UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Seminar: Critical Analysis of Legislation and Jurisprudence

Academic Year 2025/2026

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

2nd 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 ponder legislation and jurisprudence in order to understand the existing 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 presented 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 paper.

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18. Course Unit Program

Lecture 1. Presentation. Program and methodology disclosure. Scientific tutoring of academic papers.

Lecture 2. Scientific tutoring of academic papers and lecture on the following topics, as academic papers 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.

Lecture 3. Scientific tutoring of academic papers and lecture on the following topics, as academic papers 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.

Lecture 4. Scientific tutoring of academic papers and lecture on the following topics, as academic papers 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.

Lecture 5. Scientific tutoring of academic papers and lecture on the following topics, as academic papers proposal:
X) Meaning of the expression "[...] compreensível emoção violenta [...]", of article 133 of the Portuguese Criminal Code.

Lecture 6. Oral presentation and debate of academic papers of critical analysis of legislation and jurisprudence of higher courts, on the topics selected by the students. Scientific tutoring of academic papers.

Lecture 7. Oral presentation and debate of academic papers of critical analysis of legislation and jurisprudence of higher courts, on the topics selected by the students. Scientific tutoring of academic papers.

Lecture 8. Oral presentation and debate of academic papers of critical analysis of legislation and jurisprudence of higher courts, on the topics selected by the students. Scientific tutoring of academic papers.

Lecture 9. Oral presentation and debate of academic papers of critical analysis of legislation and jurisprudence of higher courts, on the topics selected by the students. Scientific tutoring of

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academic papers.

Lecture 10. Oral presentation and debate of academic papers of critical analysis of legislation and jurisprudence of higher courts, on the topics selected by the students. Scientific tutoring of academic papers.

Lecture 11. Oral presentation and debate of academic papers of critical analysis of legislation and jurisprudence of higher courts, on the topics selected by the students. Scientific tutoring of academic papers.

Lecture 12. Oral presentation and debate of academic papers of critical analysis of legislation and jurisprudence of higher courts, on the topics selected by the students. Scientific tutoring of academic papers.

Lecture 13. Oral presentation and debate of academic papers of critical analysis of legislation and jurisprudence of higher courts, on the topics selected by the students. Scientific tutoring of academic papers.

Lecture 14. Oral presentation and debate of academic papers of critical analysis of legislation and jurisprudence of higher courts, on the topics selected by the students. Scientific tutoring of academic papers.

Lecture 15. Oral presentation and debate of academic papers of critical analysis of legislation and jurisprudence of higher courts, on the topics selected by the students. Scientific tutoring of academic papers. 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. Presentation and discussion of a final written paper 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)

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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 CRP e da CEDH, vol. I, II		
Edition:	5.ª	Year:	2023
Local:	Lisboa		
Publisher:	UCE		

Author(s):	ALBUQUERQUE, Paulo Pinto de		
Title:	Comentário do Código Penal à luz da Constituição da República e da CEDH.		
Edition:	6.ª	Year:	2024
Local:	Lisboa		
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):	QUIVY, Raymond; CAMPENHOUDT, Luc Van		
Title:	Manual de Investigação em Ciências Sociais : reformulado, complementado, actualizado		
Edition:	1.ª	Year:	2019
Local:	Lisboa		
Publisher:	Gradiva		

Author(s):	LAKATOS, Eva; MARCONI, Marina		
Title:	Fundamentos de Metodologia Científica		
Edition:	9.ª	Year:	2021
Local:	Rio de Janeiro		
Publisher:	Atlas		

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Título / Title	Course Unit Program 'SEMINÁRIO DE ANÁLISE CRITICA DE LEGISLAÇÃO E JURISPRUDÊNCIA': Academic Year
Autor / Author	Prof. Doutora FILIPA MARIA DE A. MARQUES PAIS D´AGUIAR
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