring. The final assessment grade will result from the combination of the grade given for class participation and the grade given for the assignment.

20. Didactic Resources

Constitution of the Portuguese Republic
Penal Code
Manuals and other doctrinal texts
Penal Jurisprudence
PowerPoint
Internet

21. Sustainability Objectives

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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 useful resource management.

22. Keywords

Criminal law
Cognitive sciences
Neuroscience
Action
Mens rea

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23. Main Bibliography

Author(s):	Dias, Jorge de Figueiredo		
Title:	Direito Penal. Parte Geral. Tomo I. Questões Fundamentais. A Doutrina Geral do Crime		
Edition:	3ª	Year:	2019
Local:	Coimbra		
Publisher:	Gestlegal		

Author(s):	Roxin, Claus, Greco, Luís		
Title:	Strafrecht - Allgemeine Teil, Bd.I (tradução português, Direito Penal: Parte Geral: Tomo I, São Paul		
Edition:		Year:	2020
Local:	München		
Publisher:	Beck		

Author(s):	Brito, Ana Bárbara de Sousa e Brito		
Title:	A Negligência Inconsciente: entre a Dogmática Penal e a Neurociência.		
Edition:		Year:	2016
Local:	Coimbra		
Publisher:	Almedina		

24. Complementary Bibliography

Author(s):	AAVV (ed. Walter Sinnot-Armstrong e Lynn Nadel)		
Title:	Conscious Will and Responsability		
Edition:		Year:	2011
Local:	New York		
Publisher:	Oxford University Press		

Author(s):	Libet, Benjamin		
Title:	Mind Time. The Temporal Factor in Consciousness.		
Edition:		Year:	2004
Local:	Cambridge, Massachusetts		
Publisher:	Harvard University Press		

UNIVERSIDADE LUSÍADA
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Ficha técnica MIP / MIP Datasheet	
Título / Title	Course Unit Program 'DIREITO PENAL (AVANÇADO)': Academic Year 2025/2026
Autor / Author	Prof. Doutora ANA BARBARA PINA DE MORAIS DE SOUSA E BRITO
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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